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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

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

Let us pray.

Almighty God, holy, powerful, loving, and good, thank You for Your love expressed in the beauty of the Earth and in the glory of the skies. Use the Members of this body today as instruments of Your providence. Where there is loneliness, let them bring community. Where there is sadness, let them bring joy. Where there is sickness, let them bring health. Where there is poverty, let them bring relief and true wealth. As they seek to serve You, give them the peaceful satisfaction of knowing that they please You. Strengthen them to press on with the work of the day, alert to feel Your hand upon their shoulders.

And, Lord, comfort those who mourn the losses from the bridge collapse in Minnesota.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DIANNE FEINSTEIN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 2, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN 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. Madam President, this morning there will be 2 hours of debate on the motion to invoke cloture on the motion to concur in the House amendment to S. 1, the Lobbying and Ethics Reform Act.

The time is to be equally divided and controlled between the leaders or their designees. Following the 2 hours, the leaders will, if they wish, use leader time to conclude the debate. Therefore, the vote on the motion to invoke cloture is expected to occur at around 11:45, or shortly thereafter.

After that cloture vote, we will remain on the lobbying measure until we complete action.

I have spoken to the participants. It appears they are not going to require a lot of time. That should not take much time, so we can get back to work on the matter relating to children's health.

The manager on our side this morning is going to be the distinguished chair of the Rules Committee, Senator FEINSTEIN. She will be first recognized because she is the manager of the bill.

UNANIMOUS-CONSENT REQUEST—H.R. 2900

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 270, H.R. 2900, the FDA reauthorization bill; that all after the enacting clause be stricken and Senator KENNEDY's substitute amendment be inserted in lieu thereof; that the bill be read the third time and passed, the motion to reconsider be laid on the table, and the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees, with the conferees being the members of the HELP Committee.

Further, there were tax measures in this matter that we dealt with on the floor. They have been stricken from the bill. That is what Senator KENNEDY's amendment is all about. I hope we could go to conference on this matter.

The PRESIDING OFFICER (Mr. AKAKA). Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and before I object, I need to understand the rationale of the majority leader to propound the request at this time. I sent a letter last week. I ask unanimous consent that the letter 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 HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC, July 27, 2007.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Building, Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: I urge you to appoint conferees as soon as possible to S. 1082, a bill that renews expiring authorities at the Food and Drug Administration (FDA) as well as reforms our drug safety system.

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

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Every day, we hear about a new problem the FDA faces in protecting our health. From contaminated seafood to tainted toothpaste, this agency is in dire need of Congressional support to carry out its mission. Reauthorizing these programs is critical to ensure that new drugs and medical devices reach the patients who need them.

As you know, this work period is nearly over. If the drug and device user fee programs are not renewed prior to the recess, FDA will have no choice but to send what is known as a ''Reduction In Force'' or layoff notice to hundreds of FDA employees involved in these programs. These highly skilled and dedicated public servants are not likely to wait until Congress musters enough interest to act to maintain the user fee programs. They will find other jobs. A staff exodus would be a disaster for this agency, and for the public health it safeguards so zealously.

This comprehensive bill will provide new authorities for FDA to be able to react in a timely way to any safety problems that arise after a drug has been brought to market. FDA needs these tools both to get drugs to the market quickly and efficiently and to respond to potential problems the same way, especially when lives are on the line and people need new drugs and therapies.

We must think carefully about our priorities for the limited time we have before the recess begins, and take strong action to give the FDA the resources and tools it needs to protect us. Appointing conferees now would send a powerful message that Congress is working as hard as FDA is to make these programs work.

Sincerely,

MICHAEL B. ENZI,
Ranking Member, Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, this letter is asking for a conference to be appointed. But it is my understanding the House never intended to appoint one this week. Had I known that, I would not have delivered the letter. We were working in a very bicameral, bipartisan manner on getting this done.

At that time, the key players for this legislation—Representatives, Senators, Republicans, and Democrats—were engaged in a very productive bicameral, and bipartisan preconference negotiation. We had all rolled up our sleeves and decided that we were going to complete the legislation before the August recess.

We had a good core agreement, focused on good policy. That is not to say that there weren't a few sticking points. There always are a few of those, but we were making significant progress and coming to a better understanding of each other's legislation. Thus, the appointment of conferees would have been a simple step in the process.

However, a week later, we are not in the same place. As the majority leader knows, this body can seemingly operate in Senate dog years. One week can be a lifetime. In that short week, there were a series of unfortunate events. These events made it impossible for us to meet the goal of completing this key legislation before August recess. I don't want these unfortunate events to derail this process.

The first unfortunate event was a discussion on the House floor last Friday afternoon between Representative CANTOR and Representative WASSERMAN-SCHULTZ. In that discussion, the House leadership indicated that they did not intend to have the FDA bill on the House suspension calendar this week. Given that I am not one to watch the House floor, I did not realize that this decision had been made by House leadership last Friday. On Monday, that information was conveyed to my staff by the staff of key Democrats engaged in discussion. The House Democrats did not see how this FDA bill was to get done before recess.

Had I known that this was what the House Democrats wanted a few days before, I would not have hand-delivered that letter to the majority leader and the minority leader.

Partially, I believe the decision by House Democrats was related to other items, other priorities facing the House. Like us, the House has been discussing the SCHIP legislation this week. Unlike the Senate, the House committees overlap such that the same committee that works on FDA issues also works on SCHIP issues. While we pride our staff in being able to do the impossible, forcing both FDA and SCHIP at the same time would be well past impossible. Thus, the House Democrats made a choice—SCHIP over FDA.

Partially, I also believe that the House leadership felt as if they could get a ''better deal'' if they were to wait until September and build up additional pressure related to reduction in force directly related to the reauthorization of the core of the FDA drug safety bill. I hope to disabuse them of that reality.

If we are to answer to the American people, to give FDA the necessary new authorities, we must do this in a bipartisan manner. We should not politicize this. We should not hold out for ''better deals'' but work together to forge a strong agreement that every American can support.

Therefore, I urge my colleagues not to politicize this issue. Too much is at stake for us to begin the blame game. Instead of blaming each other for potential failure, we should be working to ensure our success. We should be developing a process agreement for how we are to complete this key legislation. We should begin defining the scope of the conference to ensure that extraneous proposals do not weigh down our ability to quickly respond when we return in September.

As part of that first step, I would like everyone to know what I believe is the appropriate scope of the conference. First, we must include the reauthorizations of user fee programs at the FDA to ensure that nearly 2,000 employees at that agency are not laid off. These staff not only ensure that drugs and devices are appropriately and efficiently reviewed before they are allowed to go to market, but they also are in charge of key postmarket safety monitoring of those products. We must reauthorize the Prescription Drug User Fee Act and the Medical Devices User Fee Modernization Act.

Beyond these items, during our Senate debate on FDA, we discussed key provisions that provided FDA with new authorities to assist the agency in quickly and effectively responding to potential safety issues. These new authorities include requiring labeling changes, requiring postmarket studies to more fully examine potential risks, and to have access to clinical trials information for patients and providers. In addition, we discussed how to address potential conflicts of interest of advisory committee members to ensure greater transparency and preserve scientific integrity. I commend Senator MIKULSKI and Senator GRASSLEY for their work in this area.

In addition, we must include three key provisions that focus on children. The first two—the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act—ensure that drugs used in children are tested on children. The third proposal would increase our ability to have devices geared toward children.

Beyond those, there were a series of other provisions which were key to our bipartisan agreement. There is the Reagan-Udall Foundation provisions to ensure that FDA has additional tools to advance the science behind its regulations. The Senate also debated and then accepted a variety of important provisions related to citizens petitions, direct-to-consumer advertising, counterfeit drugs, and antibiotics and enantiomers.

Senator STABENOW, Senator BROWN, Senator LOTT, Senator THUNE, Senator HATCH and Senator COBURN developed a proposal on citizens petitions that will end the abuse of the system while preserving FDA's ability to review those petitions that have public health merit. Senator ROBERTS and Senator HARKIN worked together successfully to solve the difficult issue of how to see that direct to consumer advertisements provide effective safety information to patients while meeting the stringent test of constitutionality. Senator DORGAN and Senator SNOWE contributed a proposal on counterfeit drugs that will be included here as well. Senator HATCH, Senator BROWN, and Senator BURR developed key public health provisions to ensure access to new antibiotics and drug enantiomers.

Senator BROWN and Senator BROWNBACK offered an important incentive to encourage the development of drugs for tropical diseases. All of these items are important components to this legislation and speak to the larger bipartisan nature of our agreement. Let me say that again. We worked deliberately to ensure that our bill was bipartisan.

Finally, there were a variety of provisions included within the Senate bill to address key food safety provisions. Senator SESSIONS, Senator STEVENS, and Senator DURBIN and I worked on

amendments that addressed issues with food and pet food safety.

While I have discussed several key provisions that have been within the scope of our discussions, we must also discuss what should not be within the scope of this legislation. While a sense of the Senate indicated our desire to make generic biologics—or what I like to call biosimilars—available to American consumers to reduce the costs of some medications while preserving quality, the House has so far made it clear that such legislation would not be welcome on this legislation. They prefer to move through regular order. I understand that desire. I prefer regular order, too.

During our discussion on the Senate floor, there was one provision that I believe put the bill in jeopardy—an importation amendment. The House opted not to include this provision so that they could deal with it at a later date. This bill is not the time for this debate, given that we are focusing on key bipartisan proposals.

So, I turn to the majority leader, and I ask him to refrain from politicizing this issue. I ask him to work with me to define the scope of the conference, to develop a plan for getting this legislation done.

Until the House leadership is in agreement with our plan, we should not force the issue today by appointing conferees too early. If we do this too early, we set ourselves up for the blame game, not for getting this key legislation done. This place should not be about ''gotcha'' politics when lives are at stake.

Mr. President, I don't know what the logjam is at the moment. I understand there is some concern on the biologics. There isn't any reason this cannot be completed, but I am afraid the motion, if we are doing this, would appear to put the blame on the House, or on the Republicans—I am not sure which—and I don't think we can do that at this point in time. Maybe later in the day.

Mr. REID. Mr. President, if this is the way the Senator feels, I am happy to have him and Senator KENNEDY see if this can be worked out.

I withdraw my unanimous consent request.

TRAGEDY IN MINNESOTA

Mr. REID. Mr. President, I wish to make a brief comment on the tragedy in Minneapolis, MN. Watching those pictures on television and listening to the accounts on the radio and seeing newspaper accounts and the pictures, this is a real tragedy. My heart and the hearts of all Americans go out to the people of Minnesota—to those who have died, those who have been injured, and certainly the families and friends of all those people.

I am confident we will find out why that disaster occurred. Right now, we don't know. There is every reason to believe it was not an act of terrorism. I feel that is the case, based on hearing the Governor of that State making an announcement this morning.

In passing, I say this. After every storm, the sun shines. I think we should look at this tragedy that occurred and make it a wake-up call for us. All over this country, we have crumbling infrastructure—highways, bridges, and dams. We need to take a hard look at that. We need to look at it as the right thing to do and also not only for the fact that the infrastructure needs repairing or rebuilding, but it is good for America in more ways than that.

For every $1 billion we spend in our crumbling infrastructure, 47,000 high-paying jobs are created. I hope we will take a look at our highways, bridges, dams, water systems, and sewer systems, and see if we can do something about this infrastructure that needs such attention.

We have some things coming up in the Senate in the near future we need to focus on. This tragedy is a wake-up call. We will have the Transportation appropriations bill, and we will have WRDA, which should be coming from the House. We will have Energy and Water appropriations and other matters. We need to work in a bipartisan way and also to work with the White House and have them realize there are things that need to be done with our country's infrastructure.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

TRAGEDY IN MINNEAPOLIS

Mr. MCCONNELL. Mr. President, with regard to the tragedy in Minneapolis, our colleagues, Senators COLEMAN and KLOBUCHAR, are either there or on the way there today to not only extend their condolences to their constituents who have been impacted by this but to be as helpful as possible as they go forward with the rescue mission.

I am reminded of the situation in my State, where the Ohio River goes along the northern border of Kentucky, almost for the entire State, and then when it empties into the Mississippi, it goes southward—the same river over which the Minneapolis bridge collapsed.

We have bridges all along both the Ohio and the Mississippi. Bridge construction and safety has been a big issue in the Commonwealth of Kentucky in recent years.

I share the concerns of the majority leader about reports of the state of our infrastructure in America. We all pray for the victims of the Minneapolis tragedy. It may well serve as a reminder of our need to be ever aware of the dangers that confront our infrastructure in this country.

UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. MCCONNELL. Mr. President, with regard to the time allocation on our side during consideration of the lobbying bill, I ask unanimous consent that the time under the control of the Republicans be allocated as follows: Senator COBURN, 10 minutes; Senator DEMINT, 10 minutes; Senator MCCAIN, 10 minutes; Senator GRASSLEY, 5 minutes; and Senator STEVENS, 10 minutes; with the remaining time for myself or my designee.

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

THE ABSENCE OF THE SENATORS FROM MINNESOTA

Mr. REID. Mr. President, I should have mentioned this. I appreciate very much my distinguished counterpart mentioning Senator KLOBUCHAR and Senator COLEMAN. I listened to them being interviewed last night on television. You could tell from their presentations how much this meant to them.

AMY KLOBUCHAR's house is, I think, a mile from where the bridge collapsed. Today, they are where they should be. We have matters in the Senate, and we will certainly miss them. For example, Senator KLOBUCHAR has been heavily involved in this ethics and lobbying reform measure. If there were ever a situation where they should miss votes, this is it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the amendment of the House to S. 1, which the clerk will report.

The legislative clerk read as follows:

Message from the House of Representatives to accompany S. 1, entitled ''An Act To Provide Greater Transparency in the Legislative Process.''

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate prior to the vote on the motion to invoke cloture on the motion to concur, with the time equally divided and controlled between the two leaders or their designees.

The Senator from California is recognized.

TRAGEDY IN MINNESOTA

Mrs. FEINSTEIN. Mr. President, quickly, before I begin, I also wish to send my very deep condolences to those families who will have lost their loved ones in this very tragic bridge collapse. I heard the mayor on the television this morning, and it brought me back to my days as mayor. I know what this

kind of difficulty—whether it is an earthquake or a bridge collapse—brings for a city.

I wish to extend my thanks to the wonderful efforts made by the emergency forces and the medical team of the city of Minneapolis. I think it was very special. I saw many acts of heroism.

I very much agree with what the majority leader said about our deteriorating infrastructure. My thoughts went to the great Golden Gate Bridge. I think we need to pay more attention to our homefront and to those items. But at this point I send my very deep condolences to those who will have lost family members and loved ones.

Mr. President, if I may, I wish to present a unanimous consent agreement regarding speakers on our side directly following my remarks: Senator LIEBERMAN, for 10 minutes; Senator OBAMA, for 10 minutes; Senator FEINGOLD, for 10 minutes; Senator DURBIN, for 10 minutes; and Senator REID, for 10 minutes of leader time, I believe.

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

Mrs. FEINSTEIN. Mr. President, I rise today to urge the Senate to invoke cloture on this bill, S. 1, the Honest Leadership and Open Government Act. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capital. In response, what is before us this morning is the single most sweeping congressional reform bill since Watergate. I support its passage, and I support its passage despite the fact that I do not like everything that is in this bill. It is a strong bill. I am sure it is too strong for some and it is too weak for others, but, like all conference reports, it is, in effect, to some degree a compromise.

On Tuesday, by a 411-to-8 strongly bipartisan vote, the House passed this legislation, and now it is the Senate's turn. It would be a serious mistake if we do not step up to the plate and demonstrate to the American people that we have heard their message.

As I say, the bill is not perfect. There have been some complaints by the minority party about the process used to bring this bill to the floor, and I wish to begin by addressing that issue.

Last January, the Senate passed S. 1 by a 96-to-2 vote. On May 24, the House passed companion legislation by a 386-to-22 margin. Those were strong bipartisan votes. But when the majority leader sought unanimous consent to name conferees, one member of the minority party objected, and he held fast to his objections, preventing the establishment of a conference committee where Members could have sat down in the light of day and negotiated Member to Member the differences between the two bills. Clearly, that wasn't able to take place.

With few other options available, the majority leader and the Speaker of the House sought consensus on a bill that could be taken up by both Houses, and that consensus bill is what we have before us today.

It may not be every person's wish, and as chairman of the Rules Committee, I commit right now to keep these items on the front burner, and should changes be necessitated, I would be very happy to entertain them. Though I cannot speak for my counterpart, the distinguished ranking member, Senator BENNETT, I believe he would also.

But today, let me say this: I believe this is a good bill—not a perfect bill but a good bill. Its passage today is the most direct action we can take to show the American people that, yes, we want to curb the influence of lobbyists and we want to restore the public trust on how we operate as Senators and Members of the House of Representatives.

In recent years, there has been an explosive growth in the number of registered lobbyists in Washington from 16,342 in 2000 to 34,785 in 2005. So in 5 years, the numbers of lobbyists have doubled, and, according to all reports, the numbers keep growing.

One of the most critical provisions of this bill will now shine new light on the role lobbyists play in political campaigns by requiring the disclosure of funds they bundle on behalf of Members, PACs, and party committees. It will also require that lobbyists disclose all their campaign contributions as well as payments to Presidential libraries, inaugural committees, or entities controlled by, named, or honoring Members of Congress, and it requires lobbyists to file electronic reports quarterly on their lobbying activity, with these reports becoming available on a searchable public database. The bill also increases civil penalties from $50,000 to $200,000 and establishes a criminal penalty of up to 5 years for those lobbyists who knowingly and corruptly fail to comply with these new requirements.

There has been increasing concern about former members of the administration, former lawmakers, and their staff gaining undue access as lobbyists because of the relationships they have made while working for the Government. This bill seeks to address those concerns by increasing the length of time, the so-called cooling-off period, for Senators. Currently, Senators are barred from lobbying Congress for 1 year. With passage of this bill, that would be extended to 2 years.

Cabinet Secretaries and other very senior executive personnel would be prohibited from lobbying the department or agency in which they worked for 2 years after they leave their position. In other words, they cannot lobby the department from which they left for 2 years. That is an increase from 1 to 2 years.

Senior Senate staff and Senate officers would be barred from lobbying the entire Senate for 1 year, instead of just their former employing office. That would be the whole Senate, not just their office.

There has been a lot of talk also about the K Street Project in which lobbyist firms, trade associations, and other business groups were told by former House majority leader Tom Delay and others that they would encounter a closed door in Congress unless they hired members of the then majority party. This bill seeks to end that practice by prohibiting Members of Congress and their staff from influencing hiring decisions of any private organization on the sole basis of partisan political gain, and it carries with it a fine and imprisonment of up to 15 years for violations. That is a stiff penalty, but hopefully it sends a stiff and strong signal that such practices will not be tolerated in the future.

Another issue that recently came to light is that Members of Congress convicted of bribery, perjury, conspiracy, and other related crimes can still receive their congressional pensions. I did not know this. Probably you didn't know this, Mr. President. But, fortunately, this bill ends that practice.

S. 1 also contains a number of major reforms to Senate rules, and I will highlight a few of the most important procedural reforms.

Section 511 amends rule XXVIII to subject ''dead of night'' additions to conference reports, when the new matter was not approved by either House, to a 60-vote point of order. This is a very important change in the rules, and it has been the bane of many our existence for a long period of time. You go through the process, and then after the process is concluded, in the dead of night, something is stuck into a conference bill. This practice will end.

Currently, when an out-of-scope provision is added to a conference report, we can object, but the objection brings down the whole bill. The reform in this bill will allow a Member to object to just the added provision.

I first proposed this provision in the last Congress and worked closely with Senator LOTT on its development. I am very happy that it is included in the final bill.

Section 512 ends secret Senate holds by requiring the Senator placing a hold on a legislative matter or nomination to publicly disclose that hold within 6 days. This, too, is an important reform. We all know about anonymous holds. We all know what it takes to discover who actually has the hold. It is time those Members who seek to hold up legislation come forward and disclose who they are and why. We do not prohibit their ability to exercise this senatorial prerogative, but we do require that they be transparent and, therefore, public about it.

Section 513 requires that Senate committees and subcommittees post video recordings, audio recordings, or transcripts of all public meetings on the Internet.

A great deal of attention has been given to the dramatic escalation in the number of earmarks awarded by Congress, and I wish to spend a couple of minutes on the earmark provisions.

According to a survey of the Congressional Research Service, CRS, the number of earmarks has skyrocketed from 6,114 to 13,012 in 2006. So in 6 years, the number of earmarks has more than doubled. Henceforth, earmarks which are in effect congressional additions to spending cannot be made in the dark of night but only in the full light of transparent disclosure. That is a big change.

This bill would require that the sponsor or the requester of each and every earmark be publicly identified, and because there is often disagreement about what does and does not constitute an earmark, the bill provides for the first time in Senate rules a definition that does not restrict the disclosure requirement to only appropriations bills. You and I, Madam President, serve on the Appropriations Committee, but there are also these authorizations that, in effect, are requests for added spending.

This new rule XLIV requires that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills, resolutions, conference reports, and managers' statements be identified and posted on the Internet at least 48 hours before Senate action. So 48 hours before a bill comes to the floor, all of these additions must be transparently available to the public. It requires for the first time that Senators certify that they and their immediate family will not have a direct pecuniary benefit from the earmark they request as defined by rule XXXVII.

Separately, rule XLIV also subjects new directed spending added to a conference report when the new spending was not approved by either House to a 60-vote point of order so that you, Madam President, I, Senator GRASSLEY, or anyone else can come to the floor and raise a point of order to that congressional add-on, and then that would be subject to a 60-vote point of order. If a Senator objects to the earmark being dropped into the conference report, it then will most likely be stripped out unless 60 Senators vote to keep it in.

Committees would also be required, to the greatest extent practicable, to disclose in unclassified language the funding level and the name of the sponsor of congressionally directed spending included in classified portions of bills, joint resolutions, and conference reports. The chairman of each committee is responsible for certifying that the list of earmarks is correct and properly identified. So there is also a burden placed on the chair of every committee and subcommittee.

Let me speak for a moment about gift and travel reform. The Senate rules have also been reformed to curb the special access that special interests seek to gain by providing Members with gifts, meals, and tickets to entertainment and sports events. This bill prohibits staff and Senators from accepting gifts from registered lobbyists or entities that employ them. The bill prohibits Senators from attending parties in their honor at national party conventions if they have been sponsored by lobbyists, unless the Senator is the party's Presidential or Vice Presidential nominee.

The bill amends rule XXXV by prohibiting Senators and their staff from accepting private travel from registered lobbyists or entities that hire them, and prohibiting lobbyists from organizing, arranging, requesting, or participating in travel by Senators or their staff. However, Senators and their staff, with preapproval from the Ethics Committee, will still be allowed to accept travel by entities that employ lobbyists if it is necessary to participate in a 1-day meeting, a speaking engagement, a fact-finding trip, or similar event. And Senators and their staff can still accept travel provided by 501(c)(3) organizations if the trip has been preapproved by the Ethics Committee.

Finally, Senators will be required to pay the fair market value—that is, the charter rate—for flights on private jets not operating or paid for by an air carrier that is certified by the FAA. Section 601 separately establishes the same requirement for Senate candidates and Presidential and Vice Presidential candidates. This, in itself, is a consequential reform and somewhat controversial.

Finally, before closing, I would like to thank the majority leader for his unyielding determination to bring this bill forward. Without his dogged determination, and that of the Speaker of the House, I don't believe this bill would be before us today, and both are to be commended.

The 2006 election saw the largest congressional shift since 1994, and even with the war in Iraq on many voters' minds, Americans remain seriously concerned about ethics in government. It is time we listen to their concerns. This bill attempts to do so.

It is not always easy, it is not going to please everybody, and as I said in the beginning, Members are either going to feel that this bill is too strong about this part or that part, or too weak about this part or that part. But let me just reinforce that this is a conference report. It is not subject to amendment. It has been put together in an unusual procedure because of the objection from the other side to us going to conference, which would have been a far preferable method of handling this.

I once again repeat my commitment that as chairman of the Rules Committee, I will be happy to consider any amendments that the operation of this bill might indicate are warranted in the future.

I thank the Chair, and I yield the floor at this time.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Iowa.

Mr. GRASSLEY. Madam President, may I claim my time?

The PRESIDING OFFICER. Actually, under previous order, Senator LIEBERMAN was scheduled to follow Senator FEINSTEIN.

Mr. GRASSLEY. We are not going back and forth?

The PRESIDING OFFICER. The Senator from Iowa may proceed.

Mr. GRASSLEY. Also, on behalf of Senator STEVENS, because he was waiting to claim his time, and he had to go to a markup, he asked if I would have his name taken off the list and reserve the time for our side. But I would ask unanimous consent that I have 5 of that 10 minutes he originally had added to my time.

Mrs. FEINSTEIN. Madam President, reserving the right to object, and I won't object, but I misspoke, and if I may just correct the record.

This is not a conference report. It is a bill. But it is still not subject to amendment because the tree is filled. I wanted to make that clear.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. LIEBERMAN. Reserving the right to object, and I will not object, I wanted to ask my friend from Iowa how long he intends to speak.

Mr. GRASSLEY. That would be 10 minutes.

Mr. LIEBERMAN. I thank the Chair, and I have no objection.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am rising to speak against the compromise that deals with the issue of secret holds. I would agree with the Senator from California, the distinguished chairman of the committee, that what we have in this report is probably better than what we have today because secret holds are secret, and nobody knows who is holding a bill. The public's business ought to be public, and it isn't today. But I do take exception to what is before us in regard to secret holds for the simple reason that there wasn't any necessity whatsoever to compromise.

Secret holds are rules of the Senate, or procedures in the Senate, and this body spoke with 84 votes in favor of what Senator WYDEN and I put before the Senate. Basically, this makes it so liberal that it is practically meaningless what we are doing about secret holds.

Article I, section 5 of the Constitution of the United States reads in part:

> Each House may determine the rules of its proceedings.

That means that the House of Representatives would have no say whatsoever in the Senate rules, but a conference was used for negotiations between the House and Senate. That was used as a rationale for changing what Senator WYDEN and I had previously gotten passed in the Senate. So when the Senate debates and passes changes to its rules, that ought to be the final word. But that wasn't the final word, as we are seeing today. That is what

happened with the House package of rules changes that the body passed in the Congress, and we didn't attempt to tell the House what they ought to do.

However, since the ethics reform bill that the Senate passed in January also contained changes to the Lobbying Disclosure Act and other laws, the entire bill needs to pass both Houses of Congress and be signed by the President. Nevertheless, that does not change the fact that under the Constitution, only the Senate determines its rules and procedures, and the Senate, in an overwhelming majority, spoke. So why shouldn't it be left just the way Senator WYDEN and I had originally introduced it.

What has happened is, the Senate had a full open debate about it and passed the changes that we did in Wyden-Grassley. Now we have a situation where the majority leader of the Senate and the Speaker of the House rewrote major provisions in this package, including rewriting Senate rules that had already passed the full Senate.

In conference, one provision that was changed was a provision that I referred to which Senator WYDEN and I had been working on for years to end the practice of secret holds because the public's business ought to always be public. Any Senator who has guts enough to put a hold on a bill ought to be willing to stand up and say who they are. Only in the Senate can a single Member prevent legislation or nominations from being considered under the so-called procedure of holds. Holds do not exist in the House.

Senator WYDEN and I were successful in passing an amendment in last year's ethics reform bill by a vote of 84 to 13 on public disclosure. That same language was included in the bill without a vote in this Congress. But you know how things go on around the Senate. We had prominent Senators, people who run this body, who told Senator WYDEN and I that ''they get the message,'' after 6 or 7 years, and, finally, we were going to end this secrecy. That bill wasn't enacted, but we included those identical provisions in this bill.

Senator WYDEN and I pushed for that provision because we believed the public's business ought to be done in public. Every Senator has the right to object to a unanimous consent request to proceeding to a matter. Senators have every right to object to a unanimous consent request publicly, but I see no legitimate reason Senators should be able to be secret about what they are doing in the Senate. It has been my policy for years to place a brief statement in the CONGRESSIONAL RECORD each time I place a hold, with a short explanation of why I placed that hold. It has never hurt me one bit, and Senators should have no fear following a requirement of the public's business being public. In other words, nothing secret. If you want to hold up a bill, just have guts enough to say so.

So I say the Senate has spoken in passing our very well thought out provision. And I should add that this provision was written with the help and advice of Senator LOTT and Senator BYRD, both former majority leaders with much valuable insight about how the Senate works. Yet even though the Senate has already spoken as a body on this matter, a single Senator has single-handedly rewritten part of this provision, overriding what I consider overwhelming support in the Senate to end secret holds.

In the version that was Senate passed, we allowed 3 days for Senators to submit a simple public disclosure form for the RECORD, just like adding your name as a cosponsor to a bill. The intent is not that it is somehow legitimate to keep a hold secret for 3 days, but we wanted to give Senators ample time to get their disclosure to the floor to be entered into the RECORD. The rewritten provision, as Senator FEINSTEIN has said, gives Senators 6 legislative days instead of those 3 days. It is absurd to think that Senators need over a week to send an intern down to the floor with this simple form.

Of greater concern is that the rewritten language requires Senators to disclose a hold only after a unanimous consent request is made and objected to anonymously on the Senator's behalf, and then they have 6 days after that. That is too late. By that point, particularly at the end of a session, it is going to make this process meaningless. By that point, a hold could have existed for some time, perhaps without the sponsor of the bill even realizing it.

Furthermore, since the majority leader controls the Senate's schedule, he would hardly object to his own request to bring up a bill or nominee. He would simply not bring up a bill or nominee being held up by a Member of his own party. If a Member of the minority party were to attempt to ask unanimous consent to proceed to a matter, he would object on his own behalf to protect the majority leader's prerogative to set the agenda, and any secret holds by members of a majority party would remain secret.

I am deeply disappointed that this provision that Senator WYDEN and I worked so hard on, over a period of at least 6 years, to finally get a vote of 84 Members of this body supporting it, and then, because it was almost a fait accompli as seen by leaders of this body—powerful Senators in this body—just to put it in, in January, in the bill that is before us because it would be done—so-called ''getting the message,''—well, who has forgotten that they got the message that they had to change this? And that is what is so irritating.

I am going to vote for this bill, but this was something that didn't need to be in a bill. It didn't need to be negotiated. This was decided by the vast majority of the Senate. But you know what it tells me. There are still people around here who don't want the public's business to be public. They want to do things in secret. They do not have guts enough to say they want to hold up a bill. So we end up with this convoluted thing we have of 6 days, but it isn't even kicked in until after there is an attempt by somebody to ask for a unanimous consent request to bring up a bill, and then only at that point, and then there is 6 days after that.

So I have stated my piece. I am not very happy. I hope Senator WYDEN is as unhappy as I am and will try to do something in the future.

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from California for her leadership in this very important matter.

We all know, if you read the public opinion polls, Congress is at an all-time low in the estimation of the American people. I am not going to comment about the political impact of that, but more broadly on the fact that this is, in our self-estimation, the greatest democracy in the world, and that means this is a government which depends on the support of those we govern—the consent of the governed. When the level of trust and respect between the people of the United States and the Members of this elected Congress is as low as it is now, our democracy is less than it should be. I don't want to say it is in jeopardy, but I will say that it is weakened by this distrust.

So why does this distrust exist? I am sure everybody has their own favorite explanations. It seems to me that part of it is a pervasive partisanship here that gets in the way of us producing results, producing solutions to problems that people have—the people who are good enough to honor us by sending us here. They are frustrated because they think we too often put partisan interests ahead of public interests, ahead of their interests.

Another reason for the low estimation and opinion the American people have of Congress today is the wave of scandals that has afflicted the Congress and individual Members. When one Member is accused or convicted of an ethical or legal lapse, it affects the attitude of the people toward the entire institution. These seem to have come with increasing frequency.

Ultimately, no law can guarantee that an individual anywhere, including in Congress, will do the right thing and will be ethical. There are always private moments when we will all have to count on our moral compasses and our values center. But we adopt law to try to create a clarity of rules and create incentives for our society overall—and in this case, we ourselves—to guide us, encourage us, hopefully to scare us into doing the right thing. It is in that

context that I rise with real enthusiasm to support the Honest Leadership and Open Government Act which is before the Senate today.

This is not only the right thing to do in every substantive way, but it is the right thing to do in the larger sense that I described, of trying to rebuild the respect the American people have for this institution and for all of us who are Members of it. The focus here is on disclosure, as it ought to be.

The American people will naturally view darkly what is done in the shadows. They want to know that what we do in their names here in Congress is done with their best interests at heart rather than the narrow interests of a special few whose money may appear to the public to buy those special few access. Those suspicions, in the context of public cases of ethical and legal violations, grow in the darkness. The American people must know, through disclosure and sunlight—and this bill will shine light on so much of what we do—that the only special interest being represented here in Congress is the interest of the American people who were good enough to honor us by sending us here to serve them. This sweeping legislation shines much needed light in corners and corridors of this Capitol, too long left in the dark. It should help restore the public's trust now, a trust that is in much need of restoration.

I am proud to say that much of the lobbying part of this legislation came from the Homeland Security and Governmental Affairs Committee, last year under the leadership of Senator COLLINS, this year under my chairmanship. We always have worked together on a bipartisan basis.

With regard to lobbying, I wish to cite a few of the key proposals that increase disclosure.

This bill will bring the Lobbying Disclosure Act into the age of the Internet by requiring electronic filings and by requiring quarterly—rather than semiannual—reports detailing lobbying activities that lobbyists perform for specific clients. The reports are going to be right there for the public to see on the House and Senate Web sites.

Second, the bill amends the Lobbying Disclosure Act to require lobbyists to file reports detailing their activities beyond lobbying directly. That includes campaign contributions, payments for events to honor Members or to entities controlled by Members, and donations to Member charities, Presidential libraries or inaugural committees. None of these contributions are currently disclosed under law. This legislation attempts to build a broader wall between what we do here in serving the public and the lobbying world. Lobbying is a constitutionally protected activity. We are not trying to stop it or curtail it. We are trying to make sure it is done in an honorable and honest way.

This legislation increases from 1 to 2 years the cooling-off period before Senators can come back and lobby their colleagues. The bill also adds a provision to the Lobbying Disclosure Act prohibiting lobbyists from knowingly providing gifts or travel to Members in violation of House or Senate ethics rules, putting lobbyists on the hook for civil or criminal penalties if they violate the rules. Amendments to the Lobbying Disclosure Act will also shine a spotlight on so-called stealth coalitions by requiring greater disclosure of the identity of individual organizations that contribute to collective and focused lobbying efforts.

We back all these provisions with teeth—better enforcement. We increase civil penalties under the Lobbying Disclosure Act and create new criminal penalties for knowing and corrupt failure to comply with the act. We will have annual audits. We require annual audits by the Government Accountability Office, GAO, of lobbyists' filings—that is a second tier of review—and regular reporting by the Department of Justice on actions they take against those who violate the rules.

Those are the most significant parts of this legislation that came out of our committee with regard to lobbying. I do wish to compliment my friend and colleague from California, Senator FEINSTEIN, for her work in putting together an extremely tough ethics package. I think it is a very significant accomplishment for her in the first half year of her chairmanship of the Senate Rules Committee. In particular, I am pleased the final package, for the first time, requires so-called bundled campaign contributions made by lobbyists to Federal candidates to be disclosed to the public and published on the Federal Election Commission Web site. I know Senator FEINSTEIN has mentioned, and others will, other reforms here.

I wish to say just a final word about earmarks. This was an issue that came up in my campaign for reelection last year. I was accused by one of my opponents of bringing earmarks back to Connecticut. I thought that was something good to do. I said, like so much else in life, there are good earmarks and bad earmarks. Bad earmarks can often get through if there is not adequate disclosure. If you support an earmark and it is in legislation, you ought to not only be proud to be identified with that earmark in public but, if necessary, to come to the floor and defend the earmark to make sure it has the support of your colleagues.

This legislation requires that all earmarks included in bills and conference reports and their sponsors be identified on the Internet at least 48 hours before the Senate votes. Senators will be required to certify that they and their immediate family members have no financial interest in these earmarks. Dead-of-night additions to conference reports—that is, new earmarks, business that has too often been done here without public scrutiny or even the scrutiny of most Members of Congress—will now be subject to a 60-vote point of order.

I will say, if a Senator from yesteryear—not so far back yesteryear, 15 years, maybe 10 years—came back and saw that we were doing this here, they would wonder where they were. But where they would be is someplace where the American people justifiably want us to be.

Once the elections are over, the American people expect us to come here and do their business. That is exactly what this legislation will make much more likely. In the end, as I said at the beginning, it all comes down to the moral compass each Member of Congress has and the respect we give to the office in which it is our privilege to serve. But government in the shadows with deals cut behind closed doors invites abuse, breeds distrust, and simply must end. This bill goes a long way toward doing exactly that.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished chairman of the Homeland Security and Governmental Affairs Committee. The lobbying portion of this bill falls within Senator LIEBERMAN's jurisdiction. I also thank him for a job well done. He has been steadfast in this pursuit for a number of years.

I will exchange places with the Presiding Officer, and Senator OBAMA will be recognized for 10 minutes.

Mr. OBAMA. I thank the Senator.

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

Mr. OBAMA. Madam President, I come to the floor to speak in strong support of the Honest Leadership and Open Government Act of 2007.

First of all, let me commend the Presiding Officer for the outstanding work she has done in helping to shepherd this process through. It is wonderful work. I think the American people very much appreciate the improvements that are being made to our political process as a consequence. I also commend Senator REID for his outstanding leadership on this bill. I especially thank my good friend, Senator FEINGOLD, with whom I have worked closely on this issue over the past year and a half.

The bill before us today could not be more urgently needed. For too long, the American people have seen lobbyists treat the legislative process like a game, using targeted contributions to maximize their leverage. For too long, people have believed their voice and interests have been drowning in a sea of lobbyist money and influence in Washington.

This is not the first time we have faced a crisis of confidence in government. Around the turn of the last century, wealth was becoming more concentrated in the hands of a few robber barons, railroad tycoons, and oil magnates. It was an era known as the Gilded Age. It was made possible by a government that played along. But when

President Theodore Roosevelt took office, he wouldn't play along. He devoted his Presidency to busting trusts, breaking up monopolies, and doing his best to give the American people a shot at the American dream once more.

America needs this kind of leadership more than ever. It needs leadership that sees government not as a tool to enrich well-connected friends and high-priced lobbyists but as the defender of fairness and opportunity for every American.

We cannot settle for a second Gilded Age in America. Yet we find ourselves once more in the midst of a new economy, where more wealth is in danger of falling into fewer hands, where CEO pay grows from year to year as the average worker's pay remains stagnant, where Americans are struggling like never before to pay their medical bills or kids' tuition or high gas prices, all the while the profits of drug and insurance and oil industries have never been higher.

Once again we are faced with the politics that makes all of this possible. In recent years, the doors to Congress and the White House have been thrown wide open to an army of Washington lobbyists who turned our Government into a game only they can afford to play. Year after year, they stand in the way of our progress as a country. They stop us from addressing the issues that matter most to our people.

Let's take health care, just as one example. The drug and insurance industry spent $1 billion in lobbying over the last decade. They got what they paid for when their friends in Congress broke the rules and twisted arms to push through a prescription drug bill that actually made it illegal for our own Government to negotiate with the pharmaceutical companies for cheaper drug prices. Because reform has been blocked up until now, there are parents and grandparents in this country who are walking into the drugstore and wondering how their Social Security check is going to cover a prescription that is more expensive than it was a month ago, who are being forced to choose between their medicine and groceries because they can no longer afford both.

Let me be clear, I do not begrudge businesses trying to make a profit. I do not begrudge them hiring lobbyists to plead their case before Congress. It is protected political speech, and we appreciate that there are many lobbyists who represent their clients well and fairly. But it is time we had a Congress that tells drug companies or oil companies or the insurance industry that, while they may get a seat at the table in Washington, they don't get to buy every single chair. We need to put an end to the prevailing culture in this town, and that is what we have been trying to do for the past couple of years.

Last year, Congress came up with a somewhat watered-down version of reform.

I, along with others, such as Senator FEINGOLD and the Senator from Arizona, who is about to speak, Mr. MCCAIN, voted against it because we thought we could do better.

In January, I came back with Senator FEINGOLD, and we set a high bar for reform. I am pleased to report that the bill before us today comes very close to what we proposed. By passing this bill, we will ban gifts and meals and end subsidized travel on corporate jets; we will close the revolving door between Pennsylvania Avenue and K Street; and we will make sure the American people can see all the pet projects lawmakers are trying to pass before they are actually voted on.

We will do something more. Over the objections of powerful voices in both parties, we will ensure that our laws shine a bright light on how lobbyists help fill the campaign coffers of Members of Congress by bundling contributions from others. Because an era in which soft money is prohibited, the real measure of a lobbyist's influence is not how much money he has contributed, it is how much money he is raising from others.

For too long, this practice has been hidden from public view. But today we can change that. I am pleased the amendment I have offered on bundling is part of this bill. I wish to thank Representative CHRIS VAN HOLLEN, who fought so hard to get this provision included in the House bill. As the Washington Post described the bundling provision earlier this year:

> No single change would add more public understanding of how money really operates in Washington.

So there is a lot of good in this bill. I truly hope and believe it will change the way we do business in Washington.

Let's not forget, though, there is still some more we need to do. One of the things I have argued is necessary to have on this is an independent entity to enforce ethics rules in Congress. Because no matter how well we police our own conduct, as long as we are our own prosecutor, judge, and jury, the public will never have complete trust in our decisions. So far, that is a fight I have lost. But I will continue to support independent enforcement because I believe it is in our Nation's best interests.

I also believe that if we are serious about change, we need to have a real discussion about public financing for Congressional elections. Because even if we can stop lobbyists from buying us lunch or taking us out on junkets, they will still be able to attend our fundraisers, and that is access the average American does not have.

In our democracy, the price of access and influence should be nothing more than your voice and your vote. That should be enough for health care reform. That should be enough for a real energy policy. That should be enough to ensure our Government is still the defender of fairness and opportunity for every American.

It is time to show the American people we have the courage to change the prevailing culture in this city. It is time to give people confidence in their Government again. We have a chance to start doing it with this bill.

I proudly support this legislation. I once again thank the chair for her outstanding work in moving this forward. I urge all my colleagues to support the legislation.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, over the last 20 years, I have found myself in a lonely fight against earmarks and porkbarrel spending year after year. I have come to the floor and read list after list of the ridiculous items we are spending money on, hoping enough embarrassment might spur some change.

I was encouraged in January, when this body passed by 96 to 2, an ethics and lobbying reform package which contained real, meaningful earmark reform. I thought at last we would finally enact some effective reforms. Unfortunately, the victory was short-lived.

One of my happier days, I will admit, was when Dr. COBURN was elected to the Senate in 2004. There is no better advocate of earmark reform; no one more consistent in standing firm to fight the worthy fight against wasteful spending, and I am proud to call him my friend.

I would like to commend my friend, Senator DEMINT, and Senator GRAHAM, Senator CORNYN, and others for joining our effort. Sadly, I say to my friends, that given the very watered-down earmark provisions contained in the measure brought to us by the majority, our good fight clearly will have to continue.

Not only does this bill do far too little to rein in wasteful spending, it has completely gutted the earmark reform provisions we passed overwhelming in January. It provides little more than lip service, unless, of course, you happen to be a committee chairman of the majority leader.

Under this majority-written bill, with no input from the Republicans, this bill will, unless you hold one of the top positions, you will now wield even more power, even more power with your porkbarrel pen.

Let me be clear. The ethics and lobbying reform bill has some good provisions which I strongly support: A ban on gifts and travel paid for by lobbyists or groups, although, if you want to get a free meal, count it as a campaign contribution. But, anyway, increased disclosure is welcome reform.

But the bill before us fixes only part of the problem and does not go to the heart of the problem. The heart of the problem that has bred the corruption is the earmark process. We all know that as my friend, Dr. COBURN, has said from time to time, it is the gateway drug to corruption—it is the gateway drug to corruption. I do not throw around the word ''corruption'' lightly. But there

are former Members of Congress in jail. There are investigations going on right now, and you can trace it all back to the influence of money which has corrupted a process which then allows money, our tax dollars, to be given to special interests or even accrue to the benefit of the author of the earmarks.

We come to the floor a lot and talk about a lot of the earmarking. Some of them are fun to talk about, but they make you sad: $225,000 for a historic wagon museum in Utah; $1 million for a DNA study of bears in Montana; $200,000 for the Rock and Roll Hall of Fame.

You notice all these earmarks are geographically designated so there will be no mistake that that money might go someplace else other than where it had been intended by the appropriator.

One of my favorites is the $37 million over 4 years to the Alaska Fisheries Marketing Board to promote and develop fishery products and research pertaining to American fisheries. So how does this board spend the money so generously? I have a picture I will not show. Well, they spent $500,000 of your tax dollars to paint a giant salmon on the side of an Alaska Airlines 747, and nicknamed it the ''Salmon Forty Salmon.''

So the fact is, we are not going at the heart of the problem. Let me quote from yesterday's Wall Street Journal that says it even better than I can:

> Our favorite switcheroo: Under the previous Senate reform, the Senate parliamentarian would have determined whether a bill complied with earmark disclosure rules. Under Mr. REID's new version, the current majority leader, that is, Mr. REID himself, will decide if a bill is in compliance. When was the last time a Majority Party Leader declared one of his own bills out of order?

I have only been here 20 years, but I have never seen it. I do not think you are going to see it in the future. So while under this new version of the bill earmarks should be disclosed in theory, the fact remains that only the committee chair or the majority leader or his designee can police it.

If they say all the earmarks are identified, we take it as gospel. Our only option is to appeal the ruling of the chair that a certification was made. Of course, that is business as usual, requiring 60 votes.

The new version does retain the requirement that bills and conference reports be available 48 hours before a vote, but the searchable database is no longer a requirement when it comes to conference reports; conference reports, where we have seen inserted some of the most egregious porkbarrel projects in this system as it exists today.

Of course, conveniently the bill was modified between its release Monday morning and another version Monday afternoon. It was a modification to the benefit of the business-as-usual crowd. It would now require a 60-vote threshold to appeal the ruling of the chair, compared to a mere majority vote under the version released a few hours earlier.

Let's be clear. Sixty Members are not going to overrule the majority leader. Fact. Business as usual. Business as usual.

I am a bit saddened, too, because there was an opportunity here. There is enough outrage and anger out there amongst the American people that they are demanding reform. They are not demanding an increase from 1 year to 2 years for disclosure; they are not demanding about meals, they are demanding we fix the earmark process which has led to corruption. We have taken a pass. I regret it very much.

I predict to you now the earmarking and porkbarrel spending will creep back into the process sooner rather than later, and we will not regain the confidence of the American people.

I wish to thank again my colleagues, both Senators from South Carolina, the Senator from Oklahoma, and others who have fought sometimes a lonely fight to try to clean up this mess.

I yield the remainder of my time to the Senator from Oklahoma and the Senator from South Carolina.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senator from Wisconsin is next on our list. However, he had a pressing meeting, so we would be happy to go to a Republican.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank Senator MCCAIN for highlighting some of the problems with the bill. The real problem is that we last year spent $434 billion of our grandkids' money that we could not come up with. We did not collect taxes; we lowered their standard of living in the future. How did we get there?

We got there because we use earmarks to buy votes on appropriations bills. So we never look at the appropriations bill, we only look to see if our little thing is in it. Not all earmarks are bad. What is bad is a lack of transparency in our Government.

I know, Mr. President, you have helped me in terms of the Transparency and Accountability Act, but that is all after the fact. What this bill does is create a lie. That is what it is. It is not anything less than that.

We are lying to the American people that we are fixing earmarks, when we are not. The reason is, the vast majority of people in this body do not want their earmarks disclosed because it limits their ability to play the power game with the well connected who get something ahead of everybody else.

The other problem with earmarks is it takes our eye off the priorities for our country. Earmarks cause us not to do what is best for the country as a whole in the long term. It makes us short-term thinkers. It makes us parochial in our interests. I challenge any Member of this body to look at the oath they took and see if it says anything about your State when you swore to uphold the Constitution and serve as a Senator. Your duty is to the country as a whole, not to the well-heeled special interests who are the beneficiaries, whether they are parochial or not, to your earmark.

So there is no question this bill will pass. But the question the Senators have to ask is: Was I intellectually honest when every one of them out there is saying: We will have to fix this later because we do not like it, but we do not have the courage to vote against it—because they know we have not fixed the problem. But they are afraid of the public outrage and the pressure that has been created, in the essence of creating the impression that we fixed the problem.

Now, why do I say we have not fixed the problem? You go through this. What the Senate passed was DICK DURBIN-NANCY PELOSI's bill on transparency and earmarks, brought to the Senate by the Senator from South Carolina.

The first provision prohibits Senators from trading earmarks for votes. In other words, I will give you your earmark if you will vote for my bill. It is gone. It is not there anymore.

Prohibiting Senators and staff from promoting earmarks from which they or their families would receive a direct financial benefit, it is gone. We now say it has to be for that person, even though you may be connected. So we have gutted that. One of the greatest problems we have, we have gutted. So no longer is there a prohibition that your family member cannot benefit from an earmark from Congress. That is the greatest conflict of interest there is. Yet it goes on every day.

Third. Allows the Senate Parliamentarian, not the majority leader, not the chairman of the committee, to determine if a bill complies with earmark disclosure and transparency rules. The American people are never going to be able to hold us accountable until they can see what we are doing.

We have now said that, whoever is the leader, Republican or Democrat, this is not about who is in charge, it is about whether who is in charge will have the courage to go against the whole political power of their own party to certify.

The first appropriations bill we had so far in the Senate, the only one we passed, was certified that it was totally compliant. It missed it by $7 billion. They did not list all the earmarks, and they certainly were not transparent, but they certified they were.

The next provision prohibits consideration of bills, joint resolutions, or conference reports if earmarks are not disclosed. You can't bring it to the floor anymore if they are not disclosed. You still can bring it to the floor under the rules of this new ethics bills.

The next provision requires earmarks attached to a conference report to be publicly available on the Internet in a searchable format 48 hours before consideration. It still says it, but there is an out. The way this place works, we

bring conference reports up such as that all the time. So every time it is going to get waived, and we are not going to know. We are going to be voting on bills where the earmarks aren't disclosed.

Next provision: Requires 67 votes to suspend the earmark disclosure rule. That is what we passed 98 to nothing. Now if you want to fight that, you have to have 61 votes to say it doesn't. We have totally put on it the other side. We have totally made it so that you can in fact not disclose earmarks, and the majority will vote with you. We have made it hard for transparency rather than easy.

The next provision requires a full day's notice prior to attempting to suspend the earmark disclosure rule. Not anymore. No notice. So you could suspend it and don't have to notify anybody that you are suspending it.

Finally, it requires all earmark certifications from Senators to be posted on the Internet within 48 hours. Not anymore, not if the chairman of the Appropriations Committee doesn't think they can get it done. They just waive it.

So where are the problems? Why is it that the country has between 14 and 28 percent confidence in the Congress? It is because we continue to use sleight of hand to tell them we are doing something when we are not. I don't have any problems with the other things in the bill basically, but those are symptoms of the disease. The disease is right here. It is called earmarks. If we don't treat the disease rather than the symptoms, we are never going to fix the problem.

I am adamantly opposed to this bill and what it has done to gut earmark disclosure. I have been around here long enough to know what will happen under the time pressures and the constraints and the way we operate. This will all go away. It may not go away on the first bill or the second bill, but it will go away. So we find ourselves with the Senate getting ready to vote on an ethics and disclosure rule, and every Senator is saying: How do we fix the things we don't like? Well, we will do it later.

Nobody loves this bill, but we are going to vote for it, not because we are fixing the problem, but it looks as if we are fixing it. The confidence in Congress isn't going to go up; it is going to go down.

We started this debate 2½ years ago on an amendment on a bridge to 50 people in Alaska of which 15 Members of this body voted with me. But the American people came to realize that the bridge to nowhere stood for something more than the bridge to nowhere. It stood for the lack of character and integrity in this body in terms of making long-term decisions and putting the country first instead of political careers. We haven't solved anything with this ethics bills in terms of that problem and rebuilding confidence. There is a crisis of confidence in this country. There is a rumble that we don't deserve the positions we hold because we haven't earned them, because we are going to use sleight of hand. We are going to lessen confidence in this country. We talk about money. It is great, except what is going to happen is we are going to bundle $14,900 every 6 months and it is not going to be reported. Over a 6-year career, that is $180,000 that one lobbyist can bundle for you that does not have to be reported. So tell me how we fixed the problem? The bundling is a symptom of the earmarks. It is a symptom. Where is the connection between earmarks and campaign contributions? It is there almost every time. You just have to look for it.

With the President's help we passed the post-transparency bill, Senator OBAMA and I, to where we get a look at it after the fact. But now we don't want to have transparency before the fact. We have failed the American people with this bill. We are also failing the Senate and ultimately we fail ourselves.

I ask the American people to look at the pictures of their children and grandchildren. Do you want them to have the same opportunities, the same benefits, the same freedoms and liberties? This is the thing that is going to take it away—the lack of an honest and open debate about priorities, the continued spending of money we don't have, and most of it on the basis that we have a gateway drug to spending addiction called earmarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this is a proud day for the Senate. I certainly thank the Chair of the committee, the Senator from California, for all her guidance and hard work to make sure this legislation got to this point. I certainly thank the Presiding Officer, Mr. OBAMA of Illinois, who has been a wonderful partner in this effort. I enjoyed working with him, and he was tough all the way through when it counted to make sure we would end up with this kind of strong legislation. I thank the Presiding Officer.

Many months of work on legislation to reform our Nation's lobbying disclosure laws and the rules that govern our conduct as Senators are about to come to a close. The result is a bill that by any measure must be considered landmark legislation. I am pleased to support this bill, and I urge my colleagues to vote for cloture and support the bill. I want to speak for a few minutes about what is in this bill and the forces that brought us to this moment.

I introduced the first comprehensive lobbying and ethics reform package in the Senate in July 2005, about 10 years after enactment of the Lobbying Disclosure Act of 1995 and the last significant changes to the Senate's rules on gifts and travel on which I worked with the senior Senator from Arizona. A decade of experience had exposed the weaknesses in those important pieces of legislation. In light of growing concern about the relationships between certain Members of Congress and Washington lobbyists, I thought it was time to undertake further significant reform.

In the months that followed, the Jack Abramoff scandal consumed more and more space on the front pages of the newspaper. When he was indicted in December, lobbying and ethics reform all of a sudden got a big burst of momentum in Congress. In the first few months of 2006, radical reform seemed not only possible but likely. Hearings were held, and a bidding war for who could sound the most sincere about fixing the problems that had led to the Abramoff scandal ensued.

Unfortunately, the congressional leadership at the time talked a good game, but was not really committed to reform. The bill that passed the Senate last May fell well short not only of what was needed, but also of what had been promised only a few months earlier. The House leadership waited even longer to act and tried to add controversial campaign finance legislation to the package, dooming it to defeat. The conventional wisdom was that the voters didn't care, at least that's what the defenders of the status quo assured themselves as they engineered the stalemate that led to no reform at all being enacted. As we found last November, they were wrong.

The voters sent a clear message in November 2006 that they were fed up with the way things were going in Washington. And the leaders of the new Congress responded to that message by making lobbying and ethics reform their very top priority. Speaker PELOSI included major changes to the ethics rules in the House in a package of rules changes adopted on the very first day of the session. And Majority Leader REID introduced an ethics and lobbying reform package as S. 1 and brought it immediately to the Senate floor.

I am pleased that only 7 months later, we are here today to finish the job. The bill before us is a very strong piece of reform legislation. We have a real ban on gifts from lobbyists, strong new rules governing privately funded travel, a requirement that Senators pay the full charter rate to travel on corporate jets for personal, official or campaign purposes, strengthened revolving door restrictions, and improved lobbying disclosure provisions. And for the first time, the public will get a full accounting, through reports filed by lobbyists, and reports filed by campaigns and party committees, of all the ways that lobbyists provide financial support for the Members of Congress who they lobby.

I am very pleased also that the bill includes provisions to provide greater transparency in the process by which

legislation is considered here in the Senate. Finally, after years of failed attempts, secret holds on legislation will be a relic of the past. In addition, out of scope additions to conference reports can be stricken individually rather than bringing down the whole report. All of these items show the seriousness with which this Congress and its new leadership addressed the anger that the American people expressed last November.

Let me say a word about earmarks. I heard my colleagues discussing it, and they know how strong I have been on this issue and how much I opposed the earmark process in my own practices and how many times I supported strong legislation in this regard. I have long been a strong supporter of earmark reform. I have cosponsored legislation on this topic with the Senator from Arizona, Mr. MCCAIN. Back in January, when the Senate first debated this bill, I broke with my leadership and supported the earmark reform amendment authored by the junior Senator from South Carolina, Mr. DEMINT. It is my judgment that the earmark reforms included in the proposal before the Senate today are consistent with the DeMint amendment, much stronger than the original bipartisan leadership proposal that was introduced in January, and an enormous improvement over the way earmarks had been handled by both Democratic and Republican-controlled Congresses in the past. It is simply not accurate to say that the final version of this provision guts the DeMint amendment that the Senate passed early this year. The minor changes that were made certainly do not justify a vote against cloture or against the bill.

The difference between the approach to lobbying and ethics reform this year and last year is this: Last year there was a lot of tough talk, but when it came down to it, the goal was to try to satisfy public outrage but actually do as little as possible. This year, the tough talk was backed up by tough action. This bill includes real reform on things like gifts and earmarks that get a lot of public attention and also on things like secret holds and corporate jets that occur mostly behind the scenes but have a big impact on how things work in Washington.

I especially thank Majority Leader REID for his steadfast insistence on passing strong legislation. This is a great accomplishment for him and for the Senate. I am pleased it is getting done in a timely manner. And I want to thank my colleagues for recognizing that regardless of how reforms might inconvenience us or impact our personal lifestyles, our priority must be to convince our constituents that we are here to advocate their best interests, not those of well-connected lobbyists.

Ethical conduct in government should be more than an aspiration, it should be a requirement. That is what this bill is all about. I am proud to support it, and I urge my colleagues to vote aye on cloture, and on final passage of the bill.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, if the Chair would allow me to thank the Senator from Wisconsin, he has been an energetic, enthusiastic advocate for a very long time. He is not always hard to please. I want to particularly say ''thank you'' to him.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I see we have 30 minutes before the vote. I was offered 10. I ask unanimous consent that I have up to 15 minutes to complete my remarks.

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

Mr. DEMINT. I thank the Chair.

Mr. President, I rise to voice my opposition to the pretense of earmarks reform that is included in this so-called ethics bill and to urge my colleagues to vote ''no'' on cloture this morning so we can restore the earmark transparency rules we all voted on in January. If, as the majority contends, the differences between that bill and the one we bring to the floor today are minor, there should be no objection to making those rules the same.

Americans know how much Congress loves earmarks. These are the special interest spending items that fill most of our bills. Americans also know that these earmarks are at the center of most of the waste and corruption in Washington. They know money in the form of earmarks is the easiest favor a lawmaker can deliver to a special interest. They know the explosion of earmarks in the last decade has turned Congress into a giant favor factory that turns out favors for special interests, not for the American people.

The Associated Press ran a fascinating article this morning entitled ''Earmarks Prove Popular and Dangerous.'' The article talks about how earmarks have been at the center of corruption in this town, yet Members of Congress continue to embrace earmarks and will do whatever it takes to keep them in the shadows away from public scrutiny.

The article says:

> Even the imprisonment of lobbyists Jack Abramoff and former [Representative] Duke Cunningham . . . on corruption charges that included earmark abuses has not dulled lawmakers' appetite for pet projects. One recent study found that earmarks in House legislation went from 3,000 in 1996 to 15,000 in 2005.

The article highlights that earmark disclosure is at the center of the debate on the so-called ethics bill before us today. It concludes by predicting there will not be enough Senators voting today to restore true earmark reform in this bill. That may be true, but I hope it is not the case.

This bill as it is currently written is a fraud. It is business as usual dressed up like ethics reform. And it is a stunning disappointment and a huge missed opportunity. It completely guts earmark rules we all agreed to back in January and allows us to continue to add secret earmarks to our bills. Even worse, it allows Members of this body to steer millions of tax dollars to themselves and their families. Yet the bill has the title of ''ethics reform,'' so many are going to support it so they can have a sound bite during their election.

This is not really a big surprise. Even though the Democratic leadership campaigned on cleaning up the culture of corruption in Washington, it has never been committed to cleaning up the culture of earmarks. The first version of this bill which came to the floor in January was so inadequate in how it dealt with earmarks, it only covered 5 percent of all the earmarks. The authors of this bill thought they could get away with saying they were providing earmark transparency without actually doing it.

Fortunately, after a lot of public pressure was applied, we were able to come together in a bipartisan way to fix this problem and bring every earmark out into the light of day. The rule we all agreed to not only disclosed all earmarks, but it also gave every Senator the ability to hold the committees accountable if the American people do not get the transparency they deserve.

I thought the Democratic leadership had realized the importance of these reforms, so when the appropriations season began and earmarks started to be added to our bills, I sought consent from my colleagues to formally enact these rules so we could be true to our word and ensure honest, full earmark disclosure. But, as my colleagues know, the Democratic leadership objected to real earmark reform. In fact, they objected on March 29, April 17, June 28, July 9, and July 17—five times in over what has now been 196 days since these earmark rules were passed in January. When it comes to true earmark reform, we have heard nothing but excuses and seen nothing but obstruction.

The majority leader wanted to take this bill to conference with the House back in June so he could kill earmark reform behind closed doors and share the blame with Republicans. I asked him if he would pledge to preserve earmark rules we all agreed to, but he said he could not give me that assurance. He left me no choice but to object to conferencing this bill with the House.

Now the rule is back before us. It has been rewritten in secret by the majority leader and the Speaker of the House, and they did exactly what I was afraid of—they killed earmark reform, only this time they cannot blame this on anyone but themselves.

For some reason, the Democratic leadership does not understand the importance of this issue. They talk a lot about the culture of corruption, but when it comes to reining in the most corrupting practice in Washington,

which is earmarking, they only offer lip service.

My colleagues should remember that it was the practice of trading earmarks for bribes that has been at the heart of the corruption scandals here in Washington. Let me say that again because it is very important. We had and still have a process in place that allows Members of this body to trade the public trust for personal gain.

Former Congressman Duke Cunningham was the master at this. He knew the oversight of his activities was so lax that he kept his own earmark ''bribe menu.'' He knew the House and the Senate were not going to police his colleagues and that the earmark process would give them the ability to steer millions of dollars to his friends who were bribing him. The document that charged Duke Cunningham outlined very clearly what he was doing, and I quote:

> Under the very seal of the United States Congress, Cunningham placed this nation's governance up for sale to a defense contractor—detailing the amount of bribes necessary to obtain varying levels of defense appropriations.

Or earmarks.

> In this ''broad menu,'' the left column represented the millions in government contracts that could be ''ordered'' from Cunningham. The right column was the amount of the bribes that the Congressman was demanding in exchange for the contracts.

The bill we are considering does nothing to stop the earmark factory. This so-called ethics bill does not actually require the Senate to disclose every earmark. All it requires is the chairman of the relevant committee or the majority leader to tell us they have disclosed every earmark. It does nothing to guarantee that earmarks are actually disclosed, and it is therefore unenforceable.

The rule we all agreed to in January that put the Senate Parliamentarian in charge of enforcing this rule has been changed. The Parliamentarian is a nonpartisan referee who works for all Senators, but this bill puts him on the sidelines. It allows the chairman of the committee and the majority leader—two of the most ardent supporters of earmarks and the two people least likely to object to one of their own bills—in charge of enforcing earmark disclosure. This allows the fox to guard the henhouse, and it makes a joke of ethics reform.

This is clearly a sham, and it is a total shame. It has been confirmed by the Senate Parliamentarian and the Congressional Research Service. A memo prepared by CRS states:

> If a point of order is raised under the new rule, it appears that the Chair presumably would base his or her ruling only on whether or not the certification has been made, and not on the contents of the available lists or charts, including the accuracy or completeness of this information.

Mr. President, this has also been confirmed by the Senate Parliamentarian, who says he would not be able to ensure full earmark disclosure.

I hope my colleagues understand what is going on here. The lists of earmarks may only include the ones the Appropriations Committee thinks we should know about. If their certification is inadequate and leaves out 95 percent of the earmarks—like they wanted to do earlier this year—the new rule does not give Senators the ability to raise a point of order to require full earmark disclosure.

But this is not some theory of what could happen. We know without a doubt that secret earmarks will continue because this Democratic leader and Appropriations chairman are already hiding secret earmarks while claiming to be in full compliance with the rule. The nonpartisan Government watchdog group, Taxpayers for Commonsense, has already discovered $7.5 billion in undisclosed earmarks this year, while we are supposedly operating under this rule.

There are several other loopholes in this bill that allow secret earmarks. It allows Senators to trade earmarks for votes. It allows Senators to provide earmarks that financially benefit themselves or their families. It still allows Senators to drop earmarks into bills when they are in conference and cannot be fully debated or voted on. It allows Senators to get around disclosing earmarks on the Internet in a timely way. And it allows Senators to avoid having to put their no-conflict certification letter on the Internet in a timely way.

This so-called ethics bill is a fraud. The majority leader and some of the supporters of this bill want to tell the American people they have fixed the secret earmark problem when they have actually codified the status quo. This bill is actually worse than doing nothing because it preserves business as usual while trying to fool people into thinking everything has been fixed.

I also want to read something that was sent out by nationally syndicated columnist Robert Novak which explains why Republicans are not innocent either. He wrote:

> Yet neither the prospect of several Republicans going to prison nor the disastrous loss of the 2006 election has weakened the party's embrace of the earmark model they ran from while holding the majority, in which each congressman provides for his district or state according to the New Deal model of ''Tax, tax! Spend, spend! Elect, elect!''

Mr. President, Democrats wrote this shameful earmark rule, and they will have to take responsibility for that. But Republicans have a responsibility to stop it. Republicans need to learn their lesson from the last election and, at the very least, shine some light on the earmarking process.

I do not know if we will win the vote this morning, but I urge my colleagues to oppose cloture so we can restore the earmark transparency rules we all agreed to in January. This would be an easy fix. It could be done in a matter of minutes. This bill could be quickly sent back to the House for its approval and then on to the President for his signature.

Earmarks are where most of the corruption has come from. It is directing money in return for some favor. If we are not willing to honestly reform this process with this bill, then it will not solve the problem it claims to solve. It will make it worse.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader is recognized under a previous order for 10 minutes.

Mr. DURBIN. Mr. President, let me first thank the members of the Rules Committee, particularly Chairman DIANNE FEINSTEIN. This is landmark legislation. We have had groups that have been watchdogs over the Congress, that have been the first to complain when there are ethical lapses, that have weighed in and said this bill can make a difference.

It was not easy, trust me. Members of the Senate and Members of the House—many of them—resisted the changes that are included in this bill. But Senator FEINSTEIN was given the authority and the responsibility to come up with a bill that is going to literally change the climate and the way we do business here on Capitol Hill, and she did it. I thank her for her leadership.

New transparency for lobbying activities; a strong lobbyist gift ban; limits on privately funded travel; restrictions on corporate flights; strong revolving-door restrictions; expanding public disclosure of lobbyist activities; ending the infamous K Street Project, which, unfortunately, for a long time was just acceptable conduct under the previous party's control of Congress; and congressional pension accountability—all of these are dramatic changes.

The Senator from South Carolina has focused on the issue of earmarks. I have been fortunate, in the House and the Senate, to have served on appropriations committees. I chair one of those subcommittees now. I want to tell you that the Senator from South Carolina has, unfortunately, misrepresented what this bill does. The Senator from South Carolina can, undoubtedly, remember when I offered an amendment on the floor, which he supported, which said we could not even proceed to an appropriations spending bill until we had posted on the Internet, for the world to see, every single congressional earmark in the bill 48 hours in advance. That is the type of disclosure which has never occurred on Capitol Hill, and it means that not only will the members of the committee and those who bring the bill to the floor be held accountable, but every person requesting an earmark—every Senator—will have to put their name next to the earmark request. I have just gone through this again. I think it is the right thing to do—full disclosure, full transparency, nothing to hide.

The situations that led to the imprisonment of Members of the House and lobbyists were these secret earmarks that popped up in the dead of night and people did not know what they meant. Change a comma here or put a semicolon there, and all of a sudden millions of dollars were flowing to favored clients of some lobbyist. Well, there is a Congressman from California who is now in jail for that, and there is a lobbyist in jail for it as well. Let me tell you, that era of secrecy in earmarks is over. It is over. Forty-eight hours before the bill comes to the floor, the whole world can take a look at it. And if you failed to put the earmarks in that disclosure, you are subject to a point of order.

Now, who rules on a point of order here? It is the gentleman sitting in front of the Presiding Officer. He is the Parliamentarian. We turn to him and say: All right, was there full disclosure of the earmarks in the bill? And he rules one way or the other. He doesn't have a dog in this fight. He works for both political parties. That is the way it should be. This is going to be an independent judgment as to these earmarks and whether there is full disclosure.

What about conflicts of interest between Senators and those who are requesting these disclosures? We have to file—each Senator, asking for an earmark for a project at home, has to file a statement on the record that we have no personal or pecuniary interest in this earmark we are requesting. That didn't occur before. That didn't occur before this Congressman went to jail and before this lobbyist went to jail. This is a dramatic change, and that disclosure—that denial of any kind of conflict of interest, or I should say acceptance that we won't have any conflict of interest, is public record. It is there to be seen. If someone violates it, they have made this statement to the committee, it has been disclosed to the public, and the whole earmark is there for the world to see. It is a level of transparency and disclosure which we have never had before.

What troubles me the most about the criticism of the Senator from South Carolina is that he is arguing that the writing of this bill was done ''behind closed doors, in secret.'' Well, there was an opportunity to take this bill to a conference committee. That is when House and Senate Members sit in a room at a table, work out their differences, in public, so that the press and the world can hear the deliberations and see the changes that are made. When we came to the floor and asked for that conference committee so the world could see the whole process, one Senator got up and objected. Does anyone want to guess which one? The Senator from South Carolina who just gave the speech this morning about the secrecy of this process. He can't have it both ways. He cannot object to a conference committee which is open and public, and then when the conference committee doesn't occur, object to what follows. We had no choice but to work out this bill and bring it to be considered by the House and the Senate.

So how did this bill fare on the floor of the House of Representatives that was hit so hard by this culture of corruption and ethical scandals? The final vote was 411 to 8, a bipartisan vote on the floor of the House of Representatives for this ethical reform, and now we hear from the Senator from South Carolina that somehow we have stacked the deck on the Democratic side. That wasn't reflected in the House vote.

Many of his Republican colleagues realize, as we do, that as painful as this is, it is necessary. If we don't have the trust of the American people when it comes to the business we do, then, frankly, many of us who have dedicated our lives to public service are going to be the lesser for it. For all this hard work and all the time we put in, people will always be suspicious: Is that Senator voting for that project because his brother-in-law works there or something? Well, that is going to end with this reform.

The Senator from South Carolina may have wanted more. He may have wanted to do it differently. That is his right. He is a Senator from a State, and he has that right, but he has to be honest and acknowledge that what we have done here is significant change. In the 5 years he was serving over in the House of Representatives, he didn't suggest that the Republican majority change their earmark process, ever. We can't find one single instance when he went to the floor of the House and argued for earmark reform when his party was in the majority. Now that the Democrats are in the majority, he has become outspoken on this issue. That, again, is his right to do so. I welcome it. I will say, conceding to the Senator from South Carolina, you have forced some valuable change in this process. You should take credit for that. But to stand here now and tell us this work product is not real reform flies in the face of comments made by people who have been working for reform in Congress for decades.

They believe this is landmark legislation. To put a 48-hour disclosure—48-hour disclosure—before we can even take up a bill, to put it on the Internet for everyone to see is a level of transparency never before seen in the Halls of Congress in our entire history. It never took place. That is a significant change. It is a change which I think moves us in the right direction.

Let me say a word about earmarks because there is a lot of comment about Members of Congress earmarking money on special projects. The bill I just completed, the financial services bill, we took a look at earmarks. Do you know what it turned out? It turned out the earmarks by the President of the United States were two or three times larger than any requested earmarks by Members of Congress. And there are no requirements under our rules that the administration say there is no pecuniary conflict of interest, no disclosure of 48 hours in advance. They put them in the bill.

But when it comes to Members of Congress, we have changed those rules, in my subcommittee and in other appropriations committees, and it will also apply to tax bills as well. Give me the power to change the punctuation in the Tax Code, and I can make a lot of people happy in a hurry.

So we want to get down to the real business and make sure that whether the earmark is in an appropriations bill or a tax bill, the American people see it from the start, and then they decide. When I run for reelection, my opponent—and I am certain the press—will scour through things I have asked for to see if they can be justified. If they find something they question, I am going to have to answer that question. We make that much easier for the public and for the press to get to the bottom of it.

I would say to my colleague from the State of South Carolina, by ending the K Street Project, by restricting lobbyist activities, by adding dramatic transparency to the Senate rules, we are seeing more reform in this bill than at any time in the history of the Senate or the House. How did we reach this point? Out of embarrassment—embarrassment over a culture of corruption that overtook many of the activities of Congress over the last few years. People have gone to jail. They have paid a heavy price. There have been embarrassments, and I am sure a lot of sadness in many families. But the bottom line is, we have kept our word that this bill, through real reform, and that will make a difference in the way we do business, is going to be passed.

I sincerely hope that an overwhelming, bipartisan majority will support this reform, this rules change when it comes before us today.

If one Senator or any group of Senators is successful in stopping this reform of the rules, this reform of ethics, then they better go home and answer to their constituents. When you pick up the morning paper, you know America is counting on us to do the right thing, and I encourage my colleagues to vote for this legislation.

The PRESIDING OFFICER. The time of the majority whip has expired.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank the Senator from Illinois, but I do have to clarify the facts because his representation of this bill has actually been an obvious misrepresentation. He has said if they certify that all the earmarks have been reported 48 hours in advance, and we have verified that family members have no interest in it, that we can challenge that if we don't believe it is true—but we can't challenge those facts.

I would like to ask the Parliamentarian at this point to confirm that because the way the sleight of hand is worked in this bill is, I can no longer object to the accuracy of the certification. I will just have to object to whether or not it has been certified.

I ask the Parliamentarian this specific question: If a point of order is raised under the earmark disclosure rule in this bill, would the Chair—through the Parliamentarian—be permitted to verify the completeness and accuracy of the disclosure, or would the Chair be required to only recognize whether a certification has been made by the chairman or majority leader?

The PRESIDING OFFICER. The Chair is required to only recognize whether a certification has been made by the chairman or the majority leader.

Mr. DEMINT. Mr. President, I just want to explain to my colleagues that is the crux of this issue. If the accuracy makes no difference—as it hasn't this year when we have gotten certification of disclosure or verification there has been no conflict of interest—if all that has to happen to comply with this rule is the majority leader or the chairman of the committee to say it has been complied with, and if I contest it, that I have no standing because it has been certified, that the Parliamentarian has been sidelined on this issue and can no longer verify whether it is true or accurate, what we have done is created this sham of disclosure that can be covered up by one Member of the Senate. That is why I call it a fraud. That is why I call it a sham. We have put all the language in here, except we have allowed it all to be waived by one Member of the Senate. This is not ethics reform at all.

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

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina has the floor.

Mr. DEMINT. Mr. President, I call up amendment No. 2506 and ask that it be adopted.

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Yes, there is.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, I would just like to advise my colleagues that the majority has just objected to adopting the DeMint amendment for earmark reform that has been gutted in this rule. This is all we have been asking for throughout the process, that we put in this ethics bill the exact same language we all voted on that was written by Speaker PELOSI, rewritten by Senator DURBIN, and has been gutted in this process, and it is still being called earmark reform. The Parliamentarian has just confirmed for us and the world that the certification is a complete sham.

I thank the President, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I applaud the good work of the Senator from South Carolina in pointing out the defects in this bill. I know he has been criticized for exercising his rights as a U.S. Senator to object to a unanimous consent request that the bill go to conference committee where, as we all know, Republicans and Democrats would ordinarily sit down together and work out a compromise and would then come back to the floor for a vote. But as a result of the process employed by the majority leader, the Democratic leader, and the Speaker of the House, Speaker PELOSI, Republicans have had no opportunity to have any impact whatsoever on the final language of this bill. The only time we will have a chance to voice our views on this bill will be the vote that is coming up now.

So make no mistake about it, the bill we will be voting on is not the product of bipartisan negotiations; it is exclusively the act of the Democratic majority. I think only time will tell whether this bill operates as advertised or whether, as the Senator from South Carolina points out, it is a complete sham, perhaps presenting a patina or a thin veneer of reform, when, in fact, it really is rotten to the core because of the fact that business as usual will continue to be carried on here when it comes to the nondisclosure of the appropriation of Federal tax dollars for special purposes.

REPORTING OF BUNDLED CONTRIBUTIONS

Mr. FEINGOLD. Mr. President, one of the most important provisions contained in S. 1 when it first passed the Senate in January was an amendment offered by the junior Senator from Illinois, Mr. OBAMA, to require lobbyists to report on a quarterly basis the campaign contributions that they collected or arranged for Members of Congress. I was the primary cosponsor of that amendment. The activity the amendment covered is often called ''bundling.'' S. 1, as passed by the Senate, also required lobbyists to report on fundraisers that they host or cohost.

I am very pleased that the final bill maintains the requirement that this information be disclosed. It is important to note, however, that an agreement was reached to move the duty to report this information from the lobbyists to campaigns, in part to protect Members from unfounded allegations that lobbyists had raised political contributions for them when they actually had not. I would like to ask the Senator from Illinois, who worked hard to make sure that a bundling provision was included in the final bill, if section 204 of the bill is designed to capture the same kind of activity that the Obama amendment covered—lobbyists' bundling of contributions and hosting of fundraisers for Federal candidates?

Mr. OBAMA. Mr. President, I respond to my friend from Wisconsin that that is, indeed, the case. The bill requires candidate committees, political party committees, and leadership PACs to report contributions bundled by lobbyists if those contributions total more than $15,000 in a 6-month period. Persons whose bundling has to be reported include individuals, lobbying firms, or lobbying organizations registered or listed on registrations filed under the Lobbying Disclosure Act and political committees established or administered by each registrant or individual listed lobbyist. These persons also include any agent acting on behalf of a registered lobbyist, lobbying firm, or lobbying organization. Thus, if the CEO of a lobbying organization is raising money as an agent of the organization, his activities are covered by the legislation and must be reported. But employees of a lobbying organization, including a CEO, who are not lobbyists listed on the organization's lobbying disclosure reports are not covered, unless they are acting as agents for the organization.

The definition of bundled contributions includes contributions (i) ''forwarded from the contributor or contributors to the committee'' and (ii) contributions ''received by the committee from a contributor or contributors, but credited by the committee or candidate involved . . . to the [lobbyist] through records, designations, or other means of recognizing that a certain amount of money has been raised by the [lobbyist].''

Part (i) of the definition means that any contributions that are physically handled by the lobbyist and are transferred, delivered, or sent to a campaign are considered to be bundled. But in addition, under part (ii), if contributions sent directly to a campaign by the contributors are ''credited'' to the lobbyist, they are also bundled. The ''credit'' doesn't have to be written or recorded because the definition includes ''other means of recognizing that a certain amount of money has been raised.'' So if a lobbyist tells a candidate that he has raised a certain amount of money for the campaign, the lobbyist should be credited with that amount of fundraising, and the bundling must be reported, assuming, of course, that the threshold amount of contributions is met within the 6-month period. This was what we were trying to get at in the amendment that passed the Senate in January—to cover contributions that were physically collected by a lobbyist and transferred to a campaign, contributions that were formally recorded by a campaign as having been raised by a lobbyist, and contributions that a candidate or a campaign was aware had been raised by a lobbyist.

Mr. FEINGOLD. I agree with that. With respect specifically to fundraisers hosted or cohosted by lobbyists, my view is that virtually all such events would be covered by this provision. Is

that how the Senator from Illinois sees it as well?

Mr. OBAMA. Yes, I agree with that view. At many fundraisers, the host of the event collects the checks and gives them to a representative of the campaign. So that would be covered because the contributions have been ''forwarded'' to the campaign. But at some events, a representative of the campaign, or even the candidate, physically receives checks directly from contributors as they arrive or leave, and of course, some checks may be sent in afterward. In that case, the campaign knows the total amount raised, and knows the lobbyist who hosted the fundraiser is responsible for those contributions. Even if no formal records are kept about the money raised at the event, although most campaigns obviously do keep such records, the campaign has credited the lobbyist with that fundraising and it must be reported, as long as the threshold amount is met.

Mr. FEINGOLD. That is my understanding as well of section 204. It requires, however, that a candidate or campaign know that a lobbyist has raised a certain amount of money, not that they are just generally aware that the lobbyist has been fundraising for the campaign.

And it should be understood as well that the term ''raised'' in section 204 includes but is broader than the term ''solicited,'' which is defined in the FEC regulations issued to implement the campaign finance laws. For example, even if a lobbyist does not make a solicitation for a contribution, as the term ''solicit'' has been defined in FEC regulations, the lobbyist will still have ''raised'' a contribution if the lobbyist facilitated the contribution by hosting or cohosting a fundraising event that brought in the contribution.

Mr. OBAMA. That brings up a question that I wanted to clarify. In a situation when a fundraising event is cohosted by a number of different lobbyists, I am concerned that some might want to avoid reporting bundled contributions by dividing up the total receipts of a fundraising event among many sponsors or cohosts of the event. Certainly, that was not our intention. Does my friend from Wisconsin agree with me?

Mr. FEINGOLD. Yes, the purpose of the bundling reporting provision is to get as much disclosure as possible of bundling by lobbyists. In the provision, we have specifically asked the FEC to keep that purpose in mind as it promulgates regulations. The bill requires a committee to report ''each person'' who ''provided 2 or more bundled contributions'' in excess of the ''applicable threshold,'' which is an aggregate amount of $15,000 in a 6-month period. When two or more lobbyists are jointly involved in providing the same bundled contributions—as, for instance, in the case of a fundraising event co-hosted by two or more lobbyists—then each lobbyist is responsible for and should be treated as providing the total amount raised at the event, for purposes of applying the applicable threshold to the funds raised by that lobbyist, and for purposes of reporting by the committee of ''the aggregate amount'' of bundled contributions ''provided by each'' registered lobbyist ''during the covered period.''

It would be acceptable, of course, to report that certain funds were raised jointly in a single event so that by crediting each of the lobbyists involved with the total amount and reporting each lobbyist on the new schedule, the campaign does not suggest that the total amount of contributions bundled is far greater than the amount actually raised. But a campaign should not be able to avoid disclosing, for example, that three lobbyists raised $30,000 in a single fundraiser by claiming that each lobbyist has been credited with only one-third of the total amount. If this evasion were allowed, reporting for any fundraising event could be avoided simply by adding enough lobbyist cohosts for the event so that all of the lobbyists fall below the threshold. We certainly did not intend that result.

Mr. OBAMA. Mr. President, I appreciate the explanations and clarifications offered by the Senator from Wisconsin. The provision in the bill is aimed at requiring the disclosure of bundling, not prohibiting bundling. It must be broadly interpreted by the Federal Election Commission, consistent with its purpose. Indeed, section 204 specifically directs the FEC ''to provide for the broadest possible disclosure'' of bundling activities.

Mr. FEINGOLD. I agree. The Commission should not allow evasion or game playing of any kind, by campaigns, candidates, or lobbyists, to avoid reporting the activities of lobbyists. Section 204, the bundled contributions reporting section, along with section 203, which requires reports of campaign contributions and other payments by lobbyists themselves, is about giving information to the American people about how lobbyists provide financial assistance to Members of Congress and candidates. This information will allow the public to understand much better how Washington works. I congratulate the Senator from Illinois for successfully seeing his amendment through the process and into the final bill.

Mr. OBAMA. I commend my good friend from Wisconsin for his leadership on this issue. He has championed ethics and lobbying reform for many years, and he deserves much of the credit for the crafting of this important bill.

LIMITED TAX AND TARIFF BENEFITS

Mr. DURBIN. Mr. President, I would like to ask the chairman of the Finance Committee a question regarding the implementation of the provisions of the ethics reform bill as they apply to limited tax and tariff benefits. This legislation establishes the principle that the Members of this body and the American people at large should have full disclosure of the source and beneficiaries of legislative provisions that are directed to benefit a limited number of people or entities. The disclosure requirement would apply to limited tax and tariff benefits as well as to congressionally directed appropriations.

Specifically, the new rule states that it shall not be in order to vote on a motion to proceed to consider a bill or joint resolution unless the chairman of the committee of jurisdiction or the majority leader or his or her designee certifies that each limited tax or tariff benefit, if any, has been identified; that the Senator who submitted the request for such item has been identified; and that this information has been available on a publicly accessible congressional Web site in a searchable format at least 48 hours before such vote.

For the purpose of implementing this requirement, a ''limited tax benefit'' is defined as a revenue provision that ''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and (B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.'' A ''limited tariff benefit'' is defined as ''a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.''

Under the rule, a Senator who requests a limited tax or tariff benefit is required to provide a written statement to the chairman and ranking member of the committee of jurisdiction, including, among other things, the name of the Senator and ''in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator.'' It is the responsibility of the requesting Senator to provide such information to the chairman and ranking member of the committee of jurisdiction. The chairman will expect this information to be provided by the requesting Senator and will disclose this information to the public if a requested provision is included in a bill in the chairman's jurisdiction.

The intent of this new rule is to ensure that any Senator who requests a limited tax or tariff benefit discloses to the chairman and ranking member of the Finance Committee the identity of any individual or entities reasonably anticipated to benefit from the provision and that the identity of the Senator who requested the provision and the identity of the individual or entities reasonably anticipated to benefit are made available on a publicly accessible congressional Web site at least 48 hours before a vote on a motion to proceed to the measure that contains the provision. This disclosure applies when a limited number of taxpayers receive a benefit from a provision and the benefit is not uniformly available to other

similarly situated taxpayers solely because the provision does not encompass those other similarly situated taxpayers. Does the chairman agree with this understanding of the proposed rule?

Mr. BAUCUS. Yes, the Senator from Illinois has accurately described the proposed rule and its intent.

Mr. DURBIN. If I may inquire further, I would like to have a clear understanding of how the chairman will implement this rule. Once this rule is adopted, I expect that, as bills and joint resolutions that contain tax or tariff provisions are brought to the Senate floor, the chairman will, before a vote on a motion to proceed to such a measure, publish a list of all limited tax or tariff benefits therein, identifying each of these provisions, the Senator or Senators requesting the provision, and the entities reasonably anticipated to benefit, to the extent known to the requesting Senator.

Am I correct in my understanding that the chairman will make such information public for each tax or tariff provision in the measure that provides a benefit to a limited group of beneficiaries where the provision results in those beneficiaries being treated more advantageously than entities that, in the absence of such a provision, would be considered similarly situated with regard to the portion of the Tax Code affected by the provision?

Mr. BAUCUS. Yes, I plan to provide such a list with regard to legislation in my committee's jurisdiction.

DISCLOSURE OF LIMITED TAX BENEFITS

Mr. BAUCUS. Mr. President, I would like to engage in a colloquy with the ranking Republican member of the Finance Committee about language in this bill regarding the disclosure of limited tax benefits. The ranking member and I have each been chairman of the committee in recent years. And we try whenever possible to work together. And nowhere is that more true than with regard to tax policy.

We have worked together to try to join in a policy about how to interpret the provisions in this bill on limited tax benefits. We hope that by explaining this joint policy now, we can help observers of the tax process to know how we intend to apply this new rule. I believe that the policy that I am about to tribe reflects our jointly held views.

Mr. GRASSLEY. I thank the distinguished chairman, my friend from Montana, for initiating this important discussion. I would like to put this discussion into a broader historical context. For over 20 years, chairmen of the Finance Committee have employed a practice of opposing narrow tax provisions, commonly known as ''rifleshots.'' The legislative change we will discuss in some detail is really a formalization of the practice the Finance Committee has maintained over the past two decades.

Mr. BAUCUS. I thank the Senator from Iowa. And I agree.

So here is our view. We wish to clarify the operation of the proposed rule change related to limited tax benefits. We know that it is impossible to foresee every possible application of the proposed disclosure rule for limited tax benefits. But we hope that this discussion will provide a more complete explanation of how the rule will operate.

For more guidance, we also recommend the interpretative guidelines developed by the staff of the Joint Committee on Taxation in response to the prior-law line item veto. These guidelines may also be applicable to the interpretation of the proposed earmark disclosure rules for limited tax benefits in this bill. The Joint Committee on Taxation documents are called, first, the ''Draft Analysis of Issues and Procedures for Implementation of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCX–48–96, and second, the ''Analysis of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCS–1–97.

The proposed rule in this bill would require the disclosure of limited tax benefits. It would define a limited tax benefit to mean any revenue provision that, first, provides a Federal tax deduction, credit exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and second, contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.

The proposed rule would apply in most cases where the number of beneficiaries is 10 or fewer for a particular tax benefit. But the Finance Committee will not be bound by an arbitrary numerical limit such as ''10 or fewer.'' Rather, we will apply the standard appropriately within the unique circumstances of each proposal. For example, if a proposal gave a tax benefit directed only to each of the 11 head football coaches in the Big Ten Conference, we may conclude that the rule would nonetheless require disclosure of this benefit, even though the number of beneficiaries would be more than 10.

We will not limit the application of the proposed rule to proposals that result in a reduction in Federal receipts relative to the applicable present-law baseline. We believe that the proposed rule would have application to limited tax benefits that provide a tax cut relative to present law for certain beneficiaries, like, for example, a tax rate reduction for certain beneficiaries. But we also believe that the rule would apply to limited tax benefits that provide a temporary or permanent tax benefit relative to a tax increase provided in the proposal, like, for example, exempting a limited group of beneficiaries from an otherwise applicable across-the board tax rate increase.

For example, a new tax credit for any National Basketball Association players who scored 100 points or more in a single game would be covered by the rule. And the rule would also cover a new income tax surtax on players in the National Hockey League that exempted from the new income surtax any players who were exempted from the league's requirement that players wear helmets when on the ice.

The rule defines a beneficiary as a taxpayer; that is, a person liable for the payment of tax, who is entitled to the deduction, credit, exclusion, or preference. Beneficiaries include entities that are liable for payroll tax, excise tax, and the tax on unrelated business income on certain activities.

The rule does not define a beneficiary as the person bearing the economic incidence of the tax. For example, in some instances, a taxpayer may pass the economic incidence of a tax liability or tax benefit to that taxpayer's customers or shareholders. The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the incidence of the tax.

In determining the number of beneficiaries of a tax benefit, we will use rules similar to those used in the prior-law line item veto legislation. For example, we will treat a related group of corporations as one beneficiary for these purposes. Without such a rule, a parent corporation could avoid application of the disclosure rule by simply creating a sufficient number of subsidiary corporations to avoid classification as a limited tax benefit under the proposed rule.

For example, if a related group of corporations—like parent-subsidiary corporations or brother-sister corporations—owns a football team, then the related group will be considered one beneficiary. That treatment is analogous to the team being one entity, not separate entities, like the coaching staff, offensive unit, defensive unit, specialty unit, and practice squad.

The time period that we will use for measuring the existence of a limited tax benefit will be the same time period that is used for Budget Act purposes. That is the current fiscal year and 10 succeeding fiscal years. Those are also all the fiscal years for which the Joint Committee on Taxation staff regularly provide a revenue estimate.

For purposes of determining whether eligibility criteria are uniform in application with respect to potential beneficiaries of such a proposal, we will need to determine the class of potential beneficiaries. In the case of a closed class of beneficiaries—for example, all individuals who hit at least 755 career home-runs before July 2007—that class is not subject to interpretation, since only Henry Aaron satisfies this criteria. If, instead, the defined class of beneficiaries is all individuals who hit at least 755 career home-runs, then we will determine the class of potential beneficiaries by assessing the

likelihood that others will join that class over the time period for measuring the existence of a limited tax benefit.

Whether the eligibility criteria are not uniform in application with respect to potential beneficiaries will be a factual determination. To continue with the previous hypothetical, a proposal that provides a tax benefit to all individuals who hit at least 755 career home-runs may still not require disclosure if it is uniform in application. If the same proposal is altered so as to exclude otherwise eligible career home-run hitters who played for the Pittsburgh Pirates at some point in their career, then that kind of a limited tax benefit would require disclosure under the proposed rule.

Some of the guidelines in the Joint Taxation Committee's reports numbered JCX–48–96 and JCS–1–97 would not be directly applicable, but may be helpful in determining the class of potential beneficiaries. For example, the same industry, same activity, and same property rules might provide useful analysis.

So that is how we propose to apply the new rule.

Mr. GRASSLEY. I thank Senator Baucus for taking the time today to shed some light on implementing the limited tax benefits standard. I look forward to working with the chairman as we proceed.

Mr. STEVENS. Mr. President, while I support S. 1, I strongly oppose the provision within it which will require members to fully reimburse private plane flights at so-called fair market value. This requirement is unnecessarily excessive for intrastate travel, it places an undue burden on Members from rural States, and its enactment will come at great expense to American taxpayers.

The Senate's current rule requires members to pay the cost of a first-class ticket any time we travel by private plane. In areas with no regularly scheduled air service, Members pay their proportionate cost of chartering the same or similar aircraft. This rule ensures that Members pay the fair market value of traveling on such aircraft, while at the same time recognizing that private air travel is, at times, a necessity. Because these flights often represent the only way to access rural areas, most Members who travel by private plane do so to complete official business.

While I understand the desire to stem the perception and practice of members traveling in lush private jets, in reality, traveling on these types of aircraft is the exception rather than the rule. In my home state, my staff and I routinely travel in propeller and float planes. These are not luxurious jets. If any Member believes differently, I welcome them to travel with me as I traverse the State from Tuntatooliak to Savoonga.

Alaska does not have the transportation infrastructure found in more densely populated areas of the country. More than 70 percent of our State's towns and villages are not accessible by road year-round. We need to fly in order to reach these remote communities. If a private plane with others aboard is going to the same village I am, I should be able to get on that plane at a reasonable price.

During initial consideration of S. 1 in January, Members of the Senate raised concerns regarding the impact that the revised travel rules had on their ability to meet with their constituents. That measure, as drafted, would not have affected lobbyists—it impacted real people and prevented their elected representatives from responding to the issues they face. As such, I offered an amendment designed to address the concerns of rural State Senators in ensuring their ability to continue to travel around their States. I declined to pursue the amendment on the Senate floor when leadership on both sides of the aisle agreed to consider this matter during conference.

Unfortunately, this matter was not addressed because of the Senate's inability to conference the legislation.

While other travel matters were addressed, such as permitting Members to travel on their own planes or on the planes of their family members, the issue of rural transportation costs was not. Given this unfortunate circumstance, I have again introduced an amendment to address this situation. My amendment would require travel on private planes to be precleared by each Chamber's Ethics Committee to avoid even the appearance of a conflict of interest. It would also allow the committee to set and publicly disclose the rate we pay for each trip.

The private plane provision in S. 1 will not produce meaningful reform and will only increase the amount of money Members need from the Treasury to pay for these flights. Ultimately, it will be the taxpayer who foots this bill, and the only real change will be more money in the pockets of those who own and operate private planes.

A perfect example will come later this month, when a Cabinet Secretary and staff travel to Alaska. We plan to visit several western Alaska communities, and private plane is the only way to reach them in a single day.

Under the Senate's current rule, each individual would pay their share of the charter rate or an equivalent first-class fare. This rule is equitable: The operator of the flight would be paid a reasonable expense for our travel.

Under S. 1, my staff and I would pay fair market value—the entire price of the private plane. The Cabinet Secretary and their staff, according to their department's rules, would also reimburse the company for the costs associated with their travel. Any State and local officials who travel with us will likewise be required to pay for their seats.

The end result of this legislation will be a windfall for companies and a travesty for taxpayers—the very opposite of intended effects. Our system needs transparency, not additional financial burdens for hard-working Americans.

I am told that another provision of this legislation may be of interest to many Members of this Chamber—in fact, I may be the only one it will not affect.

Section 601 of S. 1 will require a sitting President, or a President's campaign, to pay for Members who travel on Air Force One. This provision will make campaigns even more expensive than they are today, and again do very little to increase transparency.

Lobbying reform is necessary, but it cannot harm our ability to do our jobs. Members should disclose flights on private planes, provide the reasons for their travel, and receive approval from the Ethics Committee prior to any travel. However, there is absolutely no reason why each seat should be paid for more than once. By requiring the reimbursement of private flights at fair market value, S. 1 will prevent many Members from serving their constituents effectively. While the majority leader's interest in passing this legislation is understandable, the Senate should ensure it does not adversely impact taxpayers. I urge my colleagues to consider these consequences and adopt my amendment.

Mr. CARDIN. Mr. President, I strongly support S. 1, the Legislative Transparency and Accountability Act of 2007. I urge my colleagues to support this measure, which is the most sweeping reform of ethics and lobbying laws and rules in many years.

I am pleased that we have worked in a bipartisan fashion on ethics and lobbying reform. The American people made their views clear in last year's election, and sent a strong message to Congress to clean up our act.

In January the Senate passed this legislation as our first order of business by a vote of 96 to 2, and the House followed suit by a vote of 411 to 8 earlier this week. I hope that the Senate will once again give overwhelming, bipartisan approval of this legislation, and send it to the President for his signature into law.

I have been privileged to serve as a legislator—first in the Maryland House of Delegates, then in the United States House of Representatives, and now in the United States Senate. I appreciate the trust that the people of Maryland placed in me. And I appreciate how important it is that we adhere to the strictest ethical standards. The American people need to believe their Government is on the up and up.

The legislation represents a significant change in the way elected officials, senior staff, and lobbyists would do business.

When it comes to how we treat ourselves, this legislation provides much greater transparency in earmarking. It requires that the sponsors of all earmarks, including limited tax and tariff benefits, that are inserted into bills

and conference reports be identified on the Internet at least 48 hours before a Senate vote. The bill requires Senators to certify that they and their immediate family members have no financial interest in the earmark. The bill also creates a point of order against new earmarks added in conference reports for the first time.

When it comes to making how Congress works more transparent, the bill requires conference reports to be available for public review on the Internet 48 hours before a Senate vote. It ends the practice of secret Senate holds which can kill legislation or nominations. It requires all Senate committees and subcommittees to post video recordings, audio recordings, or transcripts of all public meetings on the Internet.

This legislation makes needed reforms to the lobbying industry as well. The bill prohibits lobbyists and their clients from giving gifts, including free meals and tickets, to Senators and their staffs. It requires Senators to pay charter rates for trips on private planes. The bill prohibits Senators and their staff from accepting multiday private travel from registered lobbyists. It requires much greater transparency for lobbyist bundling and political campaign fund activity. The bill requires lobbyists' disclosure filings to be filed quarterly instead of semiannually, and requires these disclosures to be filed electronically and in a publicly searchable Internet database. It increases civil and criminal penalties for lobbyists who break the law.

The bill also takes major stops in slowing the revolving door between Members of Congress, staff, and the private sector. It stops partisan attempts like the K Street Project to influence private-sector hiring. It strengthens the revolving door restrictions by increasing the cooling off period for Senators from 1 to 2 years before they can lobby Congress, and prohibits senior Senate staff from lobbying contacts within the entire Senate for 1 year. It eliminates floor, parking, and gym privileges for former Members who become lobbyists.

Finally, the bill holds Members of Congress and staff accountable by making ongoing ethics training mandatory for Members and staff. It increases civil and criminal penalties for Members of Congress and senior staff who falsify or fail to report items on their financial disclosure forms. It denies congressional retirement benefits to Members of Congress who are convicted of serious crimes related to their official duties, such as bribery.

Former Supreme Court Justice Louis Brandeis' famous dictum still holds true today: ''Sunlight is said to be the best of disinfectants.'' The leadership and Members of Congress will have delivered on their promise to the American people by passing this bill. That is what the American people have asked us to do, and that is what we need to do to regain their trust.

Ms. COLLINS. Mr. President, I rise today to discuss the Honest Leadership and Open Government Act of 2007. This bill has taken on many names and many forms over the last year. While I am pleased to see this Congress at last addressing ethics issues, I am disappointed that the bill is being brought to the floor in this manner and in this form.

Last year, when I was chairman of the Homeland Security and Governmental Affairs Committee, the committee produced a bipartisan bill that the Senate passed in March 2006 by a vote of 90 to 8. That bill never became law, and as a result those issues were never addressed. But when Congress failed to take action, the American people stood up and sent a powerful message. The last election took place in the shadow of far too many revelations of questionable—or downright illegal—conduct by Members of Congress. When we returned to Washington in January, the first priority of this Senate was to take steps to restore the confidence of the American people in their Government.

It is unfortunate that we now find ourselves nearly 7 months later—taking up yet another version of this bill with several provisions that are far weaker than they should be. In particular, I am disappointed that in spite of a 98–0 Senate vote in favor of strong earmark disclosure rules, the provision now before us is weak and riddled with loopholes. I cannot understand why the majority leadership has chosen to ignore the clearly expressed will of the Senate in this way.

I draw my colleagues' attention to the first page of this new bill, in which its purpose is stated as, ''To provide greater transparency in the legislative process.'' This declaration—made without a trace of irony—belies the fact that this version of the bill was developed in closed-door discussions between the majority leader of the Senate and the Speaker of the House. Ethics is not an issue of the right or the left, so why has the process of drafting ethics legislation suddenly become so partisan?

In spite of these reservations, I will support this bill because I believe that it does contain positive provisions that are long overdue. Justice Oliver Wendell Holmes is said to have once noted, ''Sunlight is the best disinfectant,'' and this bill does bring sunlight into some of the dark corners of the legislative process.

The bill requires more frequent filings under the Lobbying Disclosure Act, and more detailed disclosure of lobbyist activities in those reports. In addition, it makes that information readily available to the public via the Internet.

The bill also contains a change to the Senate rules to eliminate, at long last, the undemocratic practice of anonymous holds in the Senate. The hallmark of this body should be free and open debate, and a process that allows a secret hold to kill a bill without a word of debate on the floor is antithetical to that principle.

The bill contains important provisions to slow the so-called revolving door problem where Members of Congress and their senior staffs leave Government jobs and then turn around to lobby the institution they once served.

These provisions—which I note, are substantially the same as those that the Senate passed earlier this year—are a step forward in restoring the American people's confidence in the integrity of their leadership.

In November 2006, the American people sent Congress a message that they had lost faith in the integrity this institution. I will support this bill because it takes a step forward in restoring the people's faith in the work we do here, but unfortunately I am left to conclude that had there been a better process, there would have been a better bill.

Mr. LEVIN. Mr. President, I support the Honest Leadership and Open Government Act.

I have worked for many years to enact meaningful lobbying and ethics reform. In 1995, I helped lead the effort to pass the Lobbying Disclosure Act which helped to open up the world of lobbying, and the billions of dollars spent in it, to the light of day. By requiring paid lobbyists to register and disclose whom they represent, how much they are paid, and the issues on which they are lobbying, this act was a real step forward. A number of scandals over the past few years have illustrated the importance of taking these reforms a step further and this bill does just that.

This bill includes much needed lobbying and ethics reforms, some of which I sought to include in the Lobbying Disclosure Act 12 years ago. It includes provisions to ensure greater transparency and disclosure of lobbyist activities by requiring lobbyists to file their reports quarterly and electronically in an online, public, searchable database. This bill requires lobbyists to disclose to the Federal Election Commission when they bundle or gather over $15,000 in campaign contributions for any Federal elected official, candidate or political action committee. Additionally, lobbyists will be required to disclose their own campaign contributions as well as payments they make to Presidential libraries, inaugural committees or other organization controlled by or named for Members of Congress.

This bill also includes an important provision I authored to require reporting by foreign lobbyists. Foreign lobbyists file their disclosures under the Foreign Agents Registry Act. The forms are difficult to find and hard to understand. This bill will require a publicly accessible, electronic database containing FARA disclosures in the same format that will be in place for registrants under the Lobbying Disclosure Act.

Also included is a strict ban on gifts from lobbyists or their clients to Members of Congress and congressional staff. These perks have no place in Government and I am glad that this legislation will eliminate them.

Strong travel restrictions are also an essential component of this bill. The new rules will ensure that Members traveling on corporate jets would have to pay for them at the charter rate, not at the current level of a first class commercial ticket, which is but a fraction of the cost.

This bill strengthens restrictions on lobbying for former Senators and former senior Senate staff by prohibiting Senators from lobbying Congress for 2 years after they leave office and prohibiting senior Senate staff from lobbying any Senate office for 1 year after leaving Senate employment. Also included is a provision that prohibits Members and their staff from influencing the hiring decision of private organizations in exchange for political access.

This bill strengthens penalties for Members of Congress who are convicted of crimes that involve violations of the public trust by revoking Federal retirement benefits. It also increases the penalties for Members of Congress, senior staff and senior executive officials who falsify or fail to file financial disclosure forms.

I am also pleased that this bill includes earmark reforms to ensure transparency in the legislative process. Requiring that earmarks included in bills and conference reports are available to the public on line will allow the average American the opportunity to know where their tax dollars are going and it is my hope that it will help ensure the quality of the projects which are funded.

I commend my colleagues in both the House of Representatives and the Senate for working in a bipartisan way to pass this important legislation. Though this bill is not perfect, it is a significant improvement over current law. Some will continue to find ways to circumvent it and undermine the safeguards we put in place. Standing for honesty, openness and accountability in Government will forever be an unfinished task. We must continue to be aware of abuses and understand that further legislation may be necessary in the coming years to ensure the integrity of the legislative process.

Mr. KERRY. Mr. President, as elected representatives, I believe we must hold ourselves to the highest ethical standards. The principle is a simple one. I want to take this opportunity to express my appreciation to Majority Leader REID, Chairman LIEBERMAN and Chairman FEINSTEIN for their work to keep that faith by increasing the ethical standards of the Congress in the legislation that the Senate is considering today.

While not perfect, the Honest Leadership and Open Government Act of 2007 will expand public disclosure of lobbyist activities, increase the transparency of the congressional earmarking process, strengthen the existing gift bans and ''cooling-off periods'' for Members of Congress and their staff, and prohibit Congress from attempting to influence employment decisions in exchange for political access.

I very much appreciate the assistance of Majority Leader REID, Chairman LIEBERMAN, and Senator SALAZAR in including a provision in this legislation that will prohibit Members of Congress who are convicted of serious ethics crimes such as bribery and fraud from receiving Federal pensions. This provision, based on my amendment to the Senate Ethics bill in January, which in turn was based on the Congressional Pension Accountability Act which I introduced with Senator SALAZAR, will go a long way toward rebuilding the trust of the American people. Those who abuse the public trust shouldn't be allowed to exploit the Federal retirement system at taxpayer expense. That is simply unacceptable and this legislation will finally change that inequity in the law.

We all remember just last year, when former Representative Randy ''Duke'' Cunningham received the longest prison sentence ever imposed on a former Member of Congress. His crime? He collected approximately $2.4 million in homes, yachts, antique furnishings and other bribes including a Rolls Royce from defense contractors. This disgraceful conduct a crime which lies beyond comprehension for honest, hard-working American taxpayers has earned him 8 years and 4 months in a Federal prison and has required him to pay the Government $1.8 million in penalties and $1.85 million in ill-gotten gains.

Unfortunately, the American taxpayer will continue to pay his Federal pension—a pension worth approximately $40,000 per year. Thanks to this legislation, no longer will taxpayers' hard-earned dollars be used to pay for the pensions of Members of Congress who are convicted of serious ethics abuses in the future.

I believe this legislation will significantly improve our Government by changing the way business is done and helping to ensure that Congress once again responds to the needs of our people, not special interests.

Mrs. FEINSTEIN. Mr. President, I rise to support the reauthorization of the State Children's Health Insurance Program. It is critically important that we continue and improve upon this successful effort that has made a difference in the lives of so many children.

I would like to thank my colleagues, Senator BAUCUS, Senator ROCKEFELLER, Senator GRASSLEY and Senator HATCH, as well as their staffs, for the countless hours they have spent in order to bring this bipartisan compromise before us today.

Like all compromises, the bill is not perfect. I, along with several of my colleagues, voted for a budget resolution that included an additional $50 billion for the reauthorization of the Children's Health Insurance Program. I understand that fiscal constraints make it difficult to fund a sum of that magnitude. But at the same time, no dollar spent to insure a child is wasted.

HISTORY OF THE PROGRAM

I am proud to have supported this program since its inception in 1997. At that time, there were too many working families who played by the rules and could not afford health insurance for their children. They had just a little too much to qualify for Medicaid or other Government programs, but not enough income to be able to afford the premiums that private insurance requires.

So a Republican Congress and a Democratic President came together to create the Children's Health Insurance Program, which has enjoyed a decade of broad bipartisan support.

The success has been clear. Twenty-one percent of the children in California were uninsured when the Children's Health Insurance Program launched. Six years later, in 2005, that rate had fallen to 14 percent, despite economic downturns, which commonly lead to increases in the number of uninsured.

It is now time for a Republican President and a Democratic Congress to come to together to allow this program to continue to fulfill its promise.

SUMMARY OF LEGISLATION

The bill we are considering today will allow this program's success to continue and make significant improvements. This legislation would:

Invest $35 billion to provide health insurance coverage to 3.2 million children who are currently uninsured. This will keep the 6.6 million children already enrolled in the program from losing coverage.

Give States the tools they need to find and enroll these uninsured children. Six million of the nine million uninsured children in the United States today are eligible for Medicaid, or they are eligible for the Children's Health Insurance Program. These families deserve to know they are eligible for coverage, and they ought to receive it without unnecessary bureaucracy and additional paperwork.

TOBACCO TAX INCREASE

These improvements are funded with an increase in the Federal tobacco tax, to $1 per package of cigarettes. Not only will this increase fund needed health insurance for children, it will create significant health improvements.

We must be very clear about the serious implications of tobacco use. It has to be understood that:

Tobacco is linked to at least 10 different kinds of cancer.

Tobacco use accounts for about 30 percent of all cancer deaths.

Tobacco use remains the top cause of preventable death in the United States.

According to the Campaign for Tobacco Free Kids, this tax will prevent an additional 1,873,000 children alive

today from ever becoming smokers. And this prevents them from becoming cancer victims later in life. Of this I am certain.

During my time in the Senate, I have worked to make the eradication of cancer a top priority. I strongly believe that we can eliminate the death and suffering caused by cancer in my lifetime. I have worked with the American Cancer Society, and the National Cancer Institute. I have spoken to leading cancer researchers, and patients and their families.

And over and over again, I have heard that tobacco is a leading cause of cancer.

There is much about cancer that we still do not understand and that we cannot control. But the relationship between tobacco and cancer could not be clearer.

The one thing we can do, immediately, to stop cancer deaths, is to reduce tobacco use. This legislation takes a step in that direction, while providing health coverage for children in the process.

IMPORTANCE OF HEALTH INSURANCE FOR CHILDREN

We know that when it comes to children, health insurance matters. It can determine whether a child receives appropriate treatment, and even if he lives or dies. According to a Families USA study conducted this year,

An uninsured child admitted to the hospital as the result of an injury is twice as likely to die during his or her hospital stay than a child with insurance.

Uninsured children admitted to the hospital with middle ear infections are less than half as likely to get ear tubes inserted than children with insurance.

These are not rare occurrences. As any parent will attest, children get into plenty of accidents, and children get lots of ear infections. No child should suffer a worse outcome because her parents could not afford health insurance.

CHIP IS NOT GOVERNMENT HEALTH CARE

Frankly, I am quite surprised that the Senate is not unanimously endorsing the compromise we have before us today. I was stunned when President Bush indicated he would veto it.

Unfortunately, some are attempting to use this debate to score political points, and in the process, are portraying the Children's Health Insurance Program in an unfair light.

Let us be clear. The Children's Health Insurance Program is not Government-run health care. Doctors, nurses and parents still make medical decisions. And in California, our Healthy Families program relies on commercial managed care plans.

California offers 24 health plans, 6 dental plans, and 3 vision plans.

In fact, 99.72 percent of Californians in Healthy Families have a choice between two health plans.

In four of our largest counties, families can choose between as many as seven plans.

Twenty-four different health plans in one State. That is certainly not a form of ''socialized medicine.'' Many employers providing private insurance cannot afford to give their workers more than one choice.

This legislation remains targeted at the children and families most in need of assistance. I am from San Francisco, one of the most expensive cities in one of the most expensive States in the Nation. No one will deny that it costs more to live in San Francisco than just about any other place in the country. You spend more on groceries, more on housing, more on transportation, and not surprisingly, more on health care. The California Association of Realtors estimates that in order to purchase the average entry level home in California, a family must have a household income of over $96,000 per year.

Yet, with the exception of Alaska and Hawaii, we have a uniform Federal poverty level, which is $20,650 for a family of four. President Bush insists that no family above twice this poverty level, or $41,300, could possibly need additional help to afford health insurance. I strongly disagree.

I would like to challenge anyone to support two children on $41,300 annual income in California, and find the $11,480 necessary to purchase the average family insurance policy. It is nearly impossible. This is precisely why we created the Children's Health Insurance Program 10 years ago, to prevent hard-working families from falling through the cracks.

This legislation maintains the State flexibility necessary to do just that.

CALIFORNIA STORIES

As a mother and grandmother, I know that there are few things worse than having a sick child. I cannot imagine the dilemma of a mother or father who knows that their child needs medical attention, but must also consider whether that treatment will have a catastrophic impact on their family's finances.

The Herman family from Sonoma County, CA, found themselves in this situation, twice in 1 month. Daughter Amber Herman fell and hurt her arm. Three-year-old Jacob shoved a rock in his ear during a family camping trip. Parents Penny and Peter Herman are self-employed small business owners, unable to afford private insurance.

The Hermans faced a $5000 out-of-pocket medical bill for their care. And Penny was pregnant with the couple's third child, Abraham. The family learned they were eligible for Healthy Families, and enrolled in the program. Penny received coverage for her pregnancy from Medi-Cal. All three children now have comprehensive health care coverage.

The Nunez family in Solano County, California never worried about health insurance; they were always covered under their father Pablo's union health plan. Pablo started his own business and he, wife Sandra, and their four children lost their coverage. Through outreach efforts, the family learned a few months later that their kids might qualify for coverage. They did, and all four Nunez children were enrolled in Healthy Families before they had a health care emergency.

These stories show that a robust Children's Health Insurance Program, coupled with good information and a straightforward enrollment process, makes a real difference in the lives of countless families.

CONCLUSION

Without action, these children and many others will risk losing this insurance coverage. It is my hope that the President will reconsider his ill-advised veto threat and sign this bipartisan legislation into law. While the President may want to advance his own health care reform ideas, it is not fair to hold millions of uninsured children hostage in the process. I welcome a wide-ranging debate on how to reform our health care system, after this bill is signed and the State Children's Health Insurance Program is protected.

This is a successful bipartisan program. It must be reauthorized, and the American people must make it clear to President Bush that they will accept no less.

I urge my colleagues to join me in supporting this important legislation.

Mr. CRAIG. Mr. President, the legislation before us today is labeled as an ethics and lobbying reform measure. Unfortunately, legislative labels don't guarantee performance. Just calling a bill ''reform'' doesn't guarantee it will improve the transparency of legislative operations so that the American people can better see what Congress is doing and hold its representatives accountable for their actions.

In this case, I am troubled by the bill we are being asked to support today—a bill prepared without input from Republicans and outside the normal bipartisan, consensus-building legislative procedures of the Congress.

While it contains a number of worthwhile provisions, I cannot agree that it makes the kind of fundamental improvements that its label promises in a number of critical areas.

For example, there has been significant focus on how this bill would change Senate rules concerning ''earmarks''—that is, congressionally directed funding. As a member of the Appropriations Committee, I have been asked about earmarks and have talked frankly with my Idaho constituents and others about this practice. I don't believe in secret earmarks and, in fact, on my Web site I have published a list of all the earmarks I have secured in appropriations legislation since I have been a member of the committee, so that anybody can review them.

In my opinion, the so-called ''earmark reforms'' in this bill are more likely to result in misleading people and gaming the process, rather than opening it up to public scrutiny.

There is more to the bill than its earmark provisions—there are other

flawed provisions as well as worthwhile provisions. It is not unusual for us to be asked to vote on a package including both provisions we agree with and those we don't. Sometimes we overlook the bad, if the package on balance does more good than harm.

But it would be perverse indeed for me to sanction, with my vote, a measure that I believe will frustrate the very goal of ethics reform that it is supposed to accomplish. I cannot pretend that the earmark provisions or other flaws in this bill are unimportant. I cannot ignore the real harm that some provisions of this bill will likely do. For these reasons, I cannot support this legislation.

Mr. FEINGOLD. Mr. President, the bill before us contains, in section 542, a provision to prohibit Senators from attending parties to honor them at the national party conventions if those parties are paid for by lobbyists or organizations that employ or retain lobbyists. The provision originated with an amendment that I offered to S. 1 when the Senate considered S. 1 at the beginning of the year. My amendment passed the Senate on January 17, 2007, by a vote of 89 to 5. I am pleased that the final bill retains this provision and also contains in section 305 a similar provision that will apply to Members of the House of Representatives. I wanted to take a minute to explain the purpose and operation of the provision and why I believe it was an important addition to the bill.

When the Senate adopted the Reid amendment in January to strengthen the lobbyist gift ban, we took a huge step toward eliminating gifts to Members of Congress from lobbyists and groups that lobby. The final bill retained that language, and it is one of the most significant provisions in the bill. But it is important to remember that the lobbyist gift ban is subject to the same exceptions in the gift rule that now apply. Some of these exceptions, like the personal friendship exception and the informational materials exception, are sensible and limited. Others, particularly the widely attended event exception, sometimes allow items of great value to be given to Members. Over the next few years, the Senate should look closely at whether lobbyists will now flock to these exceptions in order to continue to give us gifts. We may need to revisit some of the exceptions in the future.

One application of the widely attended event exception needed to be addressed immediately. At the political party conventions, which many of us attend, lobbyists and groups that lobby have fine-tuned the widely attended event exception and turned it into almost a competition over who can throw the most lavish, the most over-the-top, the most excessive party in honor of a powerful Member of Congress. These parties have become huge gifts to the honored Members. Essentially they allow a Member to host a gigantic party, with an unlimited expense account granted by the generous lobbyist sponsor.

Mr. President, I will ask to have a USA Today story about these parties at the Republican convention in 2004 printed in the RECORD at the conclusion of my remarks.

Here is how that story begins:

On Tuesday night, a few fortunate Republicans attending the party's convention will have a chance to try on ''the most exclusive and prestigious jewels in the world'' at the Cartier Mansion on the edge of New York's Diamond District.

The point is not only to ''indulge yourself,'' as an invitation says. It's also to honor a Republican congressman from Texas, Henry Bonilla, at a cocktail reception under chandeliers that sparkle almost as brightly as the diamonds and emeralds beneath them.

The event is hosted by a group of Washington lobbyists who hope to reinforce their ties with Bonilla, a powerful chairman of a House appropriations subcommittee. It's but one among more than 200 lavish parties being thrown this week by corporations, lobbyists, trade groups and other interests whose fortunes rise and fall on the actions of government policymakers.

The article continues:

Bonilla is just one of many committee chairmen and members of the House and Senate leadership who will be feted at what may be the most expensive round of receptions, dinners, concerts, golf outings and cruises ever at a political convention.

The USA Today story lists some of the other parties. Let me quote again from the article:

House Speaker Dennis Hastert of Illinois was the honoree at a reception Sunday afternoon sponsored by General Motors at Tavern on the Green, a glittering Victorian gothic restaurant on the edge of Central Park. The Distilled Spirits Council of the United States threw a reception at the New York Yacht Club for Rep. Thomas Reynolds of New York, chairman of the party's House campaign committee. And AT&T, Chevron Texaco, Target and Time Warner were among the sponsors of a martinis-and-bowling night for House Rules Committee Chairman David Dreier of California.

AT&T also is among the sponsors of a Tuesday ''Texas Honky Tonk for Joe Barton,'' the Texas congressman who chairs the House Energy and Commerce Committee. Barton's panel has wide jurisdiction over telecommunications, health and energy. And members of the House Financial Services and Senate Banking committees will be toasted at Madame Tussaud's Tuesday night, sponsored by JPMorgan Chase and Goldman Sachs.

The conventions have thus become giant lobbying festivals. Everyone who wants to get close to powerful Members of Congress is there, or at least everyone with the money to spend on a lavish party honoring a Member.

Here is what one lobbyist said about these parties at the 2004 Republican convention, according to USA Today:

''The Republicans are the majority party. They run the administration, they run the House, they run the Senate. So anyone who wants to talk to them is there,'' says David Hoppe, a lobbyist at the Washington firm Quinn Gillespie & Associates. ''It is a good time to see people and establish personal relationships.''

Another lobbyist commented about the importance of these types of events as follows:

''You go (to the convention) with a targeted plan of who you need to see, and you can get a lot of work done,'' says Scott Reed, a Republican lobbyist and political strategist. Approaching policymakers in a social setting puts them more at ease, he says, ''unlike in Washington, where you are normally coming to ask a favor or to help get somebody out of trouble.''

I don't know about my colleagues, but my stomach turns when I read an article like this. And we all know that similar events take place at the Democratic convention. The brazenness of these events as places where monied interests have special access to lawmakers is just shocking. We simply could not go back to our constituents and claim credit for getting rid of gifts from lobbyists if we allowed these kinds of events to continue at the conventions. And so I offered my amendment, and I am pleased that it was adopted in January and included as section 542 in the final bill.

Section 542 does not prohibit parties at the convention, but it does prohibit Senators from accepting free attendance at parties thrown in their honor at the conventions. If an industry group wants to throw a party, fine, but they won't have a congressional guest of honor to use as a lure to get other lobbyists to pitch in and fund the party. And a Senator won't be able to accept a gift of hosting a huge party at the expense of lobbyists and groups that lobby.

According to USA Today, these huge parties honoring Members date back to 1996, just a year after the gift ban was passed. They have increased in recent years, especially since the soft money ban we passed in 2002 prevents corporations from making huge contributions to the political parties. These convention events are one of the few ways that corporations and the lobbyists they employ can show their loyalty to a Member of Congress in a big way. It is time that we close this brazen evasion of the spirit of the gift rules. I am pleased that section 305 and section 542 will do just that.

Mr. President, I ask unanimous consent that the USA Today article to which I referred be printed in the RECORD.

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

LOBBYISTS' LURE TO GOP: 'INDULGE YOURSELF'

(By Jim Drinkard)

NEW YORK.—On Tuesday night, a few fortunate Republicans attending the party's convention will have a chance to try on ''the most exclusive and prestigious jewels in the world'' at the Cartier Mansion on the edge of New York's Diamond District.

The point is not only to ''indulge yourself,'' as an invitation says. It's also to honor a Republican congressman from Texas, Henry Bonilla, at a cocktail reception under chandeliers that sparkle almost as brightly as the diamonds and emeralds beneath them.

The event is hosted by a group of Washington lobbyists who hope to reinforce their ties with Bonilla, a powerful chairman of a House appropriations subcommittee. It's but

one among more than 200 lavish parties being thrown this week by corporations, lobbyists, trade groups and other interests whose fortunes rise and fall on the actions of government policymakers. They are taking advantage of New York's bounty of interesting event sites, from the aircraft carrier USS Intrepid to the 56th floor panorama of the Sky Club on Fifth Avenue.

While similar events were held at the Democratic convention in Boston last month, the New York partying will be more purposeful for one reason: ''The Republicans are the majority party. They run the administration, they run the House, they run the Senate. So anyone who wants to talk to them is there,'' says David Hoppe, a lobbyist at the Washington firm Quinn Gillespie & Associates. ''It is a good time to see people and establish personal relationships.''

Among the hosts for Bonilla's bash are the Wine Institute, which represents California vintners; Christine Pellerin, a former Bonilla aide who lobbies on appropriations matters; and UST, whose tobacco and wine interests fall under the jurisdiction of Bonilla's agriculture subcommittee. Bonilla is just one of many committee chairmen and members of the House and Senate leadership who will be feted at what may be the most expensive round of receptions, dinners, concerts, golf outings and cruises ever at a political convention.

''The entry fee for participation has gone up dramatically,'' says David Rehr, president of the National Beer Wholesalers Association, who is contributing either beer or money to help sponsor nine parties this week. To get top billing as a sponsor for an elaborate event can cost $100,000 or more; lower-level sponsorships are available for $50,000 or $25,000.

Rehr attributes that at least in part to a new campaign-finance law that bars corporations, unions and trade groups from giving big checks known as ''soft money'' to the political parties. Staging lavish parties ''is now the only legitimate outlet for soft money,'' he says. ''People have this pool of money and want visibility, or to show their commitment or loyalty, and to advance the reputation of a particular member (of Congress) or cause. So the parties are more lavish, the venues are bigger, the bands are bigger names than ever before.''

Top sponsorship for a Wednesday night benefit concert at Rockefeller Center costs $250,000. The event is being organized by Senate Majority Leader Bill Frist of Tennessee for his World of Hope foundation, which seeks to alleviate AIDS and other health problems in Africa. Frist's aides declined to name top sponsors.

The longest-running convention party is the one being thrown all four nights of the convention to honor Rep. John Boehner, R-Ohio, chairman of the House Committee on Education and the Workforce. It's at the Tunnel, a former nightclub on Manhattan's West Side.

The party-every-night tradition goes back to the GOP's San Diego convention in 1996, where nightly bashes for Boehner—then a member of the House leadership—got a reputation as the best events in town. Boehner's lobbyist friends replicated it at a Philadelphia warehouse in 2000 and are doing it again this year. The effort is led by Bruce Gates, a lobbyist for Washington Council Ernst & Young, a firm whose client list includes employers such as General Electric, Ford, AT&T and Verizon.

House Speaker Dennis Hastert of Illinois was the honoree at a reception Sunday afternoon sponsored by General Motors at Tavern on the Green, a glittering Victorian gothic restaurant on the edge of Central Park. The Distilled Spirits Council of the United States threw a reception at the New York Yacht Club for Rep. Thomas Reynolds of New York, chairman of the party's House campaign committee. And AT&T, Chevron Texaco, Target and Time Warner were among the sponsors of a martinis-and-bowling night for House Rules Committee Chairman David Dreier of California.

AT&T also is among the sponsors of a Tuesday ''Texas Honky Tonk for Joe Barton,'' the Texas congressman who chairs the House Energy and Commerce Committee. Barton's panel has wide jurisdiction over telecommunications, health and energy. And members of the House Financial Services and Senate Banking committees will be toasted at Madame Tussaud's Tuesday night, sponsored by JPMorgan Chase and Goldman Sachs.

Koch Industries, a Kansas-based oil company, is putting on a reception Thursday for Sen. George Allen of Virginia at the Rainbow Room at Rockefeller Center. BellSouth, Coca-Cola, Home Depot, UST and the Southern Co. are throwing a late-night party on Wednesday for Sens. Lindsey Graham of South Carolina and Saxby Chambliss of Georgia at the Supper Club in midtown Manhattan.

Among the busiest sponsors this week will be the American Gas Association, a trade group that represents 192 local natural gas utilities. They're putting on at least nine shindigs, from a ''Wildcatter's Ball'' honoring Sen. James Inhofe of Oklahoma, chairman of the Senate Environment and Public Works Committee, to a ''Wild West Saloon'' with the Charlie Daniels Band for Rep. Richard Pombo of California, chairman of the House panel that oversees natural resources.

All of it provides lobbyists with an efficient way to do their work. ''You go (to the convention) with a targeted plan of who you need to see, and you can get a lot of work done,'' says Scott Reed, a Republican lobbyist and political strategist. Approaching policymakers in a social setting puts them more at ease, he says, ''unlike in Washington, where you are normally coming to ask a favor or to help get somebody out of trouble.''

GOP'S WEEK EVENT-PACKED

Some of this week's events at the Republican convention:

Welcome reception for party donors aboard the aircraft carrier USS Intrepid, now a museum in the Hudson River with a view of the Manhattan skyline from its flight deck.

Golf tournament for donors at the Trump National Golf Club in Westchester County.

Brunch for Senate candidate John Thune of South Dakota aboard the Enterprise V, Amway Corp.'s gleaming, 165–foot, blue-and-white yacht.

''Space Jam 2004'' party for House Majority Leader Tom DeLay of Texas at Studio 450.

Dinner for the staff of the House and Senate commerce committees at Blue Water Grill, one of Manhattan's most popular restaurants with a ''sultry downstairs jazz room.''

A Metropolitan Museum of Art reception for Senate Majority Leader Bill Frist of Tennessee at the ''Temple of Dendur,'' an Egyptian temple dating to 15 B.C.

A Yankee Stadium fundraiser at the Yankees-Indians baseball game for Rep. Jerry Weller of Illinois. Tickets: $1,500, or two for $2,500.

''Breakfast at Tiffany's'' with Libby Pataki, wife of the New York governor.

The Republican Governors Association ''Rocks the Planet'' at Planet Hollywood in Times Square.

Martina McBride concert for Georgia's congressional delegation at the Roseland Ballroom.

Mr. DODD. Mr. President, earlier this week the House and Senate Democratic Leadership—forced to forgo a formal conference by one Republican Senator's insistence on blocking this bill—made public their comprehensive new ethics reform legislation. This legislation is historic, an important next step in the process of restoring the confidence of Americans in the legislative process. Designed to bolster congressional accountability, make the legislative process fairer and more transparent, and regulate more tightly the relationships between Members of Congress, executive branch officials, and lobbyists, it deserves our full support.

After being stymied by serious procedural hurdles in the last Congress, earlier this year in the Senate we passed a tough, comprehensive, bipartisan bill of which this body can be very proud. Regrettably, this week we had to overcome a filibuster by my Republican colleagues to get this bill to this point—a filibuster on a bill very similar to the earlier Senate-passed bill for which many of them voted. I congratulate my colleagues on voting earlier today to overcome objections from those who attempted to block its progress.

We should adopt this bill today without changes and send it to the President for his signature. It is important that Congress act quickly on this bill to help restore the confidence of all Americans in the legislative process and in the laws we write. That confidence, already low, has been further shaken by recent lobbying scandals and investigations, some involving funding earmarks. Bringing this bill to the floor as the first piece of legislation in this Congress was an indication of the depth of our commitment to restore the confidence of Americans in that process; I commend the majority leader for making this measure a priority and for pressing forward relentlessly, through many obstacles, to get this final version to the floor.

This bill, which passed the House by an overwhelming vote of 411 to 8 earlier this week, reflects the approach we took last year in developing reform legislation. I commend our Rules Committee chair Senator FEINSTEIN, along with Chairman LIEBERMAN of the Homeland Security and Governmental Affairs Committee, for working with our leaders to develop this strong bill. It is the final step in a lobbying reform process which has taken several years to come to fruition.

Let's remember why we are here: because of a need to respond to the crisis in confidence of the American people following the Jack Abramoff scandal in the House, a matter involving the bribery conviction of a Member of that body, and legal proceedings against certain other congressional and administration officials involving allegations of lobbying-related improprieties. The serious violations that have lead to last year's guilty pleas by former House Members and staff and the activities of Abramoff and his cronies in

which they violated lobbying, gift, and ethics rules have helped to create a climate of disillusionment and distrust of Congress. Americans made very clear in the last elections that cleaning up this process was a priority for them; it must also be a priority for us.

This comprehensive reform bill will help reduce the risk of future wrongdoing by lobbyists and officeholders. It is important to strengthen our current rules and procedures, where we can, to avoid future problems. But enforcing current rules is not enough; that is why we should adopt these tough new reforms today. And let me say that by making these changes we impugn no one in this body—I know my colleagues, many of whom I have worked with for decades, to be men and women of integrity, their behavior above reproach.

Regulating the relationships between lawmakers and lobbyists is not new. In 1876, the House tried to require lobbyists to register with its clerk, but enforcement was weak and not much came of these efforts. In the early 1930s, Congress held hearings on lobbying abuses, with little result. In 1938, the Foreign Agents Registration Act was enacted, followed by the 1946 Federal Regulation of Lobbying Act, the scope of which the Supreme Court soon narrowed. Additional minor reforms were implemented in the sixties, and then the Lobbying Disclosure Act of 1995 and new Senate gift and travel rules followed. And now this reform measure, the most sweeping of its kind since Watergate, will help shed further sunlight on the legislative process and illuminate how special interests influence that process.

It is clear that real, enforceable ethics reforms do work. Such reforms have over the years worked to improve the way Congress operates. Conflict of interest rules, earned-income limits, lobbying disclosure laws, the McCain-Feingold law and the honoraria ban, both of which I was privileged to play a role in, and other key reforms have helped ensure greater transparency and accountability to those whom we represent. But we must do more, and that is what this effort is about.

When we initially considered this legislation many months ago, Members from both sides of the aisle offered their ideas to improve the bill on the floor, which were incorporated into the final bill. That measure then passed 96 to 2. While some may quibble with the way one or another provision was finalized, virtually all of the bill's major elements have been retained in some form, and that is why this is a very strong product. Our leader rightly called it the strongest reform bill since the Watergate era; we should be proud to support it.

Since others have detailed what is in this bill—including provisions to slow the revolving door between Congress and the lobbying industry; tough new conflict of interest and postemployment rules; expanded disclosure of lobbyists' activities, including campaign-related activities; tightening of gift and travel rules; increased enforcement; requiring Members to pay charter rates to fly on private aircraft, and the like—I will not spend time doing that here. Suffice it to say this is a very strong bill, worthy of our support.

Finally, let me say a word about what I think is the elephant in the room on congressional reform efforts, and that is the need to enact comprehensive reforms of the way we organize and finance campaigns in this country.

As I have said, gift and lobby reforms do matter and are important. But while it is clear serious reform of the way some in Congress and their lobbying allies do business is needed, these changes alone won't address the core problem: the need for campaign finance reform which breaks once and for all the link between legislative favor-seekers and the free flow of inadequately regulated, special interest private money. Ultimately, this is more significant than lobbying, gift and travel rules, or procedural reforms on earmarks and conference procedures and reports.

My preferred reform approach would include a combination of public funding, free or reduced media time, spending limits, and other key reforms. Others will have different views and approaches. But I hope this will be just the first step in a process that will include comprehensive campaign finance reform. It took us years to enact the McCain-Feingold law, and it will likely take at least as long to enact a more comprehensive bill; we should get started on that effort as soon as possible. Real campaign finance reform must address not just congressional campaigns but also the urgent need to renew and repair our Presidential public funding system, which has served Democratic and Republican candidates—and all Americans—for 25 years.

The American public is way ahead of us on this issue. Too many believe the interests of average voters are usurped by the money and influence of lobbyists, powerful individuals, corporations, and interest groups. Too many believe their voices go unheard, drowned out by the din of special interest favor-seekers.

Our system derives its legitimacy from the consent of the governed. That is put at risk if the governed lose faith in the system's fundamental fairness and in its capacity to respond to the most basic needs of our society because narrow special interests hold sway over the public interest. Nowhere is the need for reform more urgent than on campaign finance. In the Rules Committee we held a recent hearing on the issue; I hope we will keep moving forward on it, and I intend to contribute to that debate as I have before.

I end where I began, with a concern about the confidence of Americans in Congress. Our credibility, and the credibility of the legislative process, is at stake. Let's not fool ourselves that these issues will ultimately be resolved without a fundamental overhaul of our campaign finance system. But in the wake of overwhelming approval by the House, let's adopt this measure and get it signed by the President, recognizing that it is an important next step in the reform process.

I again congratulate the majority leader for bringing this legislation back to the Senate floor and look forward to seeing it enacted into law so that we can help to begin to restore the confidence of the American people in the legislative process. I urge my colleagues to join me in voting aye.

Mr. KOHL. Mr. President, in the past few years, the newspapers were consistently laden with stories of scandal at every level of government. In November, the American people told us that they were tired of Congressional corruption. And today, the Senate finally acted. Despite countless hurdles and setbacks, today Congress will pass the most significant overhaul of lobbying and ethics rules in decades, and in doing so will fundamentally change the way we do business here.

Just as I did last year when I spoke on similar legislation, I want to make it clear to my constituents that I take no contributions from special interest PACS or lobbyists. I am beholden to no one except the people of Wisconsin, and I hold myself and my office to the highest standard of conduct regardless of any legislation.

But the growing number of scandals—and the strengthened voice of the American people against that corruption—made clear the need for this legislation. I have heard some of my colleagues on the other side of the aisle argue that this bill does not constitute true change. While these individuals focus on what they see as shortcomings, I choose to focus on the monumental reforms contained in the bill. The bill includes important restrictions on gifts and travel from lobbyists. It prevents a ''revolving door'' scenario, one in which Senators and senior staff are given complete access to lobby their former colleagues. Finally, the legislation restores common sense in its treatment of convicted Members of Congress by denying them Congressional retirement benefits.

I also support the earmark provisions contained in the bill. These bring an unprecedented amount of transparency to the earmarking process. It requires earmarks included in bills and conference reports to be identified on the Internet at least 48 hours before the Senate votes. Last minute additions to conference reports are subject to a 60-vote point of order under this bill. Every American deserves to know how their tax dollars are being spent, and I believe this bill helps our constituents do just that.

I will continue to represent the people of Wisconsin without regard to special interests. And I will continue to

hold myself and my office to the highest levels of accountability. It is my hope that this legislation will restore the trust of the American people, a trust eroded by so many Congressional scandals. It has been a long time coming, but the passage of this legislation today marks a new way of doing business in Washington, one that the voters have demanded and the people deserve.

Mr. SCHUMER. Mr. President, I rise today in support of S. 1, the Honest Leadership and Open Government Act. I would first like to extend my condolences to all those affected by the tragedy in Minneapolis. I watched the dramatic footage with horror and I can only hope we can quickly find the cause of this disaster and do all we can to prevent something like this from happening again.

This ethics bill is the product of many hours of hard work, and I commend Leader REID and Senators FEINSTEIN and LIEBERMAN for their leadership and determination in getting this done. Make no mistake. Today, this body is considering the greatest overhaul of legislative rules and procedure in generations. This ethics bill has passed the House overwhelmingly, and we should do the same without any further delay.

Last November, the American people sent a strong message to its leaders and that message read, ''Enough is enough!'' The people said, ''No more scandals! No more shady dealings!'' The people saw that Congress had needed to fix gaping holes in its ethics rules, and they voted for people they believed would make those changes.

So keeping with our promise to the American people, we developed comprehensive ethics and lobbying reform with an eye towards a quick passage. Back in January, this reform passed with a vote of 96–2. Unfortunately, the will of the people and the efforts of the Senate were stymied and we had to return to square one.

With this bill, however, we have overcome this obstruction and have a chance to pass what is being called ''landmark'' legislation by the reform community. And not a moment too soon. The American people expect their elected leaders to abide by the highest moral and ethical standards. We need to do everything we can to not disappoint them. The conversation at the dinner table should not be about how we let them down. It should not be about how the American people have lost trust in us. And that is why this legislation—and the corresponding message—is so important. It seeks to restore that trust that eroded over the past decade.

With this reform, we are closing loopholes, enacting restrictions, and creating transparency. These new rules are substantively the same as those passed by this body back in January; any statements to the contrary are simply false.

First and foremost, this bill will improve the culture in Washington by substantively changing the way that lobbyists interact with elected officials. The American public neither wants nor deserves another Abramoff scandal. With this bill, they can now be assured of clean and transparent interactions between K Street and the Hill. Rules will be placed on the travel and gifts that legislators can accept from lobbyists, and the revolving door between public and private employment will be slowed.

Additionally, lobbyists now face additional disclosure requirements. They must now file their disclosure forms twice as often, and certify that they have not given gifts of travel in violation of Senate or House rules. Lobbyists' participation in the campaign process must also be disclosed. Lobbyists must list their campaign contributions, and campaign committees must disclose the names of lobbyists that ''bundle'' contributions to the candidate.

These sweeping changes do not just apply to the lobbyists interactions but also to us and our conduct in the legislative process. This bill will change Senate procedure in various ways and seeks to end ''anonymous holds'' that hamper and disrupt the business of this body.

Additionally, this bill will shine new light onto the sometimes murky earmark process with new levels of transparency. For the first time, all earmarked appropriations and their sponsors must be disclosed to the public on the Internet at least 48 hours prior to Senate action. Not only will this provide the American people with a greater understanding of how their tax dollars are being spent, but it allows for a more comprehensive debate on the Senate floor to help ensure we are spending those same tax dollars wisely. Furthermore, each Senator must now certify that neither they nor their immediate family members will profit from any earmark they are requesting. This lends legitimacy to the projects that we fund, reassuring Americans that they are indeed necessary, and not just enriching politicians and their friends.

When we were all voted into office, the public enlisted their trust in us to act appropriately. We must not take that responsibility lightly. We must always strive for the high ground—where the process is clean and clear, and where the behavior is exemplary.

America expects nothing less from us.

So, Mr. President, I urge all my colleagues to support this monumental bill, and I hope that the Senate sends a message to the American public that we too are sick of corruption, shady dealings, and lies. This bill will take a giant leap forward to end that behavior. We cannot—and should not—wait any longer.

Mrs. FEINSTEIN. I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the bill we are about to vote on, including legislative history endorsed by the three principal Senate authors of the legislation: myself, Chairman LIEBERMAN and Majority Leader REID.

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

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007 SECTION BY SECTION ANALYSIS AND LEGISLATIVE HISTORY

TITLE I CLOSING THE REVOLVING DOOR

Section 101. Amendments to restrictions on former officers, employees and elected officials of the executive and legislative branches

This section prohibits very senior executive personnel from lobbying the department or agency in which they worked for 2 years after they leave their position. It bans Senators from lobbying Congress for 2 years after they leave office and bans senior Senate staff and officers from lobbying the Senate for 1 year after they leave Senate employment. Senior employees of the Senate are those who, for at least 60 days, during the 1-year period before they leave Senate employment, are paid a rate of basic pay equal to or greater than 75 percent of the basic rate of pay payable to a Senator. Section 101 also makes technical and conforming changes to 18 U.S.C. §207(e).

Section 102. Wrongfully influencing a private entity's employment decisions or practices

Section 102 prohibits members from influencing hiring decisions of private organizations on the sole basis of partisan political gain. It subjects those who violate this provision to a fine and imprisonment for up to 15 years. This section is not intended to preclude Senators from providing references or writing letters of recommendation that speak to the credentials of an individual.

Section 103. Notification of post-employment restrictions

This provision directs the Clerk of the House and the Secretary of the Senate to inform Members, officers, and employees of the beginning and end dates of their post-employment lobbying restrictions under 18 U.S.C. §207. It also requires the Clerk and Secretary to post such notifications on their Internet sites.

Section 104. Exception to restrictions on former officers, employees, and elected officials of the executive and legislative branch

This section removes any confusion as to whether lobbying rules apply to former federal legislative and executive senior staffers who go to work for Indian tribes, tribal organizations and inter-tribal consortia immediately after their federal employment.

The amended tribal provision applies lobbying restrictions to those former federal employees who do not work directly for tribes or the exempted tribal entities or who represent an entity in an unofficial capacity or on non-governmental matters.

Section 104 removes any ambiguity that federal employees who are assigned to Indian tribes, tribal organizations or inter-tribal consortia may represent the Indian entity before a federal agency, department or court without violating lobbying laws. Further, this section removes any ambiguity that only those former federal executive and legislative branch employees who go to work for tribes, tribal organizations and inter-tribal consortia and who perform official governmental duties associated with tribal governmental activities or Indian programs and services are exempt from lobbying laws.

Under the provision, only ''tribal organizations'' (for example, a tribal or village governing body) or ''inter-tribal consortia'' (defined as, a coalition of tribes who join to undertake self-governance activities) may employ former officials, who may be exempted. And, only employees of these entities who act on behalf of these entities and who participate in matters related to a tribal governmental activity or federal Indian program or service may be exempted.

Importantly, the amendment preserves federal policy that encourages former federal employees to go to work directly for Indian tribes and tribal organizations that provide governmental services.

Section 105. Effective date

The effective date for section 101 is for individuals that leave federal office or employment on or after the date of adjournment of the first session of the 110th Congress sine die, or December 31, 2007, whichever is earlier. Section 102 will become effective upon enactment. Section 103 requires the Secretary to begin issuing notifications after 60 days, and all notifications must be published on the Internet as of January 1, 2008. Section 104 goes into effect upon enactment; however the post-employment restrictions go into effect for individuals that leave federal employment on or after 60 days after enactment.

The new ''revolving door'' restrictions are effective only for officials or employees that terminate office or employment on or after the relevant effective date. A delayed effective date was deemed more reasonable and practical than an immediate effective date.

TITLE II FULL PUBLIC DISCLOSURE OF LOBBYING

Section 201. Quarterly filing of lobbying disclosure reports

Section 201 increases the frequency of lobbying disclosure reports from semiannually to quarterly filings, with required adjustments to dates, thresholds, etc. A number of practical consequences result from the changes in section 201. For instance, exempted from filing are those whose total income from lobbying activities does not exceed $2,500 or for whom total expenses in connection with lobbying activities do not exceed $10,000. The changes in the section decrease the threshold amounts that trigger required disclosures of earned income or expenses from clients on lobbyist disclosure reports from $10,000 to $5,000, and require registrants to round income and expenses to the nearest $10,000.

Section 202. Additional disclosure

This provision requires that lobbyists disclose whether their client is a State or local government or a department, agency, or other instrumentality of a state or local government on their reports filed under the Lobbying Disclosure Act.

Section 203. Semiannual reports on certain contributions

This section requires lobbyists to disclose semiannually their name, their employer, the names of all political committees that they established or control, the name of each Federal candidate, officeholder, leadership PAC or political party committee to whom they have contributed more than $200 in that semiannual period, payments for events honoring or recognizing federal officials, payments to an entity named in honor of a covered federal official or to a person or entity in recognition of such official, payments made to organizations controlled by such official, or payments made to pay the costs of retreats, conferences or similar events held by or in the name of one or more covered federal officials, and contributions to Presidential library foundations and Presidential inaugural committees in that semiannual period. To avoid duplicative reporting, the bill provides an exception for payments made to committees regulated by the Federal Election Commission with respect to the provisions relating to disclosure of payments made to events honoring or recognizing federal officials, to entities named in honor or recognition of federal officials, to organizations controlled by such officials, and to pay the costs of meetings, etc. held by officials. All of this information would already be reported elsewhere under provisions in this bill or under reporting required by the Federal Election Commission Act.

Section 203 also requires a certification by the lobbyist filing the disclosure report that the person is familiar with House and Senate gift and travel rules, and has not provided, requested, or directed a gift, including a gift of travel, to a Member, officer, or employee of Congress with knowledge that receipt of the gift would violate the relevant rules.

The bill directs the Clerk of the House and the Secretary of the Senate to submit a report to Congress on the feasibility of requiring such reports to be made on a quarterly rather than semiannual basis and expresses the sense of Congress in favor of moving to quarterly reporting in the future if it is practically feasible to do so. After the report is filed by the Clerk and the Secretary, an affirmative vote of Congress will be required to alter the frequency of the filing period.

Section 204. Disclosure of bundled contributions

This section requires certain political committees to disclose to the Federal Election Commission (FEC) the name, address and employer of each current registered lobbyist who has provided the committee with bundled contributions in excess of $15,000 in each six month period defined in statute. The aggregate amount of contributions is measured on a non-cumulative basis in each six month period.

The definition of ''bundled contribution'' in this section contains two prongs. Subparagraph 204(a)(8)(A)(i) covers the situation where a lobbyist physically forwards contributions to the campaign. Subparagraph 204(a)(8)(A)(ii) covers the situation where contributions are sent directly by contributors to the committee, but where the committee or candidate credits a registered lobbyist for generating the contributions and where such credit is reflected in some form of record, designation or recognition. An example of such designations would include honorary titles within the committee; examples of such recognition include access to certain events reserved exclusively for those who generate a certain level of contributions or similar benefits provided by the committee as a reward for successful fundraising.

The disclosure requirement is not triggered by general solicitations of contributions, or where a registered lobbyist attends an event or an event is held on the premises of a registrant. An event hosted by a registered lobbyist may trigger the disclosure requirement if the committee credits the lobbyist with the proceeds of the fundraiser through record, designation or other form of recognition, as described in the preceding paragraph.

This provision covers only contributions credited to registered lobbyists, as defined in subsection 204(a)(7). Contributions credited to others, including others who may share a common employer with, or work for a lobbyist, are not covered by this section so long as any credit is genuinely received by the non-lobbyist and not the lobbyist.

Subparagraph 204(a)(8)(A)(ii) requires that the contribution be credited by the committee or ''candidate involved.'' The candidate ''involved'' in the case of a principal campaign committee is the candidate for whom the committee is the principal campaign committee; the candidate ''involved'' in the case of a Leadership PAC is the candidate who directly or indirectly establishes, finances, maintains or controls the Leadership PAC; and the candidate ''involved'' in the case of a political party committee is the chairman of the committee.

The definition of ''Leadership PAC'' in 204(a)(8)(B) is intended to recognize the FEC rule on a related topic at 68 Fed. Reg. 67013 (December 1, 2003)—a Leadership PAC associated with a given Member of Congress is not deemed to be ''affiliated'' with that office holder's principal campaign committee for purpose of contribution or expenditure limits under the Federal Election Campaign Act.

Section 205. Electronic filing of lobbying disclosure reports

Section 205 requires lobbying disclosure reports to be filed in electronic form, and directs the Clerk of the House and Secretary of the Senate to use the same electronic software for receipt and recording of the filings.

Section 206. Prohibition on provision of gifts or travel by lobbyists that are registered or required to register under the LDA, to Members of Congress and to congressional employees

This provision prohibits registrants and lobbyists from providing gifts or travel to covered legislative branch officials with knowledge that the gift or travel is in violation of House or Senate rules.

Section 207. Disclosure of lobbying activities by certain coalitions and associations

This section amends existing rules in section 4(b)(3) of the Lobbying Disclosure Act requiring reporting of ''affiliated organizations.'' The bill closes a loophole that has allowed so-called ''stealth coalitions,'' often with innocuous-sounding names, to operate without identifying the interests engaged in the lobbying activities. Section 207 requires registrants to disclose the identity of any organization, other than the client, that contributes more than $5,000 toward the registrant's lobbying activities (either directly to the registrant or indirectly through the client) in a quarterly period and actively participates in the planning, supervision, or control of such lobbying activities.

The new provision includes several exceptions to narrow the rule. First, it does not require disclosure of an organization or entity that would otherwise be identified if the client already lists the organization or entity as a member or contributor on its publicly-accessible website. In such cases, the registrant must report the specific web page that includes the relevant information. If the entity would have been disclosed under the existing rule 4(b)(3) language (as adjusted, i.e., the entity contributes $5,000 per quarter to the lobbying activities and in whole or in major part plans, supervises, or controls the lobbying activities), however, that entity must still be disclosed. Second, the new rule makes clear that it does not require disclosure of individuals that are members of or donors to a client or an entity identified as an affiliated entity.

The provision requires disclosure only of organizations or entities that ''actively participate'' in the planning, supervision, or control of the lobbying activities described in the report. Entities or organizations that have only a passive role—e.g., mere donors, mere recipients of information and reports, etc.—would not be considered to be ''actively participating'' in the lobbying activities.

Section 208. Disclosure by registered lobbyists of past executive branch and congressional employment

This provision amends the requirement under the Lobbying Disclosure Act that lobbyists disclose their executive or legislative employment in the preceding two years. Specifically, section 208 extends the disclosure to include executive and legislative branch employment in the preceding 20 years.

Section 209. Public availability of lobbying disclosure information; maintenance of information

Section 209 directs the Secretary of the Senate and the Clerk of the House to maintain and provide online access to an electronic database in a searchable, sortable, and downloadable manner, that includes the information contained in registrations and reports filed under this Act for a period of 6 years after they are filed and provides an electronic link to relevant information in the database of the Federal Election Commission.

Section 210. Disclosure of enforcement for noncompliance

This section requires the Secretary of the Senate and the Clerk of the House to publicly disclose on a semi annual basis the aggregate number of lobbyists and lobbying firms referred to the U.S. Attorney for the District of Columbia for noncompliance with the Lobbying Disclosure Act. It also requires the Attorney General to report semiannually to Congress on the aggregate number of enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act and the amount of fines and prison sentences imposed.

Section 211. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements

Section 211 increases the civil penalty for violations of the Lobby Disclosure Act from $50,000 to $200,000. It imposes a criminal penalty of up to five years for knowing and corrupt failure to comply with the Act.

Section 212. Electronic filing and public database for lobbyists for foreign governments

This provision amends the Foreign Agents Registration Act (FARA) to require that mandatory registration statements or updates be filed electronically, in addition to any other form that may be required by the Attorney General. It requires the Attorney General to maintain a searchable and sortable electronic database, made publicly available on the Internet, that includes the information contained in registration statements and updates filed under FARA.

Section 213. Comptroller general audit and annual report

Under Section 213, the Comptroller General will annually review random samples of publicly-available registrations and reports filed by lobbyists, lobbying firms, and registrants and evaluate compliance by those individuals and entities with the Lobbying Disclosure Act—i.e., it will review the same registrations and reports that are available to the public. The GAO is required to report annually to Congress on its findings. The report will include recommendations to Congress on improving compliance and providing the Department of Justice with the resources and authorities necessary for effective enforcement. Under this provision, it is intended that the GAO audit lobbyist compliance with the Lobbying Disclosure Act; the provision does not give the GAO authority to audit the Secretary of the Senate or the Clerk of the House's activities under the LDA, including receipt, compilation, dissemination and/or review of information filed under the LDA.

Section 213(c) authorizes the Comptroller General to request and receive information from lobbyists, lobbying firms and registrants. This section provides the Comptroller General with the tools necessary to evaluate whether the information included by lobbyists, lobbying firms and registrants in the reports filed under this Act is accurate and complete, and thus whether these individuals and entities are complying with the Act. Nothing in this section provides authority for the GAO to obtain information protected by the attorney-client privilege.

Section 214. Sense of Congress regarding lobbying by immediate family members

Section 214 expresses the Sense of Congress that the use of family relationships by a lobbyist who is an immediate family member of a Member of Congress to gain special advantage over another lobbyist is inappropriate.

Section 215. Effective date

Sections 201, 202, 205, 207, 208, 209 and 210 apply to information in periods on or after January 1, 2008, and for subsequent registrations and reports. Section 203 goes into effect on the first semi-annual reporting period that begins after enactment. Section 204 goes into effect 90 days after the FEC has promulgated final regulations. Sections 206 and 211 go into effect upon enactment. Section 212 goes into effect 90 days after enactment. Section 213 requires the first audit to be done with respect to filings in the first calendar quarter of 2008 and the report to Congress be completed within 6 months after that quarter, with annual reports thereafter.

TITLE III STANDING RULES OF THE HOUSE

Title III includes changes to the Rules of the House. Information provided with respect to Title III simply summarizes the provisions of the Act and is not meant to be authoritative legislative history with respect to the provisions in that Title.

Section 301. Disclosure by Members and staff of employment negotiations

This provision prohibits House Members from engaging in any agreements or negotiations with regard to future employment or salary until his or her successor has been selected unless he or she, within three business days after the commencement of such negotiations or agreements, files a signed statement disclosing the nature of such negotiations or agreements, the name of the private entity or entities involved, and the date such negotiations commenced with the Committee on Standards of Official Conduct. It requires that Members recuse themselves from any matter in which there is a conflict of interest or an appearance of a conflict, and that Members submit a statement of disclosure to the Clerk for public release in the event that such a recusal is made. It requires senior staff to notify the Committee on Standards of Official Conduct within three days if they engage in negotiations or agreements for future employment or compensation.

Section 302. Prohibition on lobbying contacts with spouse of Member who is a registered lobbyist

Section 302 amends House Rules to require that Members prohibit their staff from having any lobbying contact with the Member's spouse if such individual is a registered lobbyist or is employed or retained by a registered lobbyist to influence legislation.

Section 303. Treatment of firms and other businesses whose members serve as House committee consultants

This section clarifies that when a person is serving as a House committee consultant, other members and employees of that person's employing firm, partnership, or other business organization, shall be subject to the same lobbying restrictions that apply to that individual under the Rules.

Section 304. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives

Section 304 directs the Clerk of the House of Representatives to develop a publicly available, searchable, sortable and downloadable website by August 1, 2008 to post Members' travel information that is required to be disclosed under rule XXV of the Rules of the House of Representatives.

It directs the Clerk of the House of Representatives to post on a publicly available website by August 1, 2008 Members' financial disclosure reports required to be filed under section 103(h)(1) of the Ethics in Government Act. Allows Members to omit personally identifiable information from these forms.

Section 305. Participation in lobbyist sponsored events during political conventions

This section prohibits Members from attending parties held in their honor at national party conventions if they have been directly paid for by lobbyists, unless the Member is the party's presidential or vice presidential nominee.

Section 306. Exercise of rulemaking authority

This provision acknowledges that the House adopts the provisions in this title as an exercise of its rule making power with full recognition of the constitutional right of the House to change those rules at any time.

TITLE IV CONGRESSIONAL PENSION ACCOUNTABILITY

Section 401. Loss of pensions accrued during service as a Member of Congress for abusing the public trust

Section 401 prohibits Members from receiving their pension earned while serving in Congress if convicted of bribery, perjury, conspiracy or other related crimes in the course of carrying out their official duties as a Member of Congress.

TITLE V SENATE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Section 511. Amendments to Rule XXVIII

Section 511 amends certain provisions of Rule XXVIII of the Standing Rules of the Senate, and adds a new provision to the Rule. Rule XXVIII currently provides for a point of order to be made against a conference report if the conferees add ''new matter'' ''not committed to them by either House.'' (The current rule also includes language purporting to prevent conferees from ''strik[ing] from the bill matter agreed to by both Houses.'' The bill authors, in consultation with the Parliamentarian, could not identify a situation in which this language could ever have effect. When there are amendments in disagreement, the conferees have no authority over matter not in disagreement, and thus could not strike such material. When a disagreement to any amendment, including an amendment in the nature of a substitute, has been referred to conferees, nothing has been ''agreed to by both Houses.'') As Rule XXVIII notes, conferees may include in their report matter which is a germane modification of subjects in disagreement, and the amendments made in this section do not change that rule.

Section 511 does, however, change the parliamentary consequences if conferees violate the rule by adding new matter. Rule XXVIII currently provides a very blunt instrument—if a point of order is sustained, the conference report is rejected or recommitted to the conference if the House has not already acted. Because many times the House will have already acted, successful invocation of Rule XXVIII would often spell the death knell for legislation. This result has two negative consequences. When successfully invoked, Rule XXVIII may derail legislation

that otherwise has strong bipartisan support. At the same time, because of the dramatic consequences from making a point of order under Rule XXVIII, it is rarely invoked. In fact, some Senators believe that the very blunt nature of Rule XXVIII has provided conferees more leeway to add new matter on ''must pass'' bills.

Section 511 amends the current Rule XXVIII point of order in two ways. First, it changes Rule XXVIII from a blunt instrument to a ''surgical'' one—if new matter is added by conferees, then a point of order may be made and, if successful, the new matter shall be struck, and the Senate will then proceed to consider whether to concur in the bill as so amended by the removal of the material stricken on the point(s) of order, and send it back to the House. Second, Section 511 adds the possibility of 60-vote waivers for points of order under the rule. The language in Section 511 is similar to that used in the so-called ''Byrd'' rule and is intended to be interpreted similarly—waivers may be as to one, multiple, or all points of order under the rule; waivers may be made after a point of order has been raised or prospectively. Section 511 also ensures that appeals from rulings of the Chair may be sustained only by an affirmative vote of three-fifths of all Senators (generally, 60 votes).

Separately, Section 511 adds a new paragraph 9 to Rule XXVIII, which requires that all conference reports be posted on a publicly accessible website controlled by Congress 48 hours prior to the vote on adoption of the conference report, as reported to the Presiding Officer by the Secretary of the Senate. This new rule is enforceable via a point of order, which may be waived by an affirmative vote of three-fifths of all Senators. The requirements of the rule may be fulfilled by posting the conference report on any publicly accessible website controlled by a Member of Congress, committee of either the House or Senate, the Library of Congress, another office of the House, the Senate, or Congress, or the Government Printing Office. Section 511 directs the Committee on Rules and Administration, in consultation with the Secretary of the Senate and the Clerk of the House, and the GPO to issue regulations to help harmonize practice among conference committees for the convenience of Senators and the public. Paragraph 9 may be waived by an affirmative vote of three-fifths of all Senators. Waivers may be made after a point of order is made or prospectively.

Under well-established Senate precedent, a new directed spending provision added in conference does not constitute ''new matter'' if it relates to the matter in conference. The modifications to rule XXVIII do not change the well-established rule. The new rule XLIV includes a separate provision relating to the addition of ''new directed spending provisions'' in conference.

Section 512. Notice of objecting to proceeding

Section 512 relates to the concept of so-called ''secret holds.'' Section 512 provides that the Majority Leader or Minority Leader or their designees shall recognize another Senator's notice of intent to object to proceeding to a measure or matter subsequent to the six-day period described below only if that other Senator complies with the provisions of this section. Under the procedure described in section 512, after an objection has been made to a unanimous consent request to proceeding to or passage of a measure on behalf of a Senator, that Senator must submit the notice of intent to object in writing to his or her respective leader, and within 6 session days after that submit a notice of intent to object, to be published in the Congressional Record and on a special calendar entitled ''Notice of Intent to Object to Proceeding.'' The Senator may specify the reasons for the objection if the Senator wishes.

If the Senator notifies the Majority Leader or Minority Leader (as the case may be) that he or she has withdrawn the notice of intent to object prior to the passage of 6 session days, then no notification need be submitted. A notice once filed may be removed after the objecting Senator submits to the Congressional Record a statement that he or she no longer objects to proceeding.

Section 513. Public availability of Senate committee and subcommittee meetings

Section 513 requires that, 90 days after enactment, Senate committees and subcommittees shall make available through the Internet a video recording, an audio recording or a transcript of all public meetings of the committee not later than 21 business days after the meeting occurs. This requirement may be waived by the Rules Committee upon request should the committee or subcommittee be unable to comply due to technical or logistical issues. To be issued a waiver, a committee will be expected to prove that none of the three means of recording a committee meeting are technically or logistically feasible in the space that the meeting is being held.

Section 514. Amendments and motions to recommit

Section 514 amends Rule XV of the Senate to require that an amendment and any instruction accompanying a motion to recommit be reduced to writing and read, and that identical copies be provided to the desks and the Majority and Minority Leaders before being debated. Section 514 further amends Rule XV to require motions to be reduced to writing if desired by the Presiding Officer or any Senator, and be read before being debated.

Section 515. Sense of the Senate on conference committee protocols

Section 515 expresses the Sense of the Senate that conference committees should hold regular, formal meetings of all conferees that are open to the public, that conferees should be given adequate notice of the time and place of such meetings, and be allowed to participate in full and complete debate on the matter before the committee, and that the text of the report of a conference committee should not be changed after the signature sheets have been signed by a majority of the Senate conferees.

Section 521. Congressionally directed spending

Section 521 establishes a new Senate Rule XLIV, which provides sweeping reforms to the treatment of so-called ''earmarks,'' limited tax benefits, and limited tariff benefits in legislation before the Senate. With respect to ''earmarks,'' the Rule provides a more accurate term—congressionally directed spending items—because congressional ''earmarks'' merely reflect the spending priorities of Congress, just as Presidential ''earmarks'' reflect the spending priorities of the President. The Constitution provides Congress control over the appropriations of the federal government, and congressionally directed spending constitutes a legitimate and important exercise of that authority. Rule XLIV also creates rules for ''limited tax benefits'' and limited tariff benefits in legislation—essentially, tax provisions and tariff suspensions that assist only a small number of beneficiaries. The provisions of Rule XLIV fall into three main categories—transparency, accountability, and discipline.

Paragraphs 1 and 2 of the new rule require the Chairman of the committee of jurisdiction (or the Majority Leader or his or designee) to certify that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills and joint resolutions (and accompanying reports), have been identified through lists charts, or other similar means, including the name of each Senate sponsor, on a publicly accessible congressional website, in a searchable format, at least 48 hours before the vote on the motion to proceed to consider the bill or joint resolution. If a point of order is sustained, then the motion to proceed shall be suspended until the sponsor of the motion (or his or her designee) has requested resumption and compliance with the requirements of the relevant paragraph has been achieved. In light of the possibility that it may take a day or more for compliance to be achieved and/or for a request for resumption, suspended motions under these paragraphs shall not terminate when Congress adjourns.

Paragraph 3 establishes a similar rule for conference reports the Chairman of the committee of jurisdiction (or the Majority Leader or his or her designee) must certify that all congressionally directed spending items, limited tax benefits, and limited tariff benefits in bills and joint resolutions (and the accompanying joint statement of managers), have been identified through lists, charts, or other similar means, including the name of each Senate sponsor, on a publicly accessible congressional website at least 48 hours before the vote on adoption of the conference report. If a point of order is sustained under paragraph 3, then the conference report shall be set aside.

The bill follows the basic approach taken by the House, which has ensured broad transparency throughout the appropriations process for the FY08 bills. In each case under paragraphs 1, 2, and 3, the point of order lies as to the existence or not of the certification. Especially given that the definition of ''congressionally directed spending'' requires that the item be included in the bill ''primarily at the request of a Senator,'' the Parliamentarian has no capacity to determine whether a given item is or is not a ''congressionally directed spending'' item and thus is not in a position to determine the accuracy of the list. Requiring the Parliamentarian to make such a determination independently is not only unworkable in practice (e.g., even if the Parliamentarian could make a determination, it would take a tremendous amount of time and resources to compile the lists that are already compiled by numerous committees, each with their own staff), it is impossible—the Parliamentarian has no choice but to defer to the Committee Chair in determining why a particular item was included in a bill. Similarly, the Parliamentarian is not in a position to know the number of individuals or entities impacted by a tax or tariff provision, and so must defer to the relevant Committee Chair on that information.

The authors fully expect that Committee Chairs (and in the unusual case that the Majority Leader or his or her designee must provide the certification, the Majority Leader or designee) will fully, honestly, and in good faith, comply with the requirements of the new Rule. Given the role of the Ranking Member in compiling the bill and the list of congressionally directed spending items, a Chairman may request that the Ranking Member (and the Chair and Ranking Member of a relevant subcommittee) join him or her in making the certification. In addition, it is consistent with the spirit of the rule if a Committee Chair chooses to identify Presidential earmark requests.

Rule XLIV provides rules on waivers and appeals from paragraphs 1, 2, and 3. Waivers may be made after a point of order has been raised or prospectively. The rule also places limits on appeals, because a successful appeal would eviscerate the paragraph under

which the appealed ruling had been made, eliminating the new transparency to which the Senate has committed itself. Rule XLIV places limits on debate for appeals and waivers, so that these are not used as dilatory measures.

Paragraph 4 of new Rule XLIV requires Senators that propose amendments containing congressionally directed spending items, limited tax benefits, or limited tariff benefits to identify each such item, and the Senate sponsor, in the Congressional Record as soon as practicable. Paragraph 4 also directs Committees to make publicly available on the Internet as soon as practicable after reporting a bill or joint resolution, the list of congressionally directed spending items, limited tax benefits, or limited tariff benefits included in the bill, joint resolution or accompanying report. Finally, paragraph 4 states that, to the extent technically feasible, information provided under paragraphs 3 and 4 shall be provided in a searchable format. The electronic version of the Congressional Record constitutes one option for a ''searchable'' publication.

Paragraph 7 provides that, for congressionally directed spending items in classified portions of a report accompanying a bill, joint resolution, or conference report, the committee of jurisdiction shall, to the greatest extent practicable consistent with the need to protect national security, provide a general program description, funding level, and name of Senate sponsor.

In addition to the requirement that Senate sponsors of congressionally directed spending items, limited tax benefits, and limited tariff benefits be identified, Rule XLIV requires accountability through paragraphs 6 and 9. Paragraph 6 requires Senators who request congressionally directed spending items, limited tax benefits, and limited tariff benefits to provide a written statement to the relevant Chairman and Ranking Member that identifies the name and location of the intended recipient or activity, the purpose of the item, and a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, consistent with the requirements of paragraph 9. Paragraph 9 makes the requirements of Rule XXXVII(4)—the longstanding Senate Rule against financial interest by Senators and Senate employees relating to any legislative action—specific to actions relating to congressionally directed spending items, limited tax benefits, and limited tariff benefits. It is anticipated that the Select Committee on Ethics will apply the requirements of paragraph 9 (including as incorporated by reference into paragraph 6) identical to the way in which it has applied Rule XXXVII(4).

Finally, Rule XLIV provides an important tool for disciplining the conference process to ensure that new directed spending provisions—i.e., directed spending provisions not included in either the House or the Senate bill committed to conference—are not added in conference. Specifically, paragraph 8 allows any Senator to raise a point of order against one or more new directed spending provisions added in conference. (It is important to note that the term ''new directed spending provision'' is defined differently than the term ''congressionally directed spending item.'') The term ''measure'' as used in paragraph 8 refers only to the bill or amendment committed to the conferees by either House. If the point of order is sustained, then the provision is struck from the bill and the Senate will then proceed to consider whether to concur in the bill as so amended by the removal of the material stricken on the point(s) of order, and send it back to the House. The rule includes the possibility of 60-vote waivers for points of order under the rule. The language is similar to that used in the so-called ''Byrd'' rule and is intended to be interpreted similarly—waivers may be as to one, multiple, or all points of order under the rule; waivers may be made after a point of order has been raised or prospectively.

Rule XLIV provides for a number of points of orders, and sets out rules for accompanying waivers and appeals. If Rule XLIV does not expressly provide for a point of order with respect to a provision, then no point of order shall lie under that provision. Rule XLIV also includes in paragraph 11, a waiver of all points of order under the rule with respect to a pending measure. As with other waivers in the rule, it may be made after a point of order has been made or prospectively.

Section 531. Post employment restrictions

Section 531 amends the current ''revolving door'' restrictions in Rule XXXVII of the Senate Rules. Specifically, Section 531 amends the rule to prohibit Senators from lobbying Congress for two years after they leave office and prohibits officers and senior employees from lobbying the Senate for one year after they leave Senate employment. Senior employees of the Senate are those who, for at least 60 days, during the 1-year period before they leave Senate employment are paid a rate of basic pay equal to or greater than 75 percent of the basic rate of pay payable to a Senator.

The new ''revolving door'' restrictions are effective only for Senate staff that terminate Senate employment on or after the date that the 1st session of the 110th Congress adjourns sine die or December 31, 2007, whichever is earlier. A delayed effective date was deemed more reasonable and practical than an immediate effective date.

Section 532. Disclosure by Members of Congress and staff of employment negotiations

Section 532 amends Senate Rule XXVIII to add new disclosure requirements for employment negotiations. This provision requires Senators to disclose within 3 business days any negotiations they engage in to secure future employment before their successor is elected. The new addition to Rule XXXVII also prohibits Senators from seeking employment at all as a registered lobbyist until his or her successor has been elected. It requires senior staff to notify the Ethics Committee within 3 days of beginning negotiations for future employment, and to recuse themselves from involvement in a matter should employment negotiations create a conflict of interest or the appearance of a conflict.

Section 533. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain

This section amends Senate Rule XXIII to revoke floor privileges and the use of the Members' athletic facilities and parking for former Senators, former Secretaries of the Senate, former Sergeants at Arms of the Senate and former Speakers of the House who are registered lobbyists. The Rules Committee will issue guidelines to allow those affected by this provision to participate in ceremonial functions and events on the Senate floor.

Section 534. Influencing hiring decisions

Section 534 amends Senate Rule XLIII to specifically prohibit members from taking official action or threatening to take official action in an effort to influence hiring decisions of private organizations on the sole basis of partisan political affiliation. This section is not intended to preclude Senators from providing references or writing letters of recommendation that speak to the credentials of an individual.

Section 535. Notification of post-employment restrictions

Section 535 requires the Secretary of the Senate to notify Members, officers or employees of the Senate of the beginning and end dates of their post-employment lobbying restrictions under the Senate Rules. It is expected that the Secretary of the Senate will encourage Senators and staff to contact the Ethics Committee for a full explanation of the terms of their post-employment lobbying restrictions. This provision goes into effect 60 days after the date of enactment.

Section 541. Ban on gifts from lobbyists and entities that hire lobbyists

Section 541 amends the gift rules in Rule XXXV of the Standing Rules of the Senate. This provision prohibits Senators and their staff from accepting gifts from registered lobbyists or entities that hire or employ them. The provision does not alter the exceptions under Rule XXXV(1)(c).

Section 542. National party conventions

This provision prohibits Senators from attending parties held in their honor at national party conventions if they have been directly paid for by lobbyists, unless the Senator is the party's presidential or vice presidential nominee.

Section 543. Proper valuation of tickets to entertainment and sporting events

Section 543 specifies that the market value of a ticket to an entertainment or sporting event shall be the face value of the ticket, or in the case of a ticket without a face value, the value of the highest priced ticket to the event. It allows the ticket holder to establish that a ticket without a face value is equivalent to a ticket priced less than the highest priced ticket by providing information related to the primary features of the ticket to the Ethics Committee. In order for a ticket holder to have the option to establish ''equivalency,'' he or she must provide information to the Ethics Committee prior to attending the event. The Committee may accept information obtained on the Internet from venues and third-party ticket vendors.

Section 544. Restrictions on lobbyist participation in travel and disclosure

Section 544 makes significant changes to the provisions in paragraph 2 of Rule XXXV of the Standing Rules of the Senate relating to reimbursement for travel for Senators and staff from third parties. Section 544 prohibits certain types of travel altogether, restricts other travel, and imposes new requirements applicable to all privately funded travel.

Section 544 generally prohibits privately funded travel paid for by entities that hire lobbyists or foreign agents. It creates two exceptions from this general rule. First, section 544 allows trips paid for by entities that hire lobbyists or foreign agents if they are for one-day's attendance/participation at an appropriate event (exclusive of travel time and an overnight stay). The Select Committee on Ethics is given authority to issue guidelines that would allow a two-night stay when practically required to participate in an event (e.g., an event requiring travel across the country). With respect to these ''one day trips,'' in addition to the other restrictions described below, the new rule prohibits lobbyists from accompanying the Member, officer, or employee on any ''segment of the trip'' in other than a de minimis way, and requires a trip sponsor to provide a certification to that effect. It is intended that this language be interpreted identically to the interpretation given similar language by the House Committee on Standards of Official Conduct in its memorandum dated March 14, 2007.

Second, section 544 allows trips paid for by 501(c)(3) organizations, regardless of whether

the organization hires a lobbyist or foreign agent. The Senate made the judgment that 501(c)(3)s, due to their non-profit and often educational or public-interest nature were not likely to be a source of abuse. In this respect, 501(c)(3)s are treated similar to entities that do not hire lobbyists or foreign agents.

Section 544 also establishes new rules across the board for all trips. It requires pre-approval from the Select Committee on Ethics for all trips. The Select Committee on Ethics must issue guidelines on the factors it will use to pre-approve a trip.

Additionally, regardless of trip sponsor, section 544 prohibits Senators, officers, or staff from participating in trips planned, organized, or arranged by or at the request of a lobbyist or foreign agent in other than a de minimis way, and a trip sponsor must provide a certification to that effect. As a general matter, the term ''de minimis'' means negligible or inconsequential. It would be ''negligible or inconsequential'' for a lobbyist to respond to a trip sponsor's request that the lobbyist identify Members or staff with a possible interest in a particular issue relevant to a planned trip or to suggest particular aspects of a Member or staffer's interest known to the lobbyist. For instance, if a trip sponsor that was a 501(c)(3) asked a lobbyist which staffers might be most interested in joining a trip to the U.S.-Mexican border and the lobbyist knew that a potential trip participant had a particular interest in the DEA's activities at the border, or in a particular border facility, then the conveyance and receipt of that information (in light of the trip sponsor's request), in and of itself, would not exceed a de minimis level of participation. Additionally, the mere presence of one or more lobbyists on the board of an organization does not exceed a de minimis involvement. If a lobbyist solicits or initiates an exchange of information with a trip sponsor, however, that would go beyond de minimis. Additionally, if the lobbyist has ultimate control over which Members or staff are actually invited on the trip, or determines the trip itinerary, each of these would go beyond de minimis. Certainly, if a lobbyist actually extends or forwards an invitation to a participant, or if an invitation mentions a referral or suggestion of a lobbyist, each of these would go beyond de minimis.

For all trips other than one day trips paid for by entities that hire lobbyists, the new rule prohibits a lobbyist from accompanying the Member, officer, or employee ''at any point throughout the trip'' in other than a de minimis way. This language should be interpreted in a manner different—and more broadly—than the concept of ''any segment of the trip.''

Both lobbyist ''accompaniment'' standards include a de minimis exception. The Act directs the Select Committee on Ethics to issue guidance on what constitutes ''de minimis.'' If the trip includes attendance at an event that meets the definition of a ''widely attended event'' under Rule XXXV(1)(c)(18), the trip sponsor is unlikely to know all attendees at the event. Accordingly, a lobbyist's attendance at a ''widely attended event'' also attended on the trip would be a type of de minimis ''accompaniment.'' Similarly, an organization cannot possibly know the other passengers that might be on a common carrier used during a trip if the organization has had no contact or coordination with these other passengers. Accordingly, the new rule does not require a sponsor to certify that it knows for certain that no lobbyist will be on such a common carrier.

Section 544 also improves disclosure of privately funded travel. It requires Members, officers and Senate employees to disclose the expenses reimbursed by a private entity not later than 30 days after the travel is completed and requires disclosure of greater detail on the types of meetings and events attended on the trip.

Section 544 includes a separate provision relating to flights on private jets. This provision requires Senators to pay full market value—defined as charter rates—for flights on private jets, with an exception for jets owned by immediate family members (or non-public corporations in which the Senator or an immediate family member has an ownership interest).

In general, the changes made by section 544 go into effect 60 days after enactment, or the date that the Select Committee on Ethics issues the required guidelines under the rule, whichever is later. Until the new rules take effect, the existing rules for travel will remain in place. In light of the transition to the new rule relating to reimbursement for flights on private jets and the lack of experience in many offices in determining ''charter rates,'' the Select Committee on Ethics may treat reimbursement at current rates as reimbursement at charter rates for a transition period not to exceed 60 days.

Section 544 includes an important caveat—nothing in section 544 or section 541 is meant to alter law or treatment under Senate rules, of gifts and travel that fall under the Foreign Gifts and Decorations Act or the Mutual Educational and Cultural Exchange Act. Gifts and travel under those provisions are governed by a separate regulatory regime.

Section 544 directs the Legislative Branch Appropriations subcommittee, and the Committee on Rules to examine within 90 days whether congressional travel allowances will need to be adjusted in light of the new restrictions on privately funded travel.

Section 545. Free attendance at a constituent event

Section 545 creates a new, narrow exception, to the gift rule for small constituent events. Specifically, section 545 allows Senators, officers or employees to accept free attendance at a conference, convention, symposium, forum, panel discussion, dinner event, site visit, viewing, reception or similar event in their home state if it is sponsored by constituents or a group of constituents, and attended primarily by at least 5 constituents, provided that there are no registered lobbyists in attendance, and that the cost of any meal served is less than $50.

Section 546. Senate privately paid travel public website

This provision directs the Secretary of the Senate to develop a publicly available, searchable website by January 1, 2008 to post Senators' travel information that is required to be disclosed under rule XXXV of the Standing Rules of the Senate.

Section 551. Compliance with Lobbying Disclosure

Section 551 makes clear that former members and staff who are registered lobbyists may contact the staff of the Secretary of the Senate regarding compliance with the lobbying disclosure requirements of the Lobbying Disclosure Act of 1995 despite post-employment lobbying restrictions.

Section 552. Prohibit official contact with spouse or immediate family member who is a registered lobbyist

This provision prohibits Senate spouses who are registered lobbyists from engaging in lobbying contacts with any Senate office, but exempts Senate spouses who were serving as registered lobbyists at least one year prior to the most recent election of their spouse to office, or at least one year prior to their marriage to that Member.

The provision also prohibits a Senator's immediate family members (including a spouse) who are registered lobbyists, from engaging in lobbying contacts with the Senator's staff.

Section 553. Mandatory Senate ethics training for Members and staff

This section requires the Ethics Committee to conduct ongoing ethics training and awareness programs for Senators and Senate staff.

Section 554. Annual report by Select Committee on Ethics

Section 554 directs the Ethics Committee to issue an annual report that describes the number of alleged violations of Senate rules received from any source, a list of the number of alleged violations that were dismissed, the number of alleged violations in which the committee conducted a preliminary inquiry, the number of alleged violations that resulted in an adjudicatory review, the number of alleged violations that the committee dismissed, the number of letters of admonition issued and the number of matters resulting in disciplinary sanction. Nothing in this section requires or allows the Ethics Committee to violate the confidential nature of its proceedings.

Section 555. Exercise of rule making power

This section acknowledges that the Senate adopts the provisions in this title as an exercise of its rule making power with full recognition of the constitutional right of the Senate to change those rules at any time.

Section 556. Effective dates and general provisions

All sections in this title go into effect upon enactment except for section 513, which goes into effect 90 days after enactment; section 531: This title shall take effect on the date of enactment unless otherwise noted.

TITLE VI—PROHIBITED USE OF PRIVATE AIRCRAFT

Section 601. Restrictions on Use of Campaign Funds for Flights on Non Commercial Aircraft

Section 601 amends the Federal Election Campaign Act to require that candidates, other than those running for a seat in the House of Representatives, pay the fair market value of airfare when using non-commercial jets to travel. Fair market value is to be determined by dividing the fair market value of the charter fare of the aircraft, by the number of candidates on the flight. This provision exempts aircraft owned or leased by candidates or candidates' immediate family members (or non-public corporations in which the Senator or his or her immediate family member has an ownership interest). The bill prohibits candidates for the House of Representatives from any campaign use of privately-owned, non-chartered jets.

Many candidates are not accustomed to determining charter rates. The FEC may, during a transition period of no more than 60 days, deem reimbursement at current rates to be charter rates while committees determine how to calculate charter rates.

TITLE VII MISCELLANEOUS PROVISIONS

Section 701. Sense of the Congress that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches

This section expresses the Sense of Congress that any applicable restrictions on Congressional branch employees in this title should apply to the executive and judicial branches.

Section 702. Knowing and willful falsification or failure to report

This provision increases from $10,000 to $50,000 the penalty for knowingly and willfully falsifying or knowingly and willfully failing to report financial disclosure forms

required by the Ethics in Government Act. It imposes a criminal penalty of up to one year of imprisonment and/or a fine for knowingly and willfully falsifying such report and imposes a fine for knowingly and willfully failing to file such report.

Section 703. Rule of construction

Section 703 provides that nothing in this Act shall be construed to prohibit any conduct or activities protected by the free speech, free exercise, or free association clauses of the First Amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much time does our side have?

The PRESIDING OFFICER. The Senator from California has 3 minutes 19 seconds.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I would like to say something in response.

Basically, the earmark language is formed on the DeMint language that was in the Senate bill. What happened was that staff sat down with all of the Parliamentarians for several hours to determine the workability under Senate rules and procedures of the language. Amendments were made that would make the language workable.

Now the Senator from South Carolina contends that the Parliamentarians should review the entire bill and rule on whether each and every earmark is listed by the Chair and vet that earmark.

When our offices spoke with the Parliamentarian's office, we realized that this was not a workable situation and could lead to gridlock in the Senate. Now, maybe that is what the junior Senator from South Carolina wants, but I, for one, believe the American people want us to carry out their business.

There is full disclosure. There is full transparency. The committee chairs must certify that the earmark list is complete. It must be published on the Internet 48 hours before it comes before the Senate. Disclosure and transparency is what earmark reform is all about. No more dark of night additions to bills, even when the conference committee is often closed.

Once again, if the junior Senator from South Carolina had allowed a conference, Members would have been able to sit down in the full light of day and, Member to Member, House to Senate, discuss this. But instead, he alone—he alone—despite importation after importation to allow the conference to go ahead, would not allow it to go ahead. One Member. That effectively would have stopped the bill—stopped the bill. Instead, the majority leader and the Speaker of the House, after the bill passed the House by a wide margin, believed this was too important to let one Member—one Member—stop it. So they figured a way to bring a bill from the House, which is what is now before us.

To me, this is all sour milk, spoiled milk. He would have stopped the bill dead if he could have his way. But it didn't happen that way. And you know, there is more than one Member of the Senate. There are more than 2, 3, 4 or 5; there are 100 Members. Members' views have to be taken into consideration.

Yes, there was some change in the language, but there is nothing in the change of language that in any way, shape or form stops full disclosure or the certification of the committee chair or stops putting it on the Internet 48 hours before it comes to the board. It is real reform.

I hope there will be the votes here for cloture. I urge the Senate of the United States to vote for cloture on what is the most significant ethics and lobbying reform bill since Watergate.

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

Who yields time?

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank my colleagues for this good and open debate. I remind them that I supported this bill in the beginning and have asked unanimous consent a number of times that it go to conference. As many of us have pointed out, the earmark provision is a Senate rule that doesn't need to be conferenced with the House. The only reason to make it part of a conference bill is so it can be changed.

I offered all along that if there were changes the majority wanted to make, we were very open to that. We wanted to end up with some real earmark transparency that all of us have voted on. As we have pointed out this morning, it is not disclosed, and it is not transparent if the majority can simply say it is, without having to prove its accuracy. That has been the cause of so much corruption. I think it is certainly worth stopping and looking at what we have done.

This language is hardly minor, as far as the change that has taken place. If it were, the majority would not insist that their version rule today. I urge all my colleagues to vote against cloture—not to vote against ethics reform, which we all support, but to vote against this process that will not allow us to reinsert something we all voted for and we all said in public is the right way to handle earmark reform.

I thank the majority leader for all his work. I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, more than 6 months after the Senate passed its own lobby reform bill, we are now being asked to vote on a Democrat-written alternative that promises to be less effective but in some ways stronger than current law.

I was a cosponsor of the original version, and its passage by an overwhelming vote of 96 to 2 in January marked an early high point of bipartisanship in this session and it was an unmistakable sign of the strength of that original bill.

Americans were right to be outraged by the scandals that surfaced last year. They were right to hold their lawmakers to the highest standards of conduct, and passing this bill will send a strong and necessary signal that the Senate has recommitted itself to that trust.

As I said, in some key areas, this bill is an improvement over the status quo. But this isn't the bill I would have written, and it would have benefited from a lot of Republican input.

The earmarks provision was passed unanimously in January and was supported by every single Democrat in the Senate, and it was strong; the earmarks provision in this bill is not.

Several new provisions make hardly any sense at all. My largest concern is what we are doing to our own staff. It is unclear to me why in this bill we treat House staff more leniently than our most trusted advisers in the Senate or even those in the executive branch, for that matter. I find this provision particularly offensive.

The gift ban and the new travel restrictions are tricky and vague by extending the ban to not just lobbyists but also to any entities that employ or retain them. Does that mean I have to refuse the key to a city, since cities have their own lobbyists and mayors belong to associations that employ and retain them?

How about a 22-year-old staff assistant who has to wait tables to make ends meet? What happens when they wait on a lobbyist or someone who works for an organization that retains one? Do they have to refuse their tips? You get the drift.

This provision is bound to create problems for well-intentioned Members and staff. I look to the Ethics Committee to provide some clarity to what, at the very least, can be described as a rather murky and unworkable provision.

The new rule on charter flights is seriously deficient. Members who are rich enough, or have family members rich enough, to own their own planes have nothing, of course, to worry about. Everybody else does.

For example, all Presidents, who are required by the Secret Service to travel on Air Force One, will have to reimburse the Government at the full charter rate—which is roughly $400,000 per hour—if they use it for campaign travel. That not only means the end of Presidential fundraisers outside Washington for Democrats and Republicans, it means the end of Presidents doing fundraisers for Members outside the District of Columbia. You would have to have a $5 million fundraiser to pay

for the trip. I assume this was not the intent of the authors of the bill, but it will be the effect of what they have written. I know some Members, in particular, who might be surprised to learn about this. We have many of them in this body running for President on both sides.

Every one of these weaknesses would have been improved with Republican input, but we were unable to do so because there was not a conference.

I assure you we will return to the earmarks provision. It will be back. This bill isn't nearly as tough as it would have been on earmarks if Republicans had been involved in writing it. But weighing the good and the bad, many provisions are stronger than current law. I will support its passage.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding that all time has been used.

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, last November, there was a call across this country that culminated in the November election. It was a call for a change in the way Congress does its business. We had nine new Democratic Senators. During the campaign, they called for change—and they will achieve change today.

The legislation before us shows Congress heard this call for change. The change we have in this legislation, in fact, is big-time change. It is the most significant change in lobbying and ethics rules in the history of our country—some have said since Watergate, but I say in the history of our country.

This is S. 1, which was the first bill introduced in this body this year—our first and most important bill of the new Congress. Why was it No. 1? The American people—Democrats, Republicans, and Independents—knew our progress would depend on renewing the people's faith in the integrity of Congress. What does this legislation do?

Among other things, it requires Senators to pay fair market prices for charter flights, putting an end to abuses of corporate travel.

This legislation slows the revolving door by extending the ban on lobbying by former Members of Congress and senior staffers, and it prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected.

It puts an end to pay-to-play schemes such as the notorious K Street Project. It shines the light of day on lobbying activities by vastly increasing disclosure requirements, including disclosure of bundled campaign contributions.

It requires the Senate to disclose all earmarks for the first time ever.

We originally passed it by an overwhelming bipartisan vote of 96 to 2.

In June, I tried to send the bill to conference. I tried and I tried, but we were unable to go to conference because of objections by the minority. Some Republican colleagues expressed concern that this bill might lead to legislation that doesn't achieve the goals of the original bipartisan bill. I assured them then, and I assure them now, this bill has teeth. I asked them to withhold judgment until the final bill was complete.

I have heard a number of statements today about this bill from some of my friends on the other side of the aisle. They say we gutted earmark disclosure, that we have tried to hide earmarks, keep them in the shadows. This claim is just absurd.

For the first time ever, Senate Democrats have required all committees to disclose their earmarks and earmark sponsors. We didn't have to. It wasn't the law. But we did it. Last year, when the Republicans controlled this institution, not one earmark was disclosed. I don't recall a single speech about that failure last year by any of the Republicans who have spoken today.

Now, for the first time ever, we are already being transparent—fully transparent—about earmarks, and we are here to talk about that. But we hear these breathless claims made today that earmarks are being hidden. How can you describe how ridiculous that is? That is what it is.

Thirty-four pages of this legislation deal with earmarks. I might boast a little bit. Other staffs have worked on this, but I had two of the finest legal minds in this community working on it: Ron Weich, a graduate of Yale Law School, who worked on Capitol Hill for many years with Senator KENNEDY, went downtown and became a very successful lawyer. He decided he wanted to engage in more public service, so he came back to Congress to work with me. He is an experienced attorney, and he worked on this. He also worked with a Harvard law graduate, Mike Castellano, a wonderful young man who has spent months—not weeks, not days, not hours but months—working on this. So for anyone to castigate this legislation, they are castigating these two fine men, who have worked with numerous people throughout this body.

For each of the 11 appropriations bills reported so far this year, similar earmark disclosure is available on the Internet. It is already searchable. Those talking about earmarks, my Republican friends, are either ignorant of what is already happening or they are living in a parallel universe.

This legislation puts into the Senate rules the revolution in earmark disclosure and accountability we began this year. It requires all earmarks in bills, joint resolutions, and conference reports be disclosed on the Internet 48 hours prior to action on the floor. We don't intend to have to wait until 48 hours, so the bill directs committees to issue earmark lists as soon as possible after the bill is reported.

The bill requires that earmarks and amendments be posted on the Internet as soon as possible after being introduced. The language originating in S. 1 did not have any rules on amendments. We put them in there. If we were trying to hide amendments and hide earmarks, why would we add that to the bill?

This legislation, for the first time ever, allows a point of order to be raised against new earmarks added in conference.

One of the main arguments used by the opponents of reform is that the certification required by the committee chair or the majority leader would be a sham. We deal all the time with budget points of order. Do my colleagues think the Parliamentarians will say: Let's see, does this amendment exceed scoring levels? No, they have to depend on the chairman of the Budget Committee. The Budget Committee reports to them. They depend on the Budget Committee. The Parliamentarians—that is what they do, they are referees but they get their information from the committee chairman.

The argument of my opponents is beyond the pale. If effect, these Senators are arguing that the committee chairs and the leaders would cheat and lie. Who other than the chairman of the committee, similar to the Budget Committee, can tell the Parliamentarian where there are earmarks? It is impossible for the Parliamentarian to know if a Senator has requested an item. Someone has to tell him. I'm sure these Senators are not saying that Senator BYRD or Senator COCHRAN would lie. That is not a very good argument to use in this body. To say that would be an affront to what we do around here.

Further, the opponents have ignored a simple and unavoidable fact. The definition of ''earmark'' requires that the provision be added primarily at the request of a Senator. The Parliamentarian can't know that. The only person who could ever know for sure how a provision got added to the bill is the author of the legislation, the committee chair. The Parliamentarian has no capacity to figure out that a provision was added primarily at the request of a Senator, or was added because the President wanted it, or because everyone agreed it was a good policy. Under any circumstances, the Parliamentarian would have no choice but to defer to the committee chair.

I ask my friend, the junior Senator from South Carolina, as an example, to understand the hard work put into this legislation—hard work, really hard work. If there is something that is wrong with the legislation, talk to us about it. We will try to change it in subsequent legislation if this doesn't work. If there is a problem, I am happy to work with him, but don't denigrate this bill. We worked hard on it.

I so appreciate the work of Chairman FEINSTEIN. I so appreciate the work of Chairman LIEBERMAN. They both have reputations that are impeccable. One may not always agree with their policy, but their ability for honesty and integrity is above reproach.

I must also talk about RUSS FEINGOLD. When this session started, I asked RUSS FEINGOLD to draw up legislation, and he did that, and we have worked around that. Does anyone question the integrity of RUSS FEINGOLD? You cannot question his integrity, DIANNE FEINSTEIN'S, or JOE LIEBERMAN'S integrity. That is what this legislation is all about.

Anyone saying this bill is an obscenity—that is what one Senator said in the press, that this legislation is obscene—is impugning the integrity of three of the finest public servants we have in this country.

Another important leader on this issue is Senator OBAMA. He was in many ways the face of this bill last year. He has played an important role last year and this year, and I appreciate his input into this legislation.

This bill is not just a little bit of reform. Just listen to the outside reformers. Fred Wertheimer, a man who has been in this town since I have been here, talking about how we can improve this body in many different ways, Fred Wertheimer said this is ''landmark legislation.'' Those are his words, not mine.

The effort by opponents to try to denigrate this legislation is shameful. I don't care if they disagree with this legislation, but don't impugn the integrity of the people who are trying to do something that is positive and good.

This is good legislation. We have succeeded, the Democratic majority has succeeded. I appreciate the support of the minority, but the Democrats have succeeded in what Republicans couldn't do last year or the year before, and they have seized on one issue, earmarks, and blown it way out of all proportionality or rationality and have ignored reality to create doubts in people's minds.

The fact is, we have sweeping reform legislation in a whole host of areas—gifts, travel, lobbyist disclosure, stealth coalitions, reporting of lobbyist contributions, the revolving door. It is sweeping. The bill will change the way we do business.

Our work on this issue is done for now. I am confident the judgment of Democrats and Republicans alike will be favorable. The vote was 411 to 8 in the House of Representatives. Let us do the same. Let us send a message from coast to coast that this Congress is serious about delivering to the American people a government as good and as honest as the people it serves.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment on S. 1, the Ethics Reform bill.

JOE LIEBERMAN, HARRY REID, BYRON L. DORGAN, PATTY MURRAY, MARK PRYOR, JEFF BINGAMAN, JACK REED, DICK DURBIN, JON TESTER, TOM CARPER, PAT LEAHY, BENJAMIN L. CARDIN, DEBBIE STABENOW, JOHN KERRY, BARBARA BOXER, TED KENNEDY, KEN SALAZAR.

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 the motion to concur in the House amendment to S. 1, an act to provide greater transparency in the legislative process, 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

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

The yeas and nays resulted—yeas 80, nays 17, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—80

Akaka	Feinstein	Nelson (NE)
Alexander	Grassley	Obama
Barrasso	Gregg	Pryor
Baucus	Hagel	Reed
Bayh	Harkin	Reid
Biden	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Salazar
Boxer	Isakson	Sanders
Brown	Kennedy	Schumer
Byrd	Kerry	Sessions
Cantwell	Kohl	Shelby
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Chambliss	Levin	Stabenow
Clinton	Lieberman	Stevens
Collins	Lincoln	Sununu
Conrad	Lugar	Tester
Corker	Martinez	Thune
Dodd	McCaskill	Vitter
Dole	McConnell	Voinovich
Domenici	Menendez	Warner
Dorgan	Mikulski	Webb
Durbin	Murkowski	Whitehouse
Enzi	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—17

Allard	Cochran	Graham
Bennett	Cornyn	Inhofe
Brownback	Craig	Kyl
Bunning	Crapo	Lott
Burr	DeMint	McCain
Coburn	Ensign	

NOT VOTING—3

Coleman	Johnson	Klobuchar

The PRESIDING OFFICER. On this vote, the yeas are 80, nays are 17. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, we have two Senators who have requested to speak on this matter. Senator BYRD wishes 20 minutes, Senator MCCASKILL, 10 minutes. Following that, we would return to SCHIP and the vote on this bill—cloture was just invoked—will occur at 1:50 this afternoon. The time between 1:30 and—the time after Senators BYRD and MCCASKILL speak will be controlled by Senators BAUCUS and GRASSLEY.

I ask unanimous consent that be the case.

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

Mr. REID. Mr. President, I ask the motion to concur with the amendments be withdrawn.

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

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, at the beginning of this Congress, I committed to adding transparency and accountability to the process of earmarking funds for specific projects.

I see my friend from Mississippi here, the ranking member, on the Senate floor. I will say that again. Hear me.

At the beginning of this Congress, I committed to adding transparency and accountability to the process of earmarking funds for specific projects. While awaiting action by the Congress on ethics reform legislation, Senator COCHRAN, the able and very highly respected Senator from Mississippi who is on the Appropriations Committee, Senator COCHRAN and I—Senator COCHRAN is on the Senate floor at this point, I say for the record—Senator COCHRAN and I established rigorous standards for increasing such transparency. Based on those standards, the Appropriations Committee has reported, on a bipartisan basis, 11 appropriations bills that have identified the earmarks, and who—in other words, what Senator—requested them, meaning the earmarks.

We have required and we have received certification letters from every Senator who has an earmark that he or she and/or their spouses—meaning he or she and/or his or her spouse—that they have no financial interest in their earmarks. We are talking about Senators, 100 of them, who sit in this Chamber.

I want to say that once again. We, meaning the Senate Appropriations Committee, have required and received certification letters from every Senator who has any earmark—that Senator and his or her spouse—that they have no financial interest in their earmarks. Is that clear?

I have always maintained the highest standards. I will say that again. I have always maintained the highest standards for myself, ROBERT C. BYRD, myself, and for my staff, on ensuring that there are no conflicts of interest for

earmarks that I include in any legislation. Consistent with the standards that we established for the appropriations process, S. 1 now establishes a new Senate rule that will impose requirements for transparency and accountability for all bills.

In establishing these rules, the public should not conclude that the rules are somehow a sanction on the Congress for wasteful spending. In recent months there has been considerable attention to the issue of the earmarking of funds by Congress for specific projects. Some Members have asserted that all earmarked funding is wasteful spending or an abuse of power. All Senators endeavor—they had better. All Senators endeavor to weed out wasteful spending. But this notion that earmarked spending is inherently wasteful spending is flat-out wrong.

I am going to say that again. Hear me.

Some Members have asserted that all earmarked funding is wasteful spending or an abuse of power. Hogwash. All Senators endeavor to weed out wasteful spending. But this notion that earmarked spending is inherently wasteful spending is flat-out wrong. This notion that earmarked spending is inherently wasteful spending is flatout wrong.

Congress has the power of the purse and has had the power of the purse. That is the only real power that we Senators and Members of the other body and the President have. Congress has the power of the purse.

Since the beginning of the Republic, Congress has allocated money to specific projects and purposes. Did you get that? Listen.

Since the beginning of the Republic, Congress has allocated money to specific projects and purposes. For example, in 1798, $3,500 was appropriated for firewood and candles for the Treasury Department, and $454.41 was appropriated for rent of a house near Grays Ferry on the Schuylkill River.

Earmarks are arguably the most criticized and the least understood of congressional practices. There is nothing inherently wrong with an earmark. There is nothing inherently wrong with an earmark. An earmark is an explicit direction from the Congress about how the Federal Government should spend the people's money. It is absolutely consistent with the intentions of the Framers, codified in article I of the Constitution of the United States, giving the power of the purse, the power of the purse to the elected representatives of the people.

I shall quote:

All legislative powers herein granted—

That is the Constitution, the Framers speaking, the words of the Constitution—

legislative powers herein granted shall—

not may but shall—

be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

Those are the words, the immortal words of the Constitution written by the Framers, the Framers of the Constitution. I quote it again:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

In using this power, Congress has an obligation to be good stewards of the Public Treasury and to prevent imprudent expenditures. Congress has an obligation to guard against the corruption of any—I say any—public officials who would sell their soul and the trust of their constituency in order to profit from an official act.

But Congress does not err in using an earmark to designate how the people's money should be spent. This is a power. This is a power that does not belong to the President of the United States or to any of the unelected bureaucrats in the executive branch. It belongs where and to whom? It belongs to the people, the people out there on the hills and in the valleys, across this great land. It belongs to the people through their elected representatives in Congress. That is here. Their elected representatives. I am one of them, the elected representatives.

Earmarks are not specific to appropriations bills. Earmarks can be found in revenue bills. Hear me now. Earmarks can be found in revenue bills. You get that? Hear me now. Earmarks can be found in revenue bills as tax benefits for narrowly defined constituencies. Earmarks can be found in authorization bills. Did you get that? On authorization bills. Those are not bills that come out of the Appropriations Committees in the House and Senate; they are authorization bills. They may come out of the Committee on Ways and Means in the other body or out of the Senate Finance Committee. They can be found in authorization bills.

Earmarks can be found in the President's budget request. Hear that now. Listen. Are you listening? Earmarks can be found in the President's budget request. I want to say that again. I want to hear that again. Earmarks can be found in the President's budget request.

Well-intentioned though they may be, the civil servants making budget decisions in the executive, in agencies and offices of the Federal Government, do not understand the communities Senators represent. They do not meet with the constituencies of Senators. They do not know Members' States and their people. They can be a poor judge of what is necessary and what is frivolous from the perspective of the States and the people. These bureaucrats are not elected; therefore, they are not accountable to the people. I will say that once more. These bureaucrats are not elected; therefore, they are not accountable to the people.

If the Congress does not specify how funds are to be spent, then the decision falls to the executive branch—the executive branch—and the so-called experts at agencies to determine the priorities of this Nation. In such cases, the American people may never know who is responsible for a spending decision. The American people may never know how a spending decision is made. The American people may never hear anything about it. And with the executive bureaucrats, there is far less accountability to the people.

Critics of congressional earmarks—hear me—critics of congressional earmarks often overlook the success stories from earmark spending directed by Congress. Now, listen. Listen, all you skeptics, all you cynics, wherever you are. Do you hear me, the skeptics and the cynics? Congressional earmarks often overlook the success stories from earmark spending directed by Congress.

Let me give an example of earmark spending. Hear me. In the 1969 Agriculture appropriations bill, Congress earmarked funds for a new program to provide critical nutrition to low-income women, infants, and children. This program—are you listening? This program, which is now known as the WIC Program, has since provided nutritional assistance to over 150 million women, infants, and children, a critical contribution to the health of the Nation. That, I say, that is not—n-o-t—wasteful spending.

In 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC—that is here in Washington, DC, a children's hospital—even overcoming a Presidential veto. In 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC, even overcoming a Presidential veto. That funding resulted in the construction of what is now known as the Children's National Medical Center. That started out with an earmark, the Children's National Medical Center. The hospital has become a national and international leader in neonatal and pediatric care. Since the hospital opened, over 5 million children have received health care. Last year, Children's Hospital treated over 340,000 young patients and performed over 10,000 surgeries, saving and improving the lives of young children. That is not wasteful spending.

Let me go on. In 1983, Congress earmarked funds for a new emergency food and shelter program. In 2005 alone, the program served 35 million meals and provided 1.3 million nights of lodging to the homeless. The homeless. Have you ever been homeless? That is not wasteful spending.

I ask unanimous consent that I may proceed for an additional 20 minutes.

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

Mr. BYRD. I thank the Chair, and I thank all Senators.

In 1987, Congress earmarked—hear me—funds for the mapping of the human gene. This project became known as the human genome project. This research has led to completely new strategies for disease prevention and treatment. The human genome project has led to discoveries of dramatic new methods of identifying and

treating breast cancer, ovarian cancer, and colon cancer. I will say that once more: The human genome project has led to discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancer, saving many, many lives. Senators, hear me: This is not wasteful spending.

In 1988 and 1995, Congress earmarked funds for the development of unmanned aerial vehicles. I have to say that once more. In 1988 and 1995, Congress—that is us, your representatives, out there in the land, in the hills and valleys of this country—earmarked funds for the development of unmanned aerial vehicles. These efforts produced the Predator and the Global Hawk, two of the most effective assets that have been used in the global war on terror. This is not wasteful spending. I am talking about earmarks, the word ''earmarks.'' A lot of things have been said about the word ''earmarks.''

Each of these earmarks was initiated by Congress and produced lasting gains for the American people—not for me, not for you, but for all of us, the American people. In the rush to label earmarks as the source of our budgetary woes and amid calls to expand the budgetary authorities of the President, Members should remember why deficits have soared to unprecedented levels. Senators will recall that the President has not exercised his current constitutional authority. The President has not submitted a single rescission proposal under the Budget Act. The President has signed every regular appropriations bill that has produced the unprecedented growth in earmarks. What has wrought these ominous budget deficits is the administration's grossly flawed and impossible budget assumptions.

The war in Iraq has required the Congress—that is us—to appropriate $450 billion—billion, I say, billion dollars; there have been approximately 1 billion minutes since Jesus Christ was born; so the war in Iraq has required the Congress to appropriate $450 for every minute since Jesus Christ was born. I am talking about the war in Iraq. I didn't get us into that war. I was against going into Iraq. The war in Iraq has required the Congress to appropriate $450 billion of the people's money. Only 2 to 3 percent of discretionary funds is earmarked. Earmarking is hardly the fiscal wedge driving the deficit. Rather than dealing with these fiscal failures, too many would rather propagate specious argument that enlarging the President's role in the budget process and doing away with congressional earmarks will somehow magically reduce these foreboding and menacing deficits. It will not.

There is no question that the earmarking process has grown to excessive levels in recent years. From 1994 to 2006, the number of earmarks nearly tripled. Between 1956 and 2002—I was here during all of those years—Congress passed 20 highway bills that contained a total of 739 earmarks. In 2005, the Republican Congress passed and the President signed a single highway bill that contained 5,000 earmarks. Talk about earmarks. There is no question that the earmarking process has run amok. There was a single highway bill that contained 5,000 earmarks. This kind of excess in earmarking must end. It must go. That is why the Appropriations Committee took the lead to add transparency and accountability to the process.

In the joint funding resolution for fiscal year 2007, enacted in February, we implemented a 1-year moratorium on earmarks for fiscal year 2007. In that joint resolution, we eliminated over 9,300 earmarks from the fiscal year 2006 bills and reports. No new earmarks were contained in the bill for fiscal year 2007. While awaiting final action on S. 1, the Appropriations Committee took the lead by establishing guidelines for approving earmarks in the fiscal year 2008 bill. The Appropriations Committee has reported 11 of the 12 appropriations bills. For earmarks contained in the fiscal year 2008 bills and reports, the committee reports identify the names of any Member making a request or, where appropriate, the President, and the name and location of the intended recipient of such earmark.

Let me say that once again. The Appropriations Committee has reported 11 of the 12 appropriations bills. For earmarks contained in the fiscal year 2008 bills and reports, the committee reports identify the name of the Member—maybe it is ROBERT C. BYRD; perhaps it could be the distinguished ARLEN SPECTER from Pennsylvania, a great Senator—making the request or, where appropriate, the President, Mr. Bush, and the name and location of the intended recipient of such earmark.

For each earmark contained in the fiscal year 2008 bills and reports, a Member is required to certify in writing that he or she has no pecuniary interest in such earmark, consistent with Senate rule XXXVII, paragraph 4. Such certifications are available to the people, the public. All committee bills and reports, including all of the above information, are available to the people, available to the public, on the Internet and in printed form prior to floor action, meaning action here on this Senate floor.

Through the 11 committee reports, we have identified over 5,700 earmarks, totaling about $28 billion. Of the $28 billion in earmarks, over $23 billion, or over 80 percent of the earmarks, was requested by the President. Now, let me say that once again, please. Through the 11 committee reports, we have identified over 5,700 earmarks, totaling about $28 billion. Of the $28 billion in earmarks, over $23 billion, or over 80 percent of the earmarks, was requested by the President—the President of the United States, President Bush.

The level of nonproject-based earmarks is a substantial reduction below the level approved for 2006. We are not hiding these earmarks. We are highlighting them for the scrutiny of the American people. We are accountable for the decisions in these bills and reports.

The status quo is not satisfactory, and the Appropriations Committee has taken the lead in adding transparency and accountability to the process. Eliminating waste and abuse in the Federal budget process is important. Protecting the character and design of the Constitution is essential. Get it, get it, now. Let us not lose our heads—but keep our heads on our shoulders—let us not lose our heads, and subsequently the safeguards of our rights and liberties as American citizens.

S. 1 strikes the right balance. I urge its adoption.

Madam President, I have a parliamentary inquiry: Section 511 of S. 1 amends rule XXVIII concerning out-of-scope matter in conference reports, and section 521 establishes a new rule XLIV concerning congressionally directed spending in all legislation pending before the Senate. Specifically, section 521 contains rules concerning new congressionally directed spending that might be included in a conference report.

Madam President, am I correct that points of order concerning new directed spending will be considered pursuant to the new rule XLIV, rather than the amended rule XXVIII?

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator is correct.

Mr. BYRD. Excuse me, Madam President.

I will repeat that. Am I correct that points of order concerning new directed spending will be considered pursuant to the new rule XLIV, rather than the amended rule XXVIII?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Inquiring further, Madam President, am I correct that in paragraph 8(e) of the new rule XLIV—the new rule XLIV—the term ''measure'' refers to the bill or amendment committed to the conferees by either House, and not to the statement of managers?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Inquiring further, Madam President, the new rule XLIV requires the chairman—this is the new rule XLIV—requires the chairman of the committee of jurisdiction to certify that mandated information on congressionally directed spending, limited tax benefits, and limited tariff benefits is available on a publicly accessible congressional Web site at least 48 hours before a vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Am I correct, Madam President, that the Parliamentarian will rely on that certification for determining compliance with paragraphs 1, 2, and 3 of rule XLIV?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Madam President, I yield the floor.

SMALL BUSINESS TAX RELIEF ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 976, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

Pending:

Baucus amendment No. 2530, in the nature of a substitute.

Dorgan amendment No. 2534 (to amendment No. 2530), to revise and extend the Indian Health Care Improvement Act.

McConnell/Specter amendment No. 2599 (to amendment No. 2530), to express the sense of the Senate that Judge Leslie Southwick should receive a vote by the full Senate.

Thune amendment No. 2579 (to amendment No. 2530), to exclude individuals with alternative minimum tax liability from eligibility from SCHIP coverage.

Grassley (for Ensign) amendment No. 2541 (to amendment No. 2530), to prohibit a State from providing child health assistance or health benefits coverage to individuals whose family income exceeds 200 percent of the Federal Poverty Level unless the State demonstrates that it has enrolled 95 percent of the targeted low-income children who reside in the State.

Grassley (for Ensign) amendment No. 2540 (to amendment No. 2530), to prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State.

Grassley (for Graham) amendment No. 2558 (to amendment No. 2530), to sunset the increase in the tax on tobacco products on September 30, 2012.

Grassley (for Kyl) amendment No. 2537 (to amendment No. 2530), to minimize the erosion of private health coverage.

Grassley (for Kyl) amendment No. 2562 (to amendment No. 2530), to amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provide a 15-year straight-line cost recovery for certain improvements to retail space.

Baucus (for Specter) amendment No. 2557 (to amendment No. 2530), to amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent.

Webb amendment No. 2618 (to amendment No. 2530), to eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations.

The PRESIDING OFFICER. The time until 1:40 will be equally divided between the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY.

The Senator from Pennsylvania.

AMENDMENT NO. 2557

Mr. SPECTER. Madam President, I have consulted with both of the managers about bringing up amendment No. 2557. I consulted with Senator GRASSLEY, who advised that we would be going back on the bill at 12:45, but the distinguished Senator from West Virginia had extended his time. But I have been waiting here now for more than an hour. It would be my hope we could proceed with the consideration of this amendment. I am advised the managers want to see the amendment.

I am advised, Madam President, that the Democrats are fine with my calling it up. I just want to be sure—

Mr. SANDERS. Madam President, my understanding is that the Senator from Pennsylvania is correct. He can proceed.

Mr. SPECTER. In that event, Madam President, I ask unanimous consent that the pending amendment be set aside so we may consider amendment No. 2557.

The PRESIDING OFFICER. The amendment has already been offered.

Mr. SPECTER. Yes. Fine.

This amendment would eliminate the 1993 alternative minimum tax rate increase, a remedial step which I suggest to my colleagues is long overdue. The alternative minimum tax was created in 1969 in response to a small number of high-income individuals who had paid little or no Federal income taxes.

Today, because of a lack of indexing for inflation, and the higher AMT tax rates relative to the regular income tax system, we have a parallel tax system which has grown far beyond its intended result.

If there is no legislative action, the number of taxpayers subject to the alternative minimum tax will rise sharply from approximately 3.5 million filers in 2006 to some 23 million in 2007.

This issue has been before the Senate four times this year already. It will hit taxpayers in the moderate range excessively hard. The alternative minimum tax was increased in 1993 from 24 percent to 26 percent for taxable income under $175,000, and from 24 to 28 percent for taxable income in excess of $175,000.

There has been some question as to what is the offset and there is no offset, and none should be looked for where you have a tax which essentially was not expected to be imposed. There was no anticipation, no intention that this alternative minimum tax was going to produce additional revenue. So when the tax law is corrected so the additional taxes will not be imposed because of bracket creep—and this is designed to avoid that, and to redirect the alternative minimum tax to its original intent—that is exactly what tax fairness requires.

Madam President, I ask unanimous consent that the full text of my statement be printed in the RECORD.

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

STATEMENT OF SENATOR ARLEN SPECTER

SPECTER AMENDMENT #2557

Mr. President, I have sought recognition to discuss an amendment to H.R. 976, the Small Business Tax Relief bill. H.R. 976 will serve as a vehicle for legislation to reauthorize the State Children's Health Insurance Program (SCHIP) in the Senate. My amendment is identical to legislation (S. 734) I offered on March 1, 2007, to bring the Alternative Minimum Tax (AMT) back ''in line'' with the regular individual income tax by reducing its rate back to 24 percent. The 1993 AMT rate increase has contributed greatly to the problem of unintended taxpayers seeing increased tax liability.

The AMT is a flawed income tax system and there are many arguments for full repeal. It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. Today, between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we have a tax system which has grown far beyond its intended result. Absent legislative action, the number of taxpayers subject to AMT liability will rise sharply from 3.5 million filers in 2006 to 23 million in 2007. According to the Congressional Research Service (CRS), 874,000 taxpayers in Pennsylvania will pay the AMT in 2007 if no action is taken.

The Senate has had ample opportunity to address AMT in 2007. The Senate has already rejected four efforts to provide taxpayers with meaningful relief from the AMT in this first session of the 110th Congress. However, all attempts have been rejected: on July 20, 2007, I voted in support of a Kyl amendment to the Education Reconciliation Bill, which would have fully repealed the AMT; on March 23, 2007, I voted in support of a Lott amendment to the Budget Resolution, which would have allowed for repeal the 1993 AMT rate increase; on March 23, 2007, I voted in support of a Grassley Amendment to the Budget Resolution, which would have allowed a full repeal of the AMT; and On March 23, 2007, I voted in support of a Sessions Amendment to the Budget Resolution, which would have allowed families to deduct personal exemptions when calculating their AMT liability.

This onerous tax is slapped on average American families largely because the AMT is not indexed for inflation (while the regular income tax is indexed) and taxpayers are ''pushed'' into the AMT through so-called ''bracket creep.'' Temporary increases in the AMT exemption amounts expired at the end of 2006. The Economic Growth and Tax Relief Reconciliation Act of2001 increased the AMT exemption amount effective for tax years between 2001 and 2004; the Working Families Tax Relief Act of 2004 extended the previous increase in the AMT exemption amounts through 2005; and the Tax Increase Prevention and Reconciliation Act of 2005 increased the AMT exemption amount for 2006.

In addition to the well-known issue of the need to index the AMT exemption amount for inflation, the AMT tax rate relative to the regular income tax must also be addressed to keep additional taxpayers who were never intended to pay the AMT from being subject to its burdensome grasp. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans through the regular income tax. At the same time, the AMT tax rate was also increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000. These changes are now slamming the middle-class and have only been made worse by the tax relief enacted in 2001 and 2003. Ironically, by reducing regular income tax liabilities without substantially changing the AMT, many new taxpayers were pushed into these higher AMT

tax rates created in 1993. However, the problem is not the 2001/2003 tax relief, it was the 1993 tax increase.

According to revenue estimates calculated by the Joint Committee on Taxation, repeal of the 1993 AMT rate increase would cost $425 billion over the 2007–2017 period. In tax year 2007, 7.6 million filers would be removed from the AMT if the '93 AMT rate is repealed; and 13.2 million filers will be spared in 2017.

Millions of taxpayers have been sucked into AMT liability as a result of the 1993 AMT rate increase, and it would be the wrong approach to ''fix'' the AMT by increasing taxes yet again. In addition, some may argue that this amendment is fiscally irresponsible because the lost revenue is not fully offset. However, it is highly questionable to justify raising taxes elsewhere to account for lost revenue that was never intended to be collected.

The AMT is a flawed income tax system and there are many arguments for full repeal. At the very least, we should take steps to undo past mistakes, most notably the 1993 AMT rate increase. In what will likely be the final attempt to address AMT before we head home to speak with our constituents during the August recess, I implore my colleagues to cast an aye vote for my amendment. Twenty-three million Americans are counting on it.

I ask consent to enter into the record several articles published in the Wall Street Journal advocating for a repeal of the 1993 AMT rate increase. This legislation is supported by Americans for Tax Reform and by the National Taxpayers Union. I ask consent to enter into the record letters of support from Americans for Tax Reform (ATR) and the National Taxpayer Union (NTU).

Mr. SPECTER. It is a pretty simple, open-and-shut matter, and it does not take a whole lot of time to explain. I know the managers are not on the floor, but I did want to have the amendment considered, setting aside the other amendments, so we could engage in argument and be prepared to debate it further.

Unless the Senator from Vermont indicates—with a hand gesture, a time-out, no argument at this time—I will be available to return to the floor when the managers consider it appropriate. But I wanted to get this on the record.

Before departing, might I add my words of congratulations and admiration for the distinguished Senator from West Virginia. I hadn't planned to listen to his extended speech, but I wanted to be here at the moment it concluded, because sometimes when you are not here, half a dozen Senators precede you.

AMENDMENT NO. 2627 TO AMENDMENT NO. 2530

(Purpose: To ensure that children and pregnant women whose family income exceeds 200 percent of the poverty line and who have access to employer-sponsored coverage receive premium assistance)

Madam President, I have been asked to ask unanimous consent to temporarily set aside the pending amendment and call up amendment No. 2627 for Senator COBURN.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 2627 to amendment No. 2530.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont is recognized.

AMENDMENT NO. 2600 TO AMENDMENT NO. 2530

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2600, that the amendment be considered as read, and that it be set aside.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2600 to amendment No. 2530.

The amendment is as follows:

AMENDMENT NO. 2600

(Purpose: To amend title XXI of the Social Security Act to limit the use of funds for States that receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children)

On page 83, strike line 2 and insert the following:

level.

''(C) USE OF FUNDS.—Payments under this paragraph may only be used to provide health care coverage or to expand health care access or infrastructure, including, but not limited to, the provision of school-based health services, dental care, mental health services, Federally-qualified health center services, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.''.

AMENDMENT NO. 2571 TO AMENDMENT NO. 2530

Mr. SANDERS. Madam President, I ask unanimous consent that the pending amendment be set aside to call up Sanders amendment No. 2571, that the amendment be considered as read, and that it be set aside.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment 2571 to amendment No. 2530.

The amendment is as follows:

AMENDMENT NO. 2571

(Purpose: To establish an incentive program for State health access innovations)

At the end of title I, insert the following:

SEC. ___. INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.

Section 2104, as amended by section 108, is amended by adding at the end the following new subsection:

''(1) INCENTIVE PROGRAM FOR STATE HEALTH ACCESS INNOVATIONS.—

''(1) ESTABLISHMENT OF STATE HEALTH ACCESS INNOVATIONS INCENTIVE POOL.—

''(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP State Health Access Innovations Pool' (in this subsection referred to as the 'SHAI Pool''). Amounts in the SHAI Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

''(B) TRANSFER OF FUNDS.—Notwithstanding subsection (j)(1)(B)(i), from the amount appropriated for fiscal year 2008 under such subsection, $250,000,000 of such amount is hereby transferred to the SHAI Pool and made available for expenditure from such pool for the period of fiscal years 2008 through 2012.

''(2) AWARD OF GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible States from amounts in the SHAI Pool in accordance with this subsection.

''(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State—

''(i) for which the percentage of low-income children without health insurance (as determined by the Secretary on the basis of the most recent data available) is less than 10 percent; and

''(ii) that submits an application for a grant from the SHAI Pool for the purpose of carrying out programs and activities that are designed to expand access to health providers and health services for low-income children who are eligible for medical assistance under the State plan under title XIX (or a waiver of such plan) or child health assistance under the State child health plan under this title.

''(3) REQUIREMENTS.—

''(A) PRIORITY IN AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to grant applications that—

''(i) propose innovative approaches to increasing the availability of health care providers and services;

''(ii) create longer-term improvements in health care infrastructure;

''(iii) have potential application in other States;

''(iv) seek to remedy shortages of health care providers; or

''(v) result in the direct provision of health services.

''(B) PROHIBITIONS.—The Secretary shall not—

''(i) award a grant to carry out programs or activities which the Secretary determines would substitute for services or funds provided by a State or the Federal Government; or

''(ii) disapprove any grant application on the basis that programs or activities to be conducted with funds provided under the grant would be provided through or by an entity that otherwise receives Federal or State funding, such as a Federally-qualified health center.

''(C) TERM, AMOUNT, AND NUMBER OF GRANTS PER ELIGIBLE STATES.—

''(i) TERM.—A grant awarded under this subsection may be renewed each year for a period of up to 5 years, but in no case later than fiscal year 2012.

''(ii) AMOUNT.—No grant awarded under this subsection may exceed $2,000,000 for any fiscal year.

''(iii) NO LIMIT ON NUMBER OF GRANTS PER STATE.—Nothing in this subsection shall be construed as limiting the number of grants that an eligible State may be awarded under this subsection.

''(D) ANNUAL AGGREGATE LIMIT.—The aggregate amount of all grants awarded from the SHAI pool shall not exceed—

''(i) $50,000,000 in fiscal year 2008;

''(ii) $100,000,000 in fiscal year 2009;

''(iii) $150,000,000 in fiscal year 2010;

''(iv) $200,000,000 in fiscal year 2011; and

''(v) $250,000,000 in fiscal year 2012.''.

Mr. SANDERS. Madam President, as my colleagues know, this legislation, the SCHIP legislation, includes a $3 billion incentive pool, and the purpose of this pool is to provide States with the funding they need to do outreach efforts in order to attract children into the program. The reality is, however, a number of States today have already enrolled 90 percent of their kids into the SCHIP program, and with the passage of this bill, more States will soon be at that level.

Further, we want to provide strong incentives for States below the 90-percent enrollment to reach that level.

This amendment, in order to incentivize States to reach that level of 90 percent, would allow States to apply for multiple grants of up to $2 million each when they achieve an enrollment rate of greater than 90 percent of children below 200 percent of poverty. These grants would help assure the children we enroll in SCHIP have a place to go to receive medical care and to find the personnel they need to provide that care. These grants would come from a pool of money—the State Health Access Innovations Pool—of $250 million, about 8 percent of the $3 billion incentive pool. This money will be used to find innovative approaches to increasing the availability of health and providers and services and would result in the direct provision of health services.

The reason for this initiative is pretty clear. In Vermont and in many other parts of this country, one can, in fact, have health insurance and yet find it quite difficult to buy or to find providers of that service. So what we are saying is let us make sure that when our kids do have health insurance, there will be doctors, there will be dentists, and there will be other health care providers. This is a good amendment, and I certainly hope it will be supported.

The other amendment I have offered, amendment No. 2600, is a simple amendment to Section 111 of the Children's Health Insurance Program reauthorization. Section 111, as my colleagues know, applies to certain qualifying States that expanded their Medicaid Program to cover kids prior to the enactment of CHIP in 1997. I wish to commend the Finance Committee for working language into the current bill that will no longer penalize these ''early expansion States'' and will allow States to cover children between 133 percent and 300 percent of the Federal poverty level to be covered under the CHIP program.

My amendment simply states that payments to States to cover these children who were previously covered under Medicaid be used solely to fund health care-related activities. Specifically, the language states that payments may only be used to provide coverage or to expand access for health care infrastructure, including but not limited to the provision of school-based health services, dental care, mental health services, federally qualified health centers, and educational debt forgiveness for health care practitioners in fields experiencing local shortages.

This amendment is a simple provision that will specify that States benefiting from an increased match must use these funds for health care and will allow States to address coverage issues as well as the crucial area of expanding access to services, something that particularly affects rural and inner city communities. I urge support for this amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

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

DRUG COMPANY PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Madam President, I would like to take a few minutes today to discuss an important issue that affects all Americans who take prescription drugs. Specifically, I am going to speak about the need for greater transparency in the payment that doctors who bill Medicare and Medicaid receive from drug companies.

Over the past few years, it became apparent during my inquiries into the Food and Drug Administration that drug companies pay physicians for a variety of different reasons. Indeed, some of our leading physicians—doctors who have significant influence in their medical fields—receive tens of thousands of dollars every year from drug companies. For some, these payments can make up a considerable amount of their annual income.

The payments can take the form of honoraria for speaking engagements, payments to sit on advisory panels, and funding for research. Further, drug companies spend about $1 billion a year to fund educational courses that doctors are required to take every year called Continuing Medical Education, or CME.

In April, the Finance Committee staff prepared a report on pharmaceutical companies' support of Continuing Medical Education. This report found that some educational courses supported by drug companies have become veiled forms of advertising that encourage off-label use of drugs.

Let's review how this works. Right now, it is possible for a doctor to attend a CME—continuing medical education—course sponsored by a drug company. That same company can make payments to doctors who will teach the course, and the doctor who teaches the course can discuss the findings of research paid for by the company. Now, that may sound like a conflict and unethical, but that is how it happens. The whole field is connected by a tangled web of drug company money.

To try and understand this a little better, I have been exploring the money doctors get from drug companies, especially the doctors who work as academic researchers. Most universities require their academic researchers to report outside income. I have sent letters to a handful of universities to understand how well such a reporting system actually works. I haven't received all the information yet, but I can comment on some of the things I have already found.

Most universities require professors to report outside income that may create a conflict of interest with their research. This means that if a doctor at a university is receiving money from a company either for research, speaking fees or to sit on an advisory panel, then they have to report that income. But there appears to be a couple of problems, and let's say a couple of problems with the whole system, as I found out.

The only person who knows if the reported income is accurate and complete is the doctor who is receiving the money. The university doesn't necessarily police its own people to make sure they are reporting everything they are supposed to report. It seems that some of these academics are getting so much money coming in from so many different companies they need an accountant to be sure everything is reported accurately.

Second, these disclosures are usually kept secret. So if there is a doctor getting thousands of dollars from a drug company, payments that might be affecting his or her objectivity, the only people outside the pharmaceutical industry who will probably ever know about this are the people at that very university, if they are even keeping track of it, and we don't know that they are keeping track of it. But most Americans never get a fair chance to see this information.

To give one example, I sent a letter to the University of Cincinnati asking about how much money the drug companies have been paying one of their psychiatrists, Dr. Melissa DelBello. Back in May, The New York Times reported on the research done by Dr. DelBello to see if adolescents could be treated for bipolar disorder with a powerful drug called Seroquel, which is manufactured by Astra Zeneca. The study was funded by Astra Zeneca and showed that Seroquel was a good choice for treating bipolar disorder in children. Dr. DelBello's study was later cited by a prominent panel of experts who concluded that drugs such as Seroquel should be a first-line treatment for children with bipolar disorder.

Here is where it gets interesting. After Dr. DelBello released her study, Astra Zeneca began hiring her to give several sponsored talks. Another doctor told The New York Times he was persuaded to start prescribing drugs

such as Seroquel after listening to Dr. DelBello. But when the reporter from the New York Times asked Dr. DelBello how much money she got from Astra Zeneca, she told the paper: ''Trust me. I don't make much.''

Well, I decided to find out how much, and I went directly to the University of Cincinnati who, by the way, has been extremely cooperative, helpful, and responsive. Soon I figured out just how much ''not that much'' money is. Dr. DelBello's study, which helped put Seroquel on the map, was published in 2002. That next year, she got more money than she has ever received from the pharmaceutical companies—at least that is what the documents that I have say.

In 2003, Astra Zeneca alone paid her a little over $100,000 for lectures, consulting fees, travel expenses, and service on advisory boards. In 2004, Astra Zeneca paid her over $80,000 for the same services.

Now I am not saying this money was a payoff or suggesting there is something inherently bad with accepting drug company money, but let me tell you what Dr. Steven E. Hyman, provost, Harvard University and former Director of the National Institute of Mental Health, said.

He said these payments could encourage psychiatrists to use drugs in ways that endanger patients' physical health. Specifically, he said of doctors:

> We don't connect the wires in our own lives about how money is affecting our profession and putting our patients at risk.

I think this is a rather interesting assessment by Dr. Hyman.

But let me continue. Just last March, several leading physicians released a study on pharmaceutical company payments to physicians. They published this study in the Journal of the American Medical Association, one of the most prestigious journals in medicine. I would like to quote what they concluded about the need to provide public disclosure of these payments to doctors:

> Full disclosure would better allow the public to appreciate the relationship between industry and the health profession.

And so, for the sake of transparency and accountability, shouldn't the American public know who their doctor is taking money from? After all, anybody can go on the Internet and see who is funding the campaigns for federally elected officials. Because doctors are expected to look out for the health and well-being of their patients, shouldn't we hold doctors to similar standards?

In fact, some of this is already occurring. Minnesota requires drug companies to report any payments they give to doctors in that State. I think that is a good thing. Apparently, so do the citizens of Minnesota.

I think what we really need is a national program that will require all drug companies to report when they make payments to doctors. I don't think it would be all that hard for those companies to do. After all, companies have to make sure they know where every penny is going. So it should not be that hard to report some of it to the Federal Government and to the American people. Besides, they are already doing it in Minnesota.

In closing, I plan to continue my inquiry into drug company payments to doctors. In addition, I look forward to working with my colleagues in the Senate, as well as members of the pharmaceutical industry, to establish a national reporting system.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to be recognized for 7 minutes, and if the Chair would notify me when I have used 6 minutes.

The PRESIDING OFFICER. The Chair will do so. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this opportunity to speak in favor of the Children's Health Insurance Program and its reauthorization, which is the legislation that is before us. We hear the numbers that 6 million children benefit from the program today—over 6 million—and this will provide for an additional 3 million children.

I want my colleagues to know that each one of these people are people, they are families, and they are affected by what we do here today. I take this time to acquaint my colleagues to Deamonte Driver. He was a 12-year-old who didn't live far from here—6 miles from here—in Prince Georges County, MD. He had a tooth problem. His mother tried to get him help. He had no insurance, and he fell through the cracks. He had a brother, Dashawn Driver, who had six decaying teeth. They tried to get help for him. The mother thought the older brother was in worse shape than Deamonte. He started having headaches and was rushed to the emergency room. They found out his problem—he could not get to a dentist—was an abscessed tooth.

Before this, a social worker made 20 phone calls in an effort to try to get dental care for the Driver family, without success. They could not find a dentist willing to treat someone without insurance or in the Medicaid system. Deamonte ended up needing emergency surgery, which cost $250,000, and he ended up losing his life because the system did not provide care for a 12-year-old.

Mr. President, we can certainly do better than that. Dr. Koop, a former Surgeon General of the United States, said, ''There is no health care without oral health.'' Medical research has shown the linkage between plaque and heart disease. We know now that gum disease can be a signal of diabetes or a liver ailment or a hormone imbalance. We have to do better than we are doing today.

Dental disease is the most common childhood ailment in the United States to date. One out of five children between the ages of 2 to 4 will have some form of decaying teeth. By the time they reach 15, three out of five will have tooth decay.

There is an imbalance as far as the racial effects. Racial minorities are much more likely to sustain untreated tooth decay. Forty percent of African-American children have untreated tooth decay.

I thank my colleague, Senator BINGAMAN, for his leadership on these issues and for introducing legislation and moving forward to try to provide better oral health care for children. I thank Senator SNOWE for her leadership. I thank Senator BAUCUS and Senator GRASSLEY for including initiatives in the legislation that is before us that will help the States meet this challenge—the $200 million included in the bill. That will have a major impact to try to help American families.

We have an important opportunity before us in the legislation that we are considering to help our children, not only to continue the benefits for 6.6 million children but so that we can add another 3 million out of the 9 million who currently have no health insurance.

We have to do more, but this is our opportunity today, and we have to take advantage of it. Our health care system is in crisis.

Earlier this week, I introduced the Universal Health Coverage Act, which would require everybody in this country to have health insurance. I think it is essential that we address the major problems in our country of so many people being without health insurance. We should start with the children, and we can do that with the legislation that is before us.

Why is that important? Well, we know that children who are enrolled in the Children's Health Insurance Program or have insurance are much more likely to get primary health care. They won't use the emergency rooms as much. If you don't have insurance, you have no choice but to go to the emergency room. We have improved health care outcomes if the child has health insurance. We know they are much more likely to have immunization and primary health care.

I want to comment that—again, talking about families and individuals—the Finance Committee held a hearing on the Children's Health Insurance Program. The Bedford family from my city of Baltimore came down here and testified.

Mrs. Bedford said:

> We no longer have to decide whether a child is really sick enough to warrant a doctor's visit.

The Bedford family enrolled in the Children's Health Insurance Program in Maryland. The program is working. Without this legislation, we will have to reimpose freezes on enrollments and people will lose coverage. It happened

in my State. This is a bipartisan bill, and I compliment my colleagues for bringing forward a bill that we can get enacted into law.

In Maryland, we started a program on July 1, 1998. About 38,000 children were enrolled at first, and we are up to 101,000 children enrolled today. Maryland will get an increase in this bill from $67 million to $189 million. We will be able to enroll 42,000 more children in the State of Maryland. It is an important program.

I also compliment the committee for including outreach so that we can reach families who don't know how to enroll, or whether they are qualified to enroll, so we can get more families and children enrolled in the children's health care program.

Mr. President, I urge my colleagues to take advantage of the opportunity that we currently have before us. This is an opportunity in which we can make major progress in dealing with those children in our community who will either lose their coverage because we take no action, and those who currently have no insurance whom we can get enrolled in this program. It is a valuable program. We have an opportunity to move forward. So I urge my colleagues to support the fine effort of the Senate Finance Committee in bringing forward this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

ETHICS AND LOBBYING REFORM

Mrs. MCCASKILL. Mr. President, I rise today to say I am proud, very proud. I came to Washington hoping that we could make a difference in terms of the way business is done here. And I will be honest, I had some moments of doubt over the last 6 months. There were times that I wandered around the floor of the Senate, and even among my own party and the other party, and I heard kind of a murmuring of discontent over the ethics reform that we passed back in January. I got nervous that we weren't serious about it, that we really weren't going to push the kind of cleansing of things that we have done in the legislation before us on which we are about to vote.

This isn't hard, what we are doing. We are trying to live like everybody else in America. Most Americans don't have a corporation they can call for a ride on a jet plane. Most Americans don't have somebody who wants to pay for a fancy trip. Most Americans really don't have the ability to decide that one group in their State gets money when others don't. But we did here. That was wrong.

That is why I am so proud of this legislation. Is it perfect? No. I will wait—probably in vain—for that piece of legislation that we pass that is perfect. But because of our process, because of the glorious nature of a democracy, it is always a matter of give and take, always a matter of finding compromise to find that piece of legislation that can get enough votes so that we can send it to the President's desk. That is what this process was.

Now, I have some friends—and, frankly, some people I agree with—on the other side of the aisle who are unhappy with some of the provisions in this bill. They are willing to look at the bundling provisions, the ban on travel and gifts, and the ban on corporate jets. They are willing to overlook the revolving door reforms—reforms in terms of sneaking provisions into conference bills without them ever being in either piece of legislation in the House and Senate, and focus in on just the inadequacies of the earmark reform.

Well, would I have liked it to be a 67-vote point of order rather than a 60-vote point of order? Yes, I would have. Would I have wished for a system maybe that was even more transparent? Yes. But this is major reform. I will tell you that there are a few Senators who do not participate in the earmarking process, and I am not here to pat them or myself on the back for the fact that we do not do that.

I will say I think it is interesting that the phrase ''the fox in the henhouse'' was used as to the provisions in this bill. You know, there is a saying, ''all hat and no cattle.'' Well, I think that maybe this is the time to use the phrase ''all foxes and no hens,'' because if you step back from this issue of earmark reform, it is not complicated. It is pretty easy. As one of the cartoons said, ''We have met the enemy and it is us.''

All we have to do to achieve the transparency that we need is for every Senator to put every earmark request that they are making on their Web site. I will say it again. All we have to do is have every Senator put every earmark request they are making on their own Web site. And then it won't be hard to make sure that the chairman of the committee or the majority floor leader have, in fact, certified all of the earmarks. I am a little offended that there is some assumption that these chairmen and the majority leader would go out of their way to not tell the public there is a congressionally directed expenditure in the bill and will try to hide it. They are going to be caught if they do that. It is going to become public.

Then you will have the kind of accountability that really works around here. So I was disappointed when I heard that one of the Members of the other Chamber said he thought he could put earmarks in this conference report because we needed to vet it. It is not our job to vet them. It is not the Parliamentarian's job. They don't have the staff to do this. That is the job of the people of the United States because, guess what. It is their money.

This is a strong ethics bill. Even though I was a cosponsor along with the Senators who spoke against this on the earmark reform, I want to say this goes a long way in the right direction. It is a great effort. I am proud of Senator REID, Senator FEINSTEIN, Senator FEINGOLD, Senator OBAMA, and all of the other Senators who worked on this bill, and many on the Republican side have as well. I think we are going to pass it by a big number today. It is a moment we should all be proud of, an accomplishment we should herald, and we should remember that if we are worried about foxes, we ought to check in our own closet for that fox outfit before we start pointing the finger at anybody.

I yield back the remainder of my time.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion offered by the majority leader to concur in the House amendment to S. 1.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Ms. KLOBUCHAR), would vote ''aye.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

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

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—83

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Dorgan	McCaskill
Barrasso	Durbin	McConnell
Baucus	Enzi	Menendez
Bayh	Feingold	Mikulski
Biden	Feinstein	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nelson (FL)
Boxer	Hagel	Nelson (NE)
Brown	Harkin	Obama
Brownback	Hatch	Pryor
Bunning	Hutchison	Reed
Byrd	Inouye	Reid
Cantwell	Isakson	Roberts
Cardin	Kennedy	Rockefeller
Carper	Kerry	Salazar
Casey	Kohl	Sanders
Chambliss	Landrieu	Schumer
Clinton	Lautenberg	Sessions
Collins	Leahy	Shelby
Conrad	Levin	Smith
Corker	Lieberman	Snowe
Dodd	Lincoln	Specter

Stabenow	Thune	Webb
Stevens	Vitter	Whitehouse
Sununu	Voinovich	Wyden
Tester	Warner	

NAYS—14

Bennett	Craig	Inhofe
Burr	Crapo	Kyl
Coburn	DeMint	Lott
Cochran	Ensign	McCain
Cornyn	Graham	

NOT VOTING—3

Coleman	Johnson	Klobuchar

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

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

SMALL BUSINESS TAX RELIEF ACT OF 2007—Continued

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Virginia, Senator WEBB, be recognized for 1 minute; and then following him, the Senator from Oregon would like 3 minutes on the bill, and then Senator VITTER would be No. 3, with no time for Senator VITTER.

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

The Senator from Virginia.

AMENDMENT NO. 2618

Mr. WEBB. Mr. President, I ask for regular order with respect to my amendment No. 2618, which is a pending amendment to the Children's Health Insurance Program bill.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 2618, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent to modify my amendment, and I now send the modification to the desk.

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

The amendment, as modified, is as follows:

Strike Section 701 and insert the following:

SEC. ___. ELIMINATION OF DEFERRAL OF TAXATION OF CERTAIN INCOME OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

''(e) SPECIAL APPLICATION OF SUBPART.—

''(1) IN GENERAL.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

''(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of such corporations end.

Mr. WEBB. Mr. President, the technical modification to my amendment simply makes clear that the amendment strikes section 701 of the bill, which is the tobacco tax revenue-raising section, and replaces section 701 with a section eliminating the current law on tax deferral of foreign corporate income.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2934 WITHDRAWN

Mr. DORGAN. Mr. President, early in the consideration of the children's health insurance bill we are now considering, I offered an amendment, No. 2534. The amendment was to reauthorize the Indian Health Care Improvement Act, a piece of legislation we have moved through the Indian Affairs Committee, an authorization for Indian health care matters that has been proposed 11 times before in the last 8 years but has not passed the Congress.

We have a full-scale emergency and crisis with respect to Indian health care. I will not go on at great length except to say this: This Government has a responsibility for health care for Federal prisoners, and we also have a trust responsibility for health care for American Indians. We spend twice as much per person on health care for Federal prisoners as we do to meet our trust responsibility to provide health care for American Indians. I believe I can say without hesitation that there will be people who will die today and tomorrow in this country because we do not have adequate health care and have not kept our promise to the American Indians with respect to the trust responsibility for health care on Indian reservations.

I have determined we are going to pass this legislation this year. With the cooperation of my colleague from Montana, Senator BAUCUS, who indicated yesterday the Finance Committee will mark up this bill on September 12—it is a very important commitment from someone who shares my passion on this and who is a very strong supporter of American Indians and Indian health care—and with a commitment from Senator REID, who similarly is a very strong supporter of these issues, that he will bring that bill to the floor of the Senate in this session of the Congress—with those commitments, I believe we will now, finally, in the Senate, pass the Indian Health Care Improvement Act, at long last.

With those commitments, I am confident we are on the road to getting done what we need to get done to meet our responsibility. Because of that, I will withdraw my amendment to reauthorize the Indian Health Care Improvement Act on this Children's Health Insurance Program bill, and I ask unanimous consent to withdraw amendment No. 2534.

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

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much compliment the Senator from North Dakota. He is absolutely correct. This legislation is on a must-pass list. I have given my commitment to mark the bill up on September 12 in the Finance Committee. The leader has indicated he will give every assurance to try to get the legislation up on the Senate floor and go on to pass it. It has passed before, but it got hung up in the last Congress. It is high time we get this legislation passed, and I thank the Senator for, first, pushing the issue so hard and, second, working with the Senate to find an expeditious way to get this legislation passed.

Mr. President, I ask unanimous consent that after Senator VITTER is recognized, Senator KOHL be recognized for 5 minutes and Senator ALLARD be recognized for 10 minutes.

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

The Senator from Louisiana is recognized.

AMENDMENT NO. 2596, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. VITTER. Mr. President, I ask unanimous consent to set aside any pending business so that amendment No. 2596 may be called up.

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

Mr. VITTER. Now I send a technical modification to the desk.

The PRESIDING OFFICER. The Senator will suspend. The clerk will report.

The Senator from Louisiana [Mr. VITTER], for himself and Mr. DEMINT, proposes an amendment No. 2596, as modified, to amendment No. 2530.

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

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

The amendment (No. 2596), as modified, is as follows:

At the end of title I, insert the following:

SEC. _____. REQUIREMENT THAT INDIVIDUALS WHO ARE ELIGIBLE FOR CHIP AND EMPLOYER-SPONSORED COVERAGE USE THE EMPLOYER-SPONSORED COVERAGE INSTEAD OF CHIP.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

''(12) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

''(A) IN GENERAL.—No payment may be made under this title with respect to an individual who is eligible for coverage under qualified employer-sponsored coverage, either as an individual or as part of family coverage, except with respect to expenditures for providing a premium assistance subsidy for such coverage in accordance with the requirements of this paragraph.

''(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

''(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

''(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

''(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

''(III) cost-effective, as determined under clause (ii).

''(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

''(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

''(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

''(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

''(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

''(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

''(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

''(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

''(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

''(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

''(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

''(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

''(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

''(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

''(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

''(I) NOTICE OF AVAILABILITY.—A State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.''.

(b) APPLICATION TO MEDICAID.—Section 1906(d) (42 U.S.C. 1396e(d)), as added by section 401(b) is amended by adding at the end the following: ''The provisions of section 2105(c)(12) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.''.

Mr. VITTER. Mr. President, I also ask unanimous consent to add Senator DEMINT as a cosponsor of the amendment.

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

Mr. VITTER. Mr. President, this is an important amendment in the context of what we are doing with regard to the SCHIP program. It will ensure that families who are now covered by health insurance stay covered and are not, in fact—perhaps unintentionally but are nonetheless—kicked off or encouraged to leave their current health insurance for the SCHIP program. It is an issue called crowding out.

The goal of the amendment is very clear. We want to encourage children who are eligible for SCHIP but currently have access to employer coverage to use that employer coverage. If they have difficulty maintaining that because of costs, we want to give States the flexibility so they can maintain that coverage. What we do not want to do—certainly what I do not want to do, what Senator DEMINT does not want to do, and I hope what the huge majority of Members of this body do not want to do—is create a mechanism to push people off good private insurance or to encourage them to drop good private insurance or to encourage employers to drop that coverage simply because we are reauthorizing and perhaps expanding SCHIP. No child and no family should be forced onto any Government health insurance program if they are currently insured otherwise through the private sector, through the employer, et cetera.

CBO's own numbers show that 40 percent to 50 percent of the kids covered under SCHIP and 40 percent to 50 percent of those who would become eligible under this SCHIP expansion are, in fact, kids who are shifted out of private

coverage into SCHIP. The CBO analysis on this issue is very clear on this point. In my mind, there is no reason the taxpayers should be paying for that insurance for folks already on good private sector insurance. We should not be encouraging this very significant shift, this very significant crowding out.

As I suggested, opponents of this amendment might say: We are not for that because it may be too costly for some of these families to pay premiums in private plans even if they are currently on them. We recognize that argument and that reality. Our amendment—this is very significant—our amendment allows premium subsidies for these individuals who need that to keep them on their current private coverage and to ensure that coverage is affordable. We maintain State flexibility in implementing those subsidies. We give the States enough leeway, enough flexibility to create and maintain those subsidies to keep folks on good private insurance. The Vitter-DeMint amendment requires individuals who are eligible for SCHIP but currently have employer coverage to continue to use that coverage. If they truly need help, truly need premium subsidies, States have the flexibility to do that.

I believe the clear majority of the public and the majority of those in Congress support Government help to those who need it. But just as true, a clear majority of the public, a clear majority of us do not want to create an incentive to kick people out of insurance they have. We do not want to create an incentive for employers to end or limit insurance they have. That would be a very negative consequence of these good intentions. Our amendment prevents that to a great extent. In doing so, I have to say I think it draws a clear philosophical divide: Do we give people the resources, the ability to continue with their current quality care in the private sector or are we, in fact, all for pushing people into a one-size-fits-all Government-run program rather than allowing them that choice and that quality care in the private sector? My amendment says absolutely, if they are covered in the private sector, we want to encourage that to continue. We want to make sure that can work. We don't want to kick them out. We don't want to encourage employers to kick them out. But part of that is assisting families who really do need help to maintain that. That is a very important part of the Vitter-DeMint amendment also.

I think this is an idea which should have broad consensus and bipartisan support. I look forward to that on the floor of the Senate and invite my colleagues to look at this and then support the Vitter-DeMint amendment, No. 2596.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to talk about putting our country on a path to insuring all of its children. For the past decade, the Children's Health Insurance Program—CHIP—has given kids in working families the doctor's visits and medicines they need when they are sick, and the checkups they need to stay well.

Skyrocketing health care costs combined with a decline in employer-sponsored health insurance means that thousands of kids and families would go without basic medical care if CHIP did not fill the need. There are now more than 46 million uninsured Americans—9 million are children. This is simply unacceptable—every child needs health insurance.

Without health insurance, many families must forgo routine checkups, crossing their fingers that their children will stay healthy. If their son or daughter becomes ill, they wait to see if the symptoms go away. But delay can be tragic. If those symptoms linger or get worse, parents are forced to take their kids to the emergency room for help. When a common cold turns into pneumonia, what would have been a simple, cheap fix if caught early, mushrooms into a complicated, lengthy and expensive treatment.

Wisconsin's CHIP program, called BadgerCare, serves 67,000 working families and makes all the difference in a child's future. BadgerCare kids are healthier and more likely to succeed in school—including increased school attendance and a greater ability to pay attention in class.

However, there are over 100,000 kids in Wisconsin who are eligible for BadgerCare, but are left out—in danger of having a small health problem becoming a life threatening illness. In order to reach these kids, Wisconsin received a waiver from this administration to cover their parents. Secretary Leavitt recognized that when the family is insured, children have better access to health care and get the preventative health services they need saving expensive trips to the emergency room. BadgerCare provides seamless coverage for families and works to reduce the number of uninsured children. Strengthening BadgerCare will ensure that this successful program can continue to cover working families in Wisconsin. It is a good investment of our scarce Federal dollars.

The bipartisan Senate Finance Committee agreement to renew CHIP is the right approach. It provides an investment of $35 billion over 5 years to strengthen CHIP and it is completely paid for. No one loses health coverage as a result of this reauthorization. It keeps coverage for the 6.6 million low-income children currently enrolled in CHIP and gives States the resources necessary to reach an additional 3.2 million uninsured children eligible but not enrolled in CHIP.

The initial price tag may seem steep, but, in the long run, it will save money. By catching and treating childhood illnesses early, we will save money that would be spent on emergency care. I want to thank Senators BAUCUS and GRASSLEY for their tireless work on this compromise. It is my hope that the Senate will act to put kids first and support this bill.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2535, AS MODIFIED

Mr. ALLARD. I ask unanimous consent to modify amendment No. 2535.

The PRESIDING OFFICER. The amendment has not yet been called up.

Mr. ALLARD. I call up amendment No. 2535 and then ask unanimous consent that it be modified, and the modified version is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment No. 2535, as modified, to amendment No. 2530.

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

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: '', and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

''(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.''.

Mr. ALLARD. Mr. President, I ask Senator MCCONNELL be added as a cosponsor.

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

Mr. ALLARD. Mr. President, I come to the floor today to discuss my amendment to codify the unborn child rule in the pending SCHIP legislation. This needs to be done, and it needs to be done in this reauthorization. The unborn child rule is a regulation that since 2002 has allowed States to provide prenatal care to unborn children and their mothers. It recognizes the basic fact that the child is in the womb—the child in the womb is a child.

When a pregnancy is involved, there are at least two patients; there is the mother and there is the baby. It only makes sense to cover the unborn child under a children's health program. The bill before us modifies the SCHIP statute to allow States to cover pregnant women of any age. It also contains language that asserts that the bill does not affirm either the legality or illegality of the 2002 ''unborn child'' rule. My amendment would codify the principle of the rule by amending the SCHIP law to clarify that a covered child:

> includes, at the option of a State, an unborn child.

The amendment further defines ''unborn child'' with a definition drawn verbatim from Public Law 108–212, the Unborn Victims of Violence Act. So it is not new language in our statute.

My amendment would also clarify that the coverage for the unborn child may include services to benefit either the mother or unborn child consistent with the health of both. In addition, the amendment clarifies that the States may provide mothers with postpartum services for 60 days after they give birth.

Many States' definition of coverage for pregnant women leads to the strange legal fiction that the adult pregnant woman is a child. Surely it was not the intent of anyone to develop a State Children's Health Insurance Program to allow a loophole for States to define a woman as a child. Surely we can agree that the child in the womb who receives health care is a child receiving care along with his or her mother.

My amendment will also allow for coverage of the mother, whereas the pending legislation only allows for pregnancy-related services. There are many conditions that can affect the mother's health during pregnancy that are not related to her pregnancy. Under the pending legislation, a pregnant mother could not get coverage for any condition that is not related to her pregnancy. We should be allowing mothers to stay healthy so they will have healthy babies.

This also leads to reduced costs associated with premature or low birthweight babies. Eleven States are already using this option to provide such care through the State Children's Health Insurance Program. If the intent of the sponsors is to provide coverage for the pregnant woman and her unborn child, then they should have no problem supporting my amendment.

We should ensure that pregnant women and their unborn children are both treated as patients. This is a matter of common sense. Every obstetrician knows that in treating a pregnant woman, he is treating two patients, the mother and her unborn child.

Keeping this coverage in the name of the adult pregnant woman alone is bad for the integrity of a children's health program, bad for the child, and even bad for some of the neediest of pregnant women.

I am urging my colleagues to support my amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL.) The Senator from Montana.

Mr. BAUCUS. Madam President, as I have said many times in this debate, the Children's Health Insurance Program Reauthorization Act is good for America. I wish to take a few minutes to talk about why this children's health bill is good for my home State of Montana.

Montana ranks fifth highest in the Nation for the percentage of children without health insurance. In 2006, 37,000 Montana children did not have health insurance. That is one in every six children. More than half of those uninsured children, that is 19,000, were either eligible for Medicaid or for CHIP, the Children's Health Insurance Program, but not enrolled.

One of the reasons for our higher rate of uninsured kids is because the percentage of employers offering health care to Montana's working families is quite low. Less than half of all employers in the State of Montana offered health coverage in 2005. This means many working families do not have access to health coverage. Although families who do not have access to coverage through work could buy it on their own, health coverage is often priced out of reach for lower income families. The average cost of a family health plan on the open market in Montana is about $8,000 a year. That is nearly one-fifth of the family's income for a family of four earning $41,300, which is twice the poverty level. Again, the average cost is about $8,000, which is about one-fifth of a family's income for a family of four earning $40,000, and most families simply obviously cannot afford that cost.

CHIP, the legislation before us, offers affordable, comprehensive health coverage for working families. CHIP works, and it has helped thousands of Montana families.

Abigail Tuhy's family is one of those families. Abigail's mom, Fawn, is a mother of four, and Fawn's story tells volumes about why we need CHIP. She writes:

> I don't know what our family of six would do without [CHIP]. . . . In one year, my 2½-year-old had nine stitches because she split her head open and my 6 year old broke his arm two times. CHIP paid for the surgery, hospital stay and all of the care provided. CHIP has also paid for all of my children to receive all of their shots and their check-ups. Without CHIP, I would not have insurance for my children.

Abigail is only one of the more than 38,000 children helped by CHIP over the past decade. Today more than 14,000 Montana children are covered by it and the number is growing.

This year, the Montana legislature, for example, took a positive step forward, changing the CHIP eligibility level from 150 percent to 175 percent of the Federal poverty line. That is just over $36,000 for a family of four. Montana started implementing this expansion in July, which will bring an additional 2,000 children next year.

> This is clearly good news, but we cannot rest on our laurels. There are more uninsured children who need our help. The CHIP Reauthorization Act will provide Montana with the funding it needs to maintain current CHIP enrollment, fund its expansion, and make significant strides toward covering more of the uninsured children.

Under this legislation, Montana would receive about $28 million next year. That is $12 million more than its allotment for last year. New CHIP allotments, combined with new funds in the State to expand coverage to low-income children, could allow the State to cover as many as 12,000 children who are uninsured today.

The legislation before us also includes new funding to help Montana improve access to health care, including $200 million in new Federal grant money for States to improve the availability and comprehensiveness of dental health for children, and $100 million in Federal grants to improve outreach and enrollment, especially in rural areas.

This bill also includes provisions that specifically target Indian Country. Although Indian children are eligible for coverage through the Indian Health Service and tribal facilities, the IHS, the Indian Health Service, is only funded at 60 percent of need today, leading to tragic denials of care when funds run out. I mean it is abominable. This bill makes important changes to improve the health of Indian children. It provides new funds for outreach and enrollment in Medicaid and in CHIP. It also allows those Indians to use tribal documents to prove citizenship for Medicaid. It gives States a higher Federal match for translation and interpretation services in the program. And it requires the Secretary to monitor racial and ethnic disparities in care. All move us to a healthier future for Indian children in Montana.

As we debate CHIP today, let us remember the uninsured children in our home States, those kids who need help. In Montana, there are mothers whose daughters have cystic fibrosis. There are Native American children without health care coverage because they do not have a birth certificate. So let's keep in mind the children of Montana and every other State who need and deserve our help. Let's reauthorize this Children's Health Insurance Program today and improve the health of all American children.

Madam President, I ask unanimous consent the following Senators be recognized for the following amounts of time: first, Senator DODD for 5 minutes; Senator CLINTON for 5 minutes; and Senator COBURN for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Madam President, reserving the right to object, and I will not object, I wish to inquire, have we gotten an agreement in place for when the next block of votes could come?

Mr. BAUCUS. Madam President, it is being written up right now.

Mr. LOTT. I do not object.

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

Mr. BAUCUS. We do have a block of votes. It has been agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam 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. 2631 TO AMENDMENT NO. 2530

(Purpose: To expand family and medical leave in support of servicemembers with combat-related injuries)

Mr. DODD. Madam President, on behalf of myself and Senator CLINTON, Senator DOLE, Senator GRAHAM, Senator MIKULSKI, Senator CHAMBLISS, Senator BROWN, Senator CARDIN, Senator MENENDEZ, Senator SALAZAR, Senator KENNEDY, Senator REED and Senator BOXER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, and Mrs. BOXER, proposes an amendment numbered 2631 to amendment No. 2530.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DODD. Madam President, on behalf of myself and Senator CLINTON and the others I have mentioned here, I seek to, as soon as possible, meet the suggestions that have been recommended by the President's Commission on Care for America's Returning Wounded Warriors. I want to express my gratitude to my colleague from New York as well as to others who have joined with us on this effort. This report was submitted to the President by our former colleague, Senator Dole, former Secretary of Health Donna Shalala, and this report is rather extensive on their recommendations on how we might better serve our returning soldiers from the theaters of conflict in Iraq and Afghanistan.

The President's Commission on Care for the Returning Wounded recommended:

That Congress should amend the Family and Medical Leave Act to allow up to 6 months of leave for a family member of a servicemember who has a combat-related injury and meets the other eligibility requirements in the law.

I am very proud of many things I have done over the last 25 years in the Senate. None exceeds my sense of pride more than passage of the Family and Medical Leave Act. Along with Senator BOND, Senator DAN COATS, Senator SPECTER, Senator KENNEDY, and many others, after 7 years, three American Presidents, and two vetoes, we were able to adopt the Family and Medical Leave Act which, since its passage, has assisted more than 60 million Americans in being away from their jobs to be with family members during critical times in their lives without losing that job. These important life situations include the joyous occasion of a birth or adoption and the difficult circumstance of an illness of a child or another family member for up to 12 weeks of unpaid leave. It has been a remarkable asset to many people.

I suspect there is not a single American family who would not relate to the importance of being able to be with a family member during a time of significant crisis. Obviously, as our wounded warriors coming back from Afghanistan and Iraq are recovering from their injuries, having their families and others with them could be of immeasurable help. Senator Dole and Donna Shalala and other members of the Commission rightly made the recommendation that we should amend the Family and Medical Leave Act to provide for up to 6 months' leave for a family member to be with these individuals without losing their job. That is what we have done with the amendment we are offering to this bill.

Clearly, this bill has nothing to do with family medical leave. My colleagues from Montana and Iowa, have a tremendous responsibility in adopting the legislation before us, of which I am a strong supporter. But, knowing that we only have a short time before we adjourn for more than a month, there is a sense of urgency about providing for these families. I would hope all of us would support this amendment. This is a bipartisan suggestion that will make a difference in the lives of families who are assisting in the recovery of a wounded warrior.

I commend former Senator Dole, former Secretary of Health and Human Services Donna Shalala, and the distinguished members of the Commission for their thoughtfulness and thorough work on this matter. As the author of the underlying law, I have worked to maintain its protections and extend its protections to assist more employees. I agree with the Commission that FMLA is the best method for providing critical support for our returning heroes who are recovering from their war wounds. I am pleased to be joined, as a principal cosponsor, by Senator CLINTON of New York. After more than 7 years of work, as I mentioned earlier, this proposal I made more than 20 years ago became law. It became law within days after January 20, 1993, when President William Jefferson Clinton, as his very first act, signed into law the Family and Medical Leave Act.

I remember with great clarity that bright day overlooking the rose garden at the White House, President Clinton signing that bill into law. Pat Schroeder of the other body was the principal author in the House of Representatives and too often gets neglected in talking about the history of the Family and Medical Leave Act. I will be eternally grateful to Pat Schroeder for the tremendous job she did in the other body in seeing to it that this proposal became the law of the land.

The Commission's findings indicate the critical role that family members play in the recovery of our wounded servicemembers:

In their survey, 33 percent of active duty, 22 percent of reserve component, and 37 percent of retired/separated servicemembers report that a family member or close friend relocated for extended periods of time to be with them while they are in the hospital.

Twenty-one percent of active duty, 15 percent of reserve component and 24 percent of retired/separated servicemembers say friends or family gave up a job to be with them or act as their caregiver.

More than 3,000 servicemembers have been seriously injured during operations in Iraq and Afghanistan. In virtually every case, a wife, husband, parent, brother, or sister has received the heart stopping telephone call telling them that their loved one is sick, or injured, halfway around the world.

Family or close friends stayed to assist recovery of almost 66 percent of active duty and 54 percent of reserve component servicemembers.

The Support for Injured Servicemembers Act provides up to 6 months of family and medical leave for spouses, children, parents and next of kin of servicemembers who suffer from a combat-related injury or illness. FMLA currently provides for 3 months of unpaid leave to a spouse, parent or child providing care for a person with a serious illness. Our servicemembers need more. These are extraordinary circumstances. The point of the Commission and the Dignified Treatment of Wounded Warriors Act that the Senate recently passed is to take care of our wounded soldiers, sailors, airmen, and marines returning from Iraq and Afghanistan with combat-related injuries. We should support their families in caring for these heroes.

It is essential we do everything possible to support our troops, to allow their loved ones to be with them as they recover from combat-related injuries or illnesses. That is why we should expand and improve benefits for those caring for our servicemembers.

Let me emphasize the major points: You have to have been injured in the theater of combat, Afghanistan or Iraq or in preparation for deployment. Our amendment allows for a parent, spouse, child or next of kin to provide that care-giving role. It would allow them to be with them for up to 6 months without losing their jobs. The leave is without pay. What is the universe we are talking about? It is not the entire Nation, obviously, or anyone who is wearing a uniform who happens to have been injured. You have to have been injured or acquired the illness as a result

of being in the combat theater or when preparing to be deployed.

The amendment is specific as to who could be the caregiver. It is very specific about the amount of time an employee acting as a caregiver would be covered. We have tried to narrow this down in a way. I am grateful to Bob Dole. He called me last Thursday early on and remembered that I had spent such as inordinate amount of time, with the help of Senator KENNEDY and others, to adopt the Family and Medical Leave Act so many years ago. Most would agree today it has made a difference in the lives of people. I can't think of any better constituency to serve with expanded family medical leave than our service men and women.

I see my colleague from Georgia. I thank him as well for being a cosponsor of this proposal. Those preparing for deployment obviously would be covered, if they end up being affected as a result of their injuries or illness suffered while in the theater of combat.

Again, as someone who has been a floor manager of many bills over the years, I understand that is not easy to get a particularly difficult bill like this done. I applaud the commitment my colleague from Montana has brought to this legislation. It is my hope that we can achieve the kind of unanimity around this idea of supporting military families, given the fact that the President's Commission is calling for this, our former colleagues calling for it. We have a strong bipartisan group of Senators who believe this is worthwhile to do for this limited group of our fellow citizens who have suffered immeasurably as a result of their contribution. I would hope before we leave here in these next 24 or 48 hours that the very least we could do would be to provide this kind of benefit for them and their families.

I truly appreciate the work of our cosponsors. In particular, their willingness to adopt a provision that would expand the pool of typical caregivers under current law for this specific purpose. Those caregivers are limited to spouses, children, and parents. Our amendment extends the caregiver role to next of kin, a brother, sister or other relative, perhaps.

I gather my colleague from New York, who was very helpful in pulling this together, is on her way to the floor. She might want to be heard on this as well. I was drawing this out while we wait for her arrival.

Mr. BAUCUS. I might say to my good friend, we have noticed.

I don't see the Senator from New York here yet, but she is on her way. In the meantime, I ask unanimous consent that the Senator from Georgia be recognized and, following the Senator from Georgia, Senator CLINTON be recognized.

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

The Senator from Georgia is recognized.

Mr. CHAMBLISS. I thank the Chair.

Since the Senator is running for President, we are glad to accommodate him for what time he needs. He is serious and very emotional about this issue, and he should be. We all should be. I commend the Senator from Connecticut for spending a good bit of time on talking about this issue. I commend the Senator from New York for bringing this issue to the forefront. We are in a war unlike any war we have ever been in before. We are in different times today with respect to military conflicts, and the inclusion of our wounded warriors in the Family and Medical Leave Act is certainly well deserved and something that I hope we get passed before we leave.

I rise to commend the President's Commission on Care for America's Returning Wounded Warriors for their hard, high-quality work in analyzing and recommending improvements for our Nation's treatment of wounded warriors. The Dole-Shalala Commission has boldly addressed one of the most important issues facing our military today and has created a simple roadmap that will help make monumental improvements to the military health care system. I am pleased the Commission's recommendations span agencies, cross services, and take into consideration the needs of both veterans as well as their families.

During their review, they visited 23 health care facilities, including military and VA hospitals and treatment centers nationwide, held 7 public meetings, heard testimony from military health care experts, and communicated directly with servicemembers, their families, and health care professionals. This dialog is greatly needed and must continue. I provided my own input directly to the Commission regarding one of Georgia's own success stories in providing care to wounded warriors through a partnership between the Eisenhower Army Medical Center at Fort Gordon, GA, and the Augusta VA hospital. This Commission untangled a web of complex issues and provided six recommendations based on their findings. Former Senator Dole and Secretary Shalala did what others have been trying to do since World War II. Their joint statement succinctly describes the culmination of these efforts.

The face of our military has changed, as have their needs. Some returning servicemembers, injured in the line of duty, have complex and often multiple injuries placing greater challenges on the DOD and VA as well as family members. Well-meaning attempts over the years to reform health care in the military and VA have produced many positive results that have also made the system more complex and confusing in some areas. In these cases, it is difficult for servicemembers, their families, and caregivers to understand how to navigate the system. The events that brought us to this point were inexcusable and could have been prevented. However, I would be remiss if I did not mention a letter I received from a constituent whose son was a patient at Walter Reed Medical Center, after being evacuated from Iraq due to injuries he sustained in an IED attack. The letter said to the commander and staff at Walter Reed:

> You and your staff are a remarkable team that has the welfare of our soldiers and families foremost in mind as you execute your critically important duties. My family and I owe you and your team our heartfelt thanks and debt of gratitude we can never repay.

This kind of feedback tells me the Army's improvements are taking hold. Through the Commission and recent legislation, these improvements will continue. I applaud the Commission's work and am equally pleased that much of it parallels the initiatives set forth by the Senate's Dignified Treatment of Wounded Warriors Act. The President's Commission recommended that seriously wounded servicemembers receive a patient-centered recovery plan developed by a cadre of highly skilled recovery coordinators. Such a plan can only increase the level of support given to our wounded warriors.

Along these same lines, the Wounded Warrior bill requires development of a unified and comprehensive policy between the VA and the Department of Defense that addresses personnel strength, training, access, standards, family counseling, and creation of a DOD-wide ombudsman. Of central importance, the Commission recommends a complete restructure of the disability and compensation systems. We have all heard case after case of lost paperwork, endless waste, bureaucratic delays, and confusing redundant processes. Both the Commission and the Wounded Warrior bill provide guidance to consolidate systems and streamline this process.

One of the most important recommendations made by the Commission, also addressed in the Wounded Warrior bill, concerns increased support to the families of our Wounded Warriors. Although the Commission did not visit Georgia, I have spent time at Fort Stewart and Fort Benning with family members of deployed troops, and I have spent as much time with the troops themselves in my five visits to Iraq. I can tell you that when it comes to taking care of our servicemembers, the well-being of their families is of paramount, if not greater, importance to them than their own well-being. These troops can count on their families. The more we support the families, the better we are taking care of our troops.

Among other things, the Dole-Shalala report recommends extending privileges under the Family and Medical Leave Act from 12 weeks to 6 months, which will allow family members to take up to 6 months of leave to care for a wounded servicemember. I am proud to be a cosponsor of this bill that introduces legislation that enacts this recommendation.

The bill Senator PRYOR and I cosponsored on this subject, the Wounded

Warrior Assistance Act, S. 1283, also contains provisions along these lines, such as advocating counseling and job placement services for family members, as well as the creation of an ombudsman's office which will provide support to members and their families.

So, once again, I commend Senator CLINTON for her initiative in getting this bill on the Family Medical Leave Act introduced and I concur again with the Senator from Connecticut. I hope this legislation is completed before we leave here in the next couple of days.

The global war on terror has brought recognition of the enormous impact of two previously silent and little-noticed conditions to the forefront: post-traumatic stress disorder and traumatic brain injury. Accordingly, both the Commission and the Wounded Warrior bill address these issues. The Dole-Shalala report advocates the most aggressive treatment for both conditions by the DOD and the VA, and also recommends private-sector involvement to capitalize on the most recent and valuable findings and treatments.

Similarly, the Wounded Warrior bill provides comprehensive and coordinated policies between DOD and the VA on PTSD and TBI. The Wounded Warrior bill creates a level of accountability for the DOD and VA by requiring an annual report on PTSD and TBI expenditures and reports assessing progress in the overall treatment of these conditions.

The bill also includes a provision I proposed that builds upon a study at Emory University for TBI treatment and the use of progesterone and directs collaboration between DOD and other Federal agencies in TBI-related research and clinical trials.

The approach taken by the Commission and in the Wounded Warrior Act capitalizes on cooperation among Federal agencies, as well as between the Federal Government and private sector. As part of the fiscal year 2008 National Defense Authorization Act, I proposed a sense-of-the-Senate amendment that DOD continue to encourage collaboration between the Army and the VA in the treatment of wounded warriors.

A prime example of this type of collaboration is in Augusta, GA, between the only Active-Duty rehabilitation unit, located at the Augusta Department of Veterans Affairs Medical Center, and the behavioral health care services program at the Eisenhower Army Medical Center at Fort Gordon, GA. This unique, unprecedented collaboration between the Augusta VA and the Eisenhower Army Medical Center has been growing since its inception in 2004, assisted by GEN Eric Schoomaker, now the head of Walter Reed and former commander of the Eisenhower Army Medical Center. Our wounded warriors deserve the best possible care. The recommendations of the President's Commission and the requirements set forth in the Dignity for Treatment of Wounded Warriors Act pave a clear path for the type of medical treatment and support the people defending our Nation deserve.

I am proud to be a cosponsor of the Wounded Warrior Act, unanimously approved by the Senate. I am pleased with the comprehensive recommendations provided by Senator Dole and Secretary Shalala. I especially thank the servicemembers and their families who have shared openly and bravely about their experiences to this body as well as to the Commission. Their stories made the need for this reform real to all of us, and their experiences can help us transform the quality of military health care. Doing so will be one small way of saying thank you to the men and women in the U.S. military for their service and their sacrifice.

Mr. President, I ask unanimous consent that I have 2 additional minutes to address the bill before the Senator from New York is recognized.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Thank you, Mr. President.

Mr. President, I would like to address the State Children's Health Insurance Program, the bill that currently is before the Senate. I have been a strong advocate of this particular program. We, in Georgia, I think, have one of the model SCHIP programs in the country. We call it PeachCare. It provides health insurance to 290,000 uninsured poor children in my State. We cover no adults in Georgia. Every single dime that is spent on this program in Georgia is spent on children, and that is the way it should be.

That is one of the problems I have with the reauthorization of this bill as it came out of committee. It does three things that really bother me.

First of all, the bill that came out of committee does not take all parents off of coverage under the SCHIP program on a national basis. It does remove, over a 2-year period, all adults who are not parents of some of the children who are eligible for this particular subsidy, and that is good. The problem is, it still covers any number of adults. This is a children's program, and that is where the money ought to be spent. Every single dollar we spend on an adult takes money away from children.

Secondly, under this bill, States are authorized to go up to 300 percent of the Federal poverty level for coverage. The previous bill authorized up to 200 percent of the Federal poverty level. In Georgia, we are at 235 percent of the Federal poverty level, which means that a family of four making $48,000 is eligible for coverage under our PeachCare program.

Unfortunately, once you reach the level of 300 percent of the Federal poverty level, you are at almost $62,000 for a family of four in income, and you are still eligible under this program.

Lastly, I would simply say the bill out of the Finance Committee is financed by the creation of new and additional taxes. I think the American taxpayers—I do not care in what form the taxes are—are already an overburdened group of citizens.

From the standpoint of trying to find funding for this program, the Lott amendment did exactly what we needed to do in Georgia to cover all 290,000 of our existing children who are covered, plus all who will be coming on within the next 5 years, which is the term of this bill.

Senator LOTT found offsets in his amendment that would not have required the raising of any taxes to cover those children. That is the type of sensible approach that should have been taken. I regret that it did not pass.

Unfortunately, I am not going to be able to support this bill in its current form.

With that, Mr. President, I thank the chairman for being generous, and thank the Senator from New York for allowing me to extend my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time until 4:30 p.m. today be for debate with respect to the amendments listed below, and that they be debated concurrently; that all time be between the managers; that no amendments be in order to any of the amendments covered in this agreement prior to the votes; that the votes with respect to the amendments occur in the order in which the amendments are listed here; further that after the first vote, the time for votes be limited to 10 minutes, and there be 2 minutes of debate prior to each vote; and that at 4:30, the Senate proceed to vote in relation to the amendments; that the Graham amendment No. 2558 be modified with the changes at the desk; that Senators KYL and GRAHAM be recognized respectively at 3:45 and 4 p.m. The amendments are Specter amendment No. 2557, Graham amendment No. 2558, Ensign amendment No. 2540, Thune amendment No. 2579, and Kyl amendment No. 2537.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, it sounds as if maybe what I understood—what I have here that was going to be in the agreement—was altered a little bit when the Senator read the UC. For instance, on the third line, beginning after the semicolon: ''that all time be between Senator BAUCUS and amendment sponsor; that no amendments be in order to any of the amendments''—is that the way you read it?

Mr. BAUCUS. Yes—well, I struck some of those words you read and inserted ''the managers.'' The thought was, it gives more flexibility so the two managers of the bill could then work with the sponsors of the amendments to allocate time. Some may want to speak longer than others. I felt that was just a way to better organize the time.

Mr. LOTT. I just want to make sure the manager on this side really wants to work with the sponsors of these various amendments.

Mr. BAUCUS. I am sure he does.

Mr. LOTT. Well, I am not sure he does. That was the point. But I just wanted to get that clarification.

With that clarification, I have no objection.

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

The amendment (No. 2558), as modified, is as follows:

Beginning on page 218, strike line 5 and all that follows through page 220, line 2, and insert the following:

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''($1.594 cents per thousand on cigars removed during 2000 or 2001)'' in paragraph (1) and inserting ''($50.00 per thousand on cigars removed after December 31, 2007, and before October 1, 2012)'',

(2) by striking ''(18.063 percent on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''(53.13 percent on cigars removed after December 31, 2007, and before October 1, 2012)'', and

(3) by striking ''($42.50 per thousand on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''($10.00 per cigar removed after December 31, 2007, and before October 1, 2012)''.

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking ''($17 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (1) and inserting ''($50.00 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)'', and

(2) by striking ''($35.70 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (2) and inserting ''($104.9999 per thousand on cigarettes removed after December 31, 2007, and before October 1, 2012)''.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking ''(1.06 cents on cigarette papers removed during 2000 or 2001)'' and inserting ''(3.13 cents on cigarette papers removed after December 31, 2007, and before October 1, 2012)''.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking ''(2.13 cents on cigarette tubes removed during 2000 or 2001)'' and inserting ''(6.26 cents on cigarette tubes removed after December 31, 2007, and before October 1, 2012)''.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking ''(51 cents on snuff removed during 2000 or 2001)'' in paragraph (1) and inserting ''($1.50 on snuff removed after December 31, 2007, and before October 1, 2012)'', and

(2) by striking ''(17 cents on chewing tobacco removed during 2000 or 2001)'' in paragraph (2) and inserting ''(50 cents on chewing tobacco removed after December 31, 2007, and before October 1, 2012)''.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking ''(95.67 cents on pipe tobacco removed during 2000 or 2001)'' and inserting ''($2.8126 on pipe tobacco removed after December 31, 2007, and before October 1, 2012)''.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking ''(95.67 cents on roll-your-own tobacco removed during 2000 or 2001)'' and inserting ''($8.8889 on roll-your-own tobacco removed after December 31, 2007, and before October 1, 2012)''.

Mr. BAUCUS. Mr. President, it is my understanding under the previous order Senator CLINTON is the next to be recognized.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank Chairman BAUCUS, and I thank both Senators DODD and Senator CHAMBLISS for their vigorous explanation and advocacy of the bill which we have introduced that we are proposing to have as an amendment to the current legislation pending before the Senate because we think the duty to honor our veterans, our servicemembers, and their families is urgent. This is a duty we take very seriously.

Clearly, based on the recently released report by the Commission on Care for America's Returning Wounded Warriors, chaired by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, it is a matter of grave urgency for our Nation to do everything we can to improve support for our servicemembers and veterans.

The Commission found that one of the most important ways to improve that care is to improve support for families. That is why Senator DODD and I have offered an amendment to the CHIP legislation, the Support for Injured Servicemembers Act.

We are proud to have the bipartisan support of Senators DOLE, GRAHAM, MIKULSKI, CHAMBLISS, BROWN, SALAZAR, CARDIN, MENENDEZ, KENNEDY, BOXER, and JACK REED because this is a matter that goes way beyond politics as usual. It is certainly way beyond partisanship.

During the course of the Dole-Shalala Commission work, they showed what many families across the country already knew, that the Family and Medical Leave Act—which Senator DODD worked so hard on for so many years, and which was the first piece of legislation signed by my husband—has been a godsend to 60 million Americans over the course of the last years—people taking care of newborn babies, a family member with an accident or illness, caring for an aging relative. It has made it possible for so many Americans to balance the difficult responsibilities of family and work.

But what has been abundantly clear—with all of our wounded warriors returning from Iraq and Afghanistan—is it has not been sufficient for family members to care for those young servicemembers who have sustained a combat-related injury.

Currently, spouses, parents, and children can receive only 12 weeks of leave under the Family and Medical Leave Act. All too often, as we have now learned, that is insufficient, as injured servicemembers grapple with traumatic brain injuries, severe physical wounds, learning how to use a prosthetic, trying to understand what post-traumatic stress disorder means to them and to their futures. Indeed, family members have dropped everything. They have tried to be at the bedside, stayed in the area to help their loved one, given up jobs even. That seems to us to be more than the sacrifice their loved one has already made demands.

Imagine if your husband or your wife or your son or your daughter had been injured. You would want to be with them. You would want to take care of them. But you would not want to lose your job in the process. It is not a choice that military families should have to make. Therefore, that is why we are asking our colleagues to join with us to pass the Support for Injured Servicemembers Act, and to allow us to fulfill this duty we all feel to our military families.

I appreciate very much Senator DODD's leadership on this issue for many years, and on this particular piece of legislation. We invite even more cosponsors from both sides of the aisle to join us, and we hope we will have a vote on this legislation before we leave, before we finish the CHIP legislation, so we can go home and tell military families that help is on the way.

Thank you very much, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I see the Senator from Texas is seeking recognition. I ask unanimous consent that she be allowed to speak next for—10 minutes?

Mrs. HUTCHISON. Mr. President, 10 minutes would be fine. I ask to bring my amendment up, set aside the pending, and continue to speak.

Mr. BAUCUS. Certainly.

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

AMENDMENT NO. 2620 TO AMENDMENT NO. 2530

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2620 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2620 to amendment No. 2530.

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

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

The amendment is as follows:

AMENDMENT NO. 2620

(Purpose: To increase access to health insurance for low-income children based on actual need, as adjusted for cost-of-living)

Strike section 110 and insert the following:

SEC. 110. COVERAGE FOR INDIVIDUALS RESIDING IN HIGH COST AREAS WITH FAMILY INCOME ABOVE 200 PERCENT OF THE FEDERAL POVERTY LINE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) COVERAGE OF INDIVIDUALS RESIDING IN HIGH-COST AREAS.—

''(A) IN GENERAL.—For fiscal years beginning with fiscal year 2008, a State shall receive payments under subsection (a)(1) with respect to child health assistance provided to an individual who resides in a high cost

county or metropolitan statistical area (as defined by the Secretary, taking into account the national average cost-of-living) and whose effective family income exceeds 200 percent of the poverty line (as determined under the State child health plan), only if such family income does not exceed 200 percent of the poverty line as adjusted for the cost-of-living in the State under subparagraph (B)).

''(B) ADJUSTED POVERTY LINE.—The Secretary shall adjust the poverty line applicable to a family of the size involved with respect to each State to take into account the cost-of-living for each county or metropolitan statistical area in the State, based on the most recent index data from the Council for Community and Economic Research (previously known as the American Chamber of Commerce Research Association),the 2004 Consumer Expenditure Survey of the Bureau of Labor Statistics, and the Bureau of Economic Analysis of the Department of Commerce.''.

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting ''or subsection (c)(8)'' after ''subparagraph (B)''.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall promulgate interim final regulations to carry out the amendments made by subsections (a) and (b).

Mrs. HUTCHISON. Mr. President, I rise today to offer an amendment that would help address what some view as a serious problem in the underlying legislation, and what others might view as a matter of fairness in the underlying legislation.

The purpose of the SCHIP program is to provide health insurance benefits to children in families who make too much to qualify for Medicaid but not enough to afford private insurance. We define that criteria as families up to 200 percent above the Federal poverty line. The current Federal poverty line for a family of four is $20,650. The Federal poverty line for Hawaii and Alaska is a little higher. Two hundred percent, then, would be $41,300.

My State of Texas maintains its SCHIP program consistent with the original purpose and therefore allows a family of four making $41,300 to qualify for SCHIP coverage. When my constituents see the bill before us allowing families of four making up to 300 percent of the Federal poverty line, which is $61,950, to qualify for Government-supported health care, many believe this is going too far. They certainly take issue with families making up to 400 percent of the poverty line, which would be $82,600, receiving Government-funded health insurance.

I have heard the supporters say that allowing coverage above 200 percent of the Federal poverty line argue that the cost of living in certain areas necessitates higher Federal poverty level coverage. One only has to utilize the various cost-of-living calculators on the Internet such as those found on bankrate.com or CNN/Money to see that a salary in one area of the country can be worth a very different amount than in another. The cost-of-living calculators adjust income by comparing the cost of housing, utilities, and transportation, all of which have a significant impact on the actual need of the family.

For example, in this chart, you see that the cost of living in Austin, TX, would be $40,000, whereas after you add housing, utilities, and transportation, if you compare that to the cost in Washington, DC, it would be $58,697, or rather the salaries would be commensurate after you add the cost-of-living indicators in it.

The bill before us does not make a direct connection between the cost-of-living standards and approvals of SCHIP plans beyond the 200 percent Federal poverty line restrictions. It doesn't seem right to arbitrarily allow coverage of families beyond 200 percent of the Federal line if there is no relationship to the cost of living. If $41,300 of family income in one State is equal to a higher amount in another due to a cost of living that exceeds the national average, my proposal would accommodate that. Why don't we say in this legislation that similarly situated families will be treated similarly. That is what my amendment would do.

Under my amendment, the Secretary of Health and Human Services will be required to factor in the cost of living in States that are seeking to cover families above 200 percent of the poverty line. Utilizing the most recent index data from the Council for Community and Economic Research, the Bureau of Labor Statistics and the Bureau of Economic Analysis, the Secretary shall adjust the Federal poverty line throughout specific areas in those States that reflect the actual cost of living in those specific areas. The Secretary could then approve families up to twice the new adjusted Federal poverty line, accounting for a higher cost of living in that area.

The Secretary would break down the analysis by county or metropolitan statistical area to ensure that States with high-cost areas in some parts of the State and low-cost areas in other parts of the State would not receive the same amount. This does what I think everybody has said we need to do, and that is adjust if there is a cost-of-living increase, but not lump it State by State.

In my State of Texas, there will be metropolitan areas with a higher cost of living. So if my State wanted to go above the 200 percent, the Secretary could factor in where there needed to be an adjustment. If it were over the 200 percent in a metropolitan area such as Dallas, it might be a different calculation than if it is in a rural area, say Lubbock. This seems to me to equalize the unfairness of a whole State getting the higher rate through a waiver which the bill before us is trying to mitigate by putting a limitation on the percent above the poverty line that a State may go, but why not do it by SMSA—the Statistical Metropolitan Area—or by county, where you can get the adjustment that is right and fair.

My amendment is very simple. The 200 percent of the poverty line, when adjusted for the cost of living in a specific area, could equal $45,000, it could equal $50,000, or it could be right at the poverty line. If you needed to go above it, the Secretary would be able to say in New York City, for instance, there should be an adjustment, but in upstate New York, perhaps not.

So this is the amendment. I think this brings reasonableness, rationality, and equity to approvals beyond the nonadjusted Federal poverty limits. If you do not go above the 200 percent which is in the law, you would never have to make these adjustments. There are certainly metropolitan areas that have a legitimate claim to a higher cost of living, but it does not necessarily mean the whole State should be given that kind of adjustment, and it would be more reasonable for the taxpayers throughout America to know that the people were getting the adjustment if they needed it, but not if they didn't.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I thank the Senator from Connecticut also for the process, and I certainly would urge my colleagues to support this amendment, which I think is what should end up in the final bill. It is simple, it is clear, and it is fair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask that the time consumed by the Senator from Texas be charged against the time controlled by the minority, and further, that the time for the quorum call be equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. LOTT. Mr. President, I yield 5 minutes from our side. Is that sufficient time, I ask the Senator?

Mr. ENSIGN. If I need more time, I will ask for it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2540

Mr. ENSIGN. Mr. President, I wish to talk about my amendment. My amendment says that the Children's Health Insurance Program, which is designed to cover low-income children, should first cover low-income children. Many of the States today are covering nonpregnant adults and I believe this is at the expense of low-income children. This program is called the State Children's Health Insurance Program and it is called that for a reason. It is supposed to be for low-income kids. It was not intended for nonpregnant adults.

My amendment says that you cannot cover nonpregnant adults until you cover 95 percent of the targeted low-income children's population. Some States have extended their SCHIP coverage to nonpregnant adults. According to the Government Accountability Office, SCHIP covered 6 million individuals, including more than 600,000 adults in the year 2005. This means that 1 out of every 10 people covered by SCHIP was an adult. GAO indicated that in Wisconsin, two-thirds of the total SCHIP enrollees in 2005 were adults. Almost half of the enrollees in Rhode Island were adults. It also found that shortfall States are likely to cover a high proportion of adults.

The GAO wrote:

> Adults accounted for an average of 55 percent of enrollees in shortfall States, compared with 24 percent in nonshortfall States.

Covering adults is not the primary purpose of SCHIP. I am seriously concerned that nonpregnant adults may be benefitting from SCHIP funds at the expense of low-income children. We need to refocus the SCHIP program to its original intent—to make low-income children the priority. My amendment today will ensure that SCHIP funds are used to provide health insurance coverage to low-income children. In my opinion, that is the intent of the original law and the way in which SCHIP dollars should be allocated.

This proposal does not deprive States of Federal dollars. What it does say is that a State can't use its SCHIP money to provide health benefits to nonpregnant adults until it has enrolled 95 percent of its targeted low-income children.

We have heard a lot about the need to cover low-income kids, about keeping them healthy, and giving them a chance in life. If the States aren't forced to cover 95 percent of the low-income kids first, they will continue the current policies and many low-income kids won't be reached out to and brought into the SCHIP program. If we require the States to cover 95 percent of low-income kids, we will be amazed at how many of these kids the States will find.

I believe it is important for us to adopt this amendment. If we are going to expand SCHIP, let us make sure low-income children are the priority.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, a couple of words with respect to the amendment offered by the Senator from Nevada. I might as well finish them now, since he spoke. Basically, his amendment means that no State, after the date of enactment, could provide for adults—childless adults or parents, parents of kids. No State. That is what this is.

I also point out that the standard of 95 percent is an impossible standard. No State can meet that standard. There is no State in the Nation that could meet 95 percent. We have mandatory driver's license requirements in States, and even those mandatory requirements average, nationwide, about 85 percent. That is mandatory, and we are talking about something voluntary here.

So no State can possibly reach 95 percent compliance, which would mean, at the beginning of the date of enactment, all adults would be off—right now, immediately; all parents off—right now, immediately. And I don't think that is what we want to do. Why? Because the administration has granted lots of waivers to a lot of States for a lot of adults, and States are reliant on them.

In this legislation, over a 2-year period, we are stopping that, but we give States 2 years to stop providing coverage for childless adults and for parents. States can provide for parents with those waivers, but it is written in a way to discourage the use of CHIP money for parents unless States go the extra mile and seek out more low-income kids to provide coverage for them.

The legislation before us is a good compromise, but the amendment offered by the Senator from Nevada is way too Draconian. I might also add that all experts say if you cover parents, you will cover more kids. If you don't cover more parents, you are going to cover fewer kids. There is a very strong correlation between health insurance coverage for parents and parents getting good health care for their children. Put in reverse, there is a strong correlation of parents who do not have health insurance—we are talking low-income families here—who will not provide good health care, on average, for their kids.

On the basis of policy, I don't think it is a good idea. It totally disrupts the compromise worked out on both sides of the aisle on this legislation. Senator GRASSLEY, Senator HATCH, myself, and Senator ROCKEFELLER worked very hard to get a compromise here. This legislation starts to squeeze down on adults, but it doesn't cold turkey say no. That would be unfair, especially with respect to parents, because parents who have health insurance themselves will tend to provide better health care for their kids.

When the appropriate time comes to vote on this amendment, I think the right thing to do would be not to support this amendment because of the reasons I indicated.

I yield the floor.

Mr. LOTT. Mr. President, I don't believe there is any other Senator wishing to speak right now, so I will rise in support of the amendment by the Senator from Nevada, Mr. ENSIGN.

I believe that Senator BAUCUS, Senator GRASSLEY, Senator HATCH, and those who put together this compromise did want to try to begin to get some control on the explosion of this program. But there are a lot of others who don't want to do that. They want it to go the other way.

Yes, the administration is to blame for a lot of the problems here. They granted the waivers for these States, and they shouldn't have. They started granting waivers for higher and higher and higher income children to be covered, for adults to be covered—and not just pregnant mothers but parents and, in some States, even beyond that.

As I have said before, there is no ''A'' in SCHIP. It is the State Children's Health Insurance Program—for children, SCHIP as we refer to it here in this Chamber. But I do have every reason to believe there are many who fully intend for this program, the CHIP program, to be the program that covers not only low-income children, middle-income children, but all-income children and adults. That is the goal here.

I voted for this program 10 years ago because I thought there was a need to make sure that truly low-income children had access to health care. A lot of them were not covered, obviously, by private insurance or Medicaid, and I thought there was a need to address this particular area. But it is like so many Washington programs; once they get started, they never end. And once they get started, they grow and grow and grow.

Who is going to help get a grip on this program? Who is going to pay for this program? This is a $60 billion, 5-year program this bill would provide for—the underlying bill. The House just passed a bill that I think is close to at least $80 billion over the next 5 years. They pay for it in the House partially by taxes but also by cutting Medicare. So we are taking elderly off of the Medicare Program so we can put more money into the SCHIP program not just for low-income children but for middle-income children and for adults.

I think the Senator is absolutely right. Let us make sure these States provide at least 95 percent of what they are supposed to supply to the low-income children before any adults can get in it. Yes, they will have to take adults off. Exactly. They should have to. They should have never put them on there.

Now, again, I acknowledge we are hopeful this bill will begin to get this under control. It does take away the waiver that is being used, and has been abused by this administration. But I cannot believe that Senators are ignoring the fact that this program is being exploded, covering people who were never intended to be covered, and paying for it by damaging low-income people or elderly people.

I am glad we have this amendment. If we could at least get the adults off this program, even if it does cover some increased level of children below the 200 percent of poverty, I could see that it would be more acceptable. But that is not what this does.

I fear what is going to happen in conference. I don't know, maybe the Senator from Montana and Senator GRASSLEY can sit there and say, oh, no, no, no, we are not going above what we passed in the Senate. But I think the reverse is going to be true. This is the base. The $60 billion is the beginning. It is obvious, if you have a classic conference, which we are not going to have, and we are at $60 billion and the House is at $80 billion, what is it going to be? Oh, $70 billion. That is the way it works around here. That is the way it used to work, although we don't have conferences anymore now. We dished up a product such as we had on this lobbying and ethics fiasco a while ago.

I don't know how we get through this and help the people we want to help, intend to help, and keep it from covering more and more children and more and more adults. If we want to go to Washington bureaucratic-controlled and managed health care, if we want to go ahead and go to Government-run socialistic medicine, fine, this is it. This is the way it is going to happen.

A few years ago, there was an attempt to come in the front door and say, oh, no, we are only going to provide free health care to everybody. It failed miserably, right here. And by the way, it failed in August of that year, I believe it was 1993. Well, here we are coming through the back door this time. And incredibly, even my colleagues on the Republican side of the aisle are buying this deal.

I will be back. I don't know whether I will be on the floor of the Senate, but I will be back in years to come and say, I warned you. This thing is going to continue to grow. It won't be $60 billion, $70 billion, or $80 billion, it will be $140 billion over 10, or more.

I appreciate the amendment Senator ENSIGN came up with. I support it, and I hope we can pass it. And I wish the managers good luck in trying to keep control of this thing. If you pull it off, even though I still think you have way too big a program here, I will be first in line to congratulate you if you can hold it to where it is now.

I yield the floor.

Mr. BAUCUS. Mr. President, the Senator is always interesting, sometimes entertaining, but the Senator from Mississippi raised a couple of good questions. The real question is what are the answers to the questions.

One question is, what about adults? This is a children's program, and I think most Senators react a little adversely to covering adults. This Senator does too. It is a children's program, not an adult program. The Senator acknowledged graciously that most of the adult coverage problem is due to waivers this administration has given the States. The States want to cover adults. Why do they want to cover adults? Well, basically, because of the match rate, the money the States get under the Children's Health Insurance Program is higher, so they want to cover adults. What we are trying to do is figure how are we going to put the lid back on this. That is what we are trying to do here. It probably gets to the question of what is a fair transition period. What is the fair way to wean the States off of covering adults?

I guess it is important to remember there are a lot of people, adults out in the country who are getting health insurance, and they do not know what we are debating here in Washington, DC. They do not know the difference between CHIP, Medicaid, and match rates. All they know is they are getting some health insurance. And I don't know if it is right to just willy-nilly, automatically, cold turkey cut them off entirely, because they are depending on it.

I do think it is right, however, to wean States off this, and the States can, when their legislatures meet, figure out ways to cover adults they wish to but not on this program. That is what we are doing. That is what this legislation does. It says in the first year you can get a free ride, but in the second year your match rate is way down to the Medicaid match rate, which is basically about 30 percent less than the match rate under the Children's Health Insurance Program. A 30-percent cut will have a real effect on a lot of these States and discourage them from proceeding further.

In addition, legislation not too long ago repealed waivers so the States could no longer apply for waivers to get childless adult coverage. So question No. 1 is, what is the right thing to do about some States adding adults? Let us not forget, 91 percent of beneficiaries under the Children's Health Insurance Program today, 91 percent, are kids under 200 percent of poverty. Today. The vast bulk are kids. So when we talk about adults, we are talking about less than 9 percent, because some States have up to 200 percent of poverty. We are talking not too many people when we are talking about adults. This is kind of a philosophical question as much as anything else.

What is the best way to put the lid back on the can, to keep States from providing it for too many adults? We think we have a fair way to do it, as I just described, a fair transition period, and that is why we negotiated out this position.

Point No. 2 is, what is going to happen in conference. I have no idea. Senators know there are lots of ways to skin a cat around here. On the surface it looks like maybe if the Senate and House go to conference on these two bills—the Senate bill is much less, the House bill is much larger. They contain the Medicare provisions, physicians update provisions, and they are two different animals. When that happens, generally some other solution presents itself. That is why I say to my good friend from Mississippi, I hear what he is saying about the views of many Senators who do not want the conference report to come back with a number that is too difficult for many Senators to swallow, especially on the Republican side of the aisle. But I also say to my good friend, there are ways to do this. We may not go to conference exactly; the House may send back something else, maybe just a CHIP bill, and we will do the physicians update at a later date. There are many kinds of ways to do things around here.

Our goal is to help low-income kids who do not have insurance today so a few more get it. This is not a huge, massive expansion. This has nothing to do with national health insurance, none of that.

We are saying: Here is a program passed in 1997, it is bipartisan, Senators on both sides of the aisle like this program, there have never been any problems with it, it has worked real well, it just came up with reauthorization. The only slight problem is waivers for adults, but we are managing that. That is not a big deal. We can take care of that. So let's just reauthorize it, give it a little bump up to help a few more—not a lot, a few more kids get health insurance, and it costs a few dollars because health care costs are going up so much in this country.

While we are helping a few kids get health insurance, at a later date, next year, the following couple of years—clearly, Congress has to address the rising cost of health insurance in this country. But as a bottom line, this is a good thing to do, to help low-income kids get some health insurance.

Let's remember, in the United States of America there are about 48 million people without health insurance. We are the only industrialized country with that many people without health insurance. It is an outrage. The very least we can do is help our kids get some health insurance, particularly those who are low-income kids. That is what we are trying to do in a fair and reasonable way.

Mr. DORGAN. I wonder if the Senator from Montana will yield for a question?

Mr. BAUCUS. I am honored to yield to my friend from North Dakota.

Mr. DORGAN. As I understand it, this legislation is paid for. The Finance Committee reported out a piece of legislation to provide health care coverage for about 3 million more children, and it is fully paid for; is that correct?

Mr. BAUCUS. That is correct.

Mr. DORGAN. I don't know what is in second place with respect to what is important in people's lives, but if your children are not in the first place, something is wrong. Everybody who is a parent ought to understand the priority is your child—the children of this country.

I ask the Senator from Montana, the circumstances are that we have a lot of people in this country who do not have health insurance coverage. We have substantial problems with respect to dramatically increasing costs of health care. The fact is, we have sick kids in this country who do not get health care. They ought to get health care, but they do not because their parents do not have enough money in their pocketbook or their checkbook, and they are worried what it is going to cost if they take their kid to the doctor.

One of my colleagues and I held a hearing a couple of years ago, and a mother held up a poster with a colored picture of her son. He was dead. He died because he didn't get the health care he needed when he needed it. The fact is, that is happening in our country and, I say to my colleague from Montana, this is not a giant leap forward, but it is a significant step, to say we can do this. We can help children. We can provide health insurance for children who do not have it. We can fully pay for that bill, as the Senator from Montana has done, and his colleagues in the Finance Committee.

I ask my colleague, this is not a health insurance bill that is going to cover all Americans, that is going to dramatically expand, is it? Isn't this just a piece of legislation that takes a step forward in saying to 3 million kids that the days they are sick, no longer will their parents have to make a decision about whether they can afford to take them to a doctor? Isn't that what this is about?

Mr. BAUCUS. The Senator is correct. But not only is it 3 million, it is 3 million low-income kids.

Mr. DORGAN. If I might further inquire, that answer means these are kids who come from families who do not have the resources?

Mr. BAUCUS. And they usually do not have health insurance because they can't afford it, even if their employer provides it.

Mr. DORGAN. Further inquiring, in circumstances where they might believe they have no choice, they don't have any money, and they have a desperately sick child, they are going to show up in an emergency room. If that emergency room doesn't turn them away—and some will—that child will get the most expensive or the costliest health care because that is where it costs the most to provide health care—in the hospital emergency room. That is why this approach is so important.

I hear people say, what a radical thing to do, what an awful thing to do. This ought to be considered a baby step forward, but an important baby step, nonetheless, in doing what we are required to do in this country. Again, that is putting our children first, especially putting sick children first, sick children who come from families that do not have the money to find a way to get them to the doctor. That is what this is about. This ought to be a no brainer.

One final question, if I might. We have been on this for a while, and it has been a wide open discussion, and there have been a lot of amendments. I believe we have four or five additional votes scheduled at 4:30 today. I would like to inquire, what next? What do we anticipate? How many additional amendments might exist?

I hope we can work through this. It is a bipartisan bill. It makes so much sense. What does the Senator from Montana anticipate after the next batch of votes?

Mr. BAUCUS. Mr. President, I expect, frankly, the Senate will finish tonight, late tonight, and get this legislation passed—as well it should. In addition to the five amendments pending beginning at 4:30, there could be at least about 10 more later today—maybe a package about 8:00, another about 10 o'clock, something like that. My hope is some of those will not all be offered.

Mr. DORGAN. It is important to finish the bill tonight. It is a bipartisan bill with strong support. It is a matter of giving everybody an opportunity to offer their amendments, which we have done. At that point I think it will be a significant achievement for all Americans, what we have done for poor, sick children in this country. I thank my colleague from Montana for the leadership he and Senator GRASSLEY and so many others have shown on this bill. This is a very important step for this Congress.

Mr. BAUCUS. Mr. President, I don't know if we have much time left. I am trying to figure out how much time we have.

The PRESIDING OFFICER (Mr. WEBB). Each Senator has 3 minutes remaining.

Mr. CONRAD. Will the Senator yield?

Mr. BAUCUS. Sure. How about 3 minutes?

Mr. CONRAD. If I could ask the Senator a question or two?

Mr. BAUCUS. Sure.

Mr. CONRAD. I was listening to the floor earlier today. I heard colleagues say this SCHIP program is a first step toward socialized medicine. Is this Children's Health Insurance Program a new program?

Mr. BAUCUS. I say to my good friend, this is not a new program. We are just reauthorizing a current program. It is not new.

Mr. CONRAD. How many children are covered under this program?

Mr. BAUCUS. Currently, there are about 6.6 million children covered.

Mr. CONRAD. As I understand it, this would add several million children?

Mr. BAUCUS. About 3.3 million, roughly.

Mr. CONRAD. About 3.3 million, and there are already 6 million. I am wondering if they are suggesting this program should be eliminated, which would mean 6 million children currently covered would no longer be covered?

Mr. BAUCUS. Actually, the Senator is making another point, which is about 6 million kids are eligible today under the current law but just are not covered. So we are saying we are not increasing the eligibility, we just want to help give a little stimulus so those who are currently eligible but not covered—a few more of them will be covered by health insurance.

Mr. CONRAD. Is it my understanding the American Medical Association has endorsed this legislation?

Mr. BAUCUS. The Senator is correct. There are many medical associations that support this bill.

Mr. CONRAD. Does the Senator know of anytime in the history of this country where the American Medical Association has endorsed socialized medicine?

Mr. BAUCUS. I don't know if I want to answer that question, because I can think of one major bill that many thought was socialized medicine but they now strongly support.

Mr. CONRAD. I just say the argument being made out here is one of the most far-fetched arguments I have seen on this floor; No. 1, that this is somehow socialized medicine. Isn't this care provided by private doctors?

Mr. BAUCUS. That is a very good point. I might say, this legislation received endorsements from over 50 different organizations, major organizations—AARP, pharmaceutical companies, the American Medical Association. This bill has wide endorsements.

As the Senator has just implied—yes, this program says: OK, States, you figure out how you want to administer it. It is up to you, the States, not Uncle Sam.

Most States say we are going to utilize health insurance companies, private health insurance companies to administer this, with copays and deductibles, and so forth.

Mr. CONRAD. The fact is, this care is provided by private physicians using private insurance companies, endorsed by the American Medical Association and many other national organizations, including many business organizations; is it not?

Mr. BAUCUS. That is correct. This legislation also provides assistance for States to provide—the fancy term is ''premium assistance''; that is, to help families pay the insurance companies.

The PRESIDING OFFICER. The time of the Senator has expired.

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

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

Under the previous order, there are now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2557 offered by the Senator from Pennsylvania, Mr. SPECTER.

Who yields time?

Mr. BAUCUS. Mr. President, we have five votes now. Senator SPECTER is detained. 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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the first amendment we vote on in the package would be the Kyl amendment. I see Senator KYL on the floor. I make that request that we proceed immediately to the Kyl amendment, with 2 minutes equally divided prior to the vote, and subsequent to the Kyl amendment, that we go back in the same order; that 10 minutes be allotted between votes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object. Were you making a unanimous-consent request?

Mr. BAUCUS. Yes.

Mr. LOTT. Senator KYL would like to defer to Senator SPECTER, who should be here momentarily. They are all on the Judiciary Committee. He would like to let Senator SPECTER go first, if he could.

Mr. KYL. Mr. President, I appreciate the courtesy. Because we have been held in the Judiciary Committee until now, I was not able to debate my amendment. Given the fact there are not many people on the floor, I would want my 2 minutes when there are people on the floor. For that reason, if we could set it at one of the later votes, I would appreciate it.

Mr. BAUCUS. I appreciate that. I am trying to move this along. The Judiciary Committee did break up some time ago.

Mr. KYL. Thirty seconds ago.

Mr. BAUCUS. No, longer than that.

Mr. KYL. Well, I was there.

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

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

Mr. BAUCUS. I ask for the regular order.

AMENDMENT NO. 2557

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided prior to the vote in relation to amendment 2557 offered by the Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, the core issue is the repeal of the 1993 alternative minimum tax rate increase. The alternative minimum tax was put into effect in 1969 in order to catch people who paid little or no taxes; people in high brackets who had sufficient loopholes to avoid taxation.

Regrettably, it has grown by bracket creep to be very expansive. In 2006, it covered 3½ million people. If it is not changed, it will cover 23 million people this year. The tax was increased in 1993 from 24 to 26 percent for people making under $175,000, to 2 percent more for people in the upper bracket.

This is a matter that can be explained in a minute. It is a tax which never should have occurred, and now we can correct it for the people in the lower brackets.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much share the concerns of the Senator from Pennsylvania, I think every Member of this body does. That is, no one wants the Americans who currently do not pay the alternative minimum tax to have to pay it next year. They will have to unless this body, this Congress, makes the appropriate change in the adjustment.

I am fully committed to finding a solution so anybody who has not paid alternative minimum tax in 2006, when he or she files their tax returns next April, does not have to pay it for 2007.

This is not a good solution. Frankly, with this solution by the Senator from Pennsylvania, many more Americans are going to have to pay the AMT; it is not paid for, it is at a cost of about $420 billion.

Therefore, I raise a point of order that the pending amendment violates section 201 of the Senate Concurrent Resolution 21, the Concurrent Resolution on the Budget for fiscal year 2008.

Mr. SPECTER. Mr. President, I move to waive the applicable points of order under the Congressional Budget Act with respect to the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—47

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

NAYS—52

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

NOT VOTING—1

Johnson

The PRESIDING OFFICER (Mr. TESTER). On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2558, AS MODIFIED

Under the previous order, there is now 2 minutes of debate prior to a vote in relation to amendment No. 2558 offered by the Senator from South Carolina, Mr. GRAHAM.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the Finance Committee's proposal reauthorizing the SCHIP program for 5 years is funded by a permanent tobacco tax increase. That is a $35.2 billion expansion of SCHIP, which is above the $25 billion in the baseline budget. The money for this comes from a cigarette tax increase of 61 cents to $1 per pack. There will be a tax increase on cigars by 53 percent, with the sales price up to $10 per cigar.

Despite being a 5-year reauthorization, the tax part of it goes in perpetuity. So it is a very simple amendment. When the program itself is sunset to be reviewed, let's sunset the tax part of it to be reviewed. That is all it is. If you are going to sunset the program, sunset the tax increases and make an intelligent decision at that point.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator clearly described his amendment. There is a slight problem that the cost of about $36 billion over 10 years is not paid for. I think we should adhere to the Budget Act and pay for provisions we enact.

So, Mr. President, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. GRAHAM. Mr. President, I move to waive the applicable points of order under the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—39

Alexander	Craig	Lott
Allard	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Dole	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	Webb

NAYS—60

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Grassley	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Hatch	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Roberts
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Smith
Coleman	Levin	Snowe
Collins	Lieberman	Specter
Conrad	Lincoln	Stabenow
Dodd	Lugar	Tester
Domenici	Martinez	Voinovich
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2540

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided prior to the vote in relation to amendment No. 2540 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, this amendment is very simple. It says we should focus on low-income kids before adults. The original intention of the program was the Children's Health Insurance Program. This says 95 percent of all of those targeted—whether they are 200 or 300 percent of poverty; whatever your State is—they have to be covered before you can cover nonpregnant adults.

The chairman of the Finance Committee is going to say no State can meet this. Well, if we don't set the goal for them and don't make them meet it, they won't meet it, of course. So if we are going to have a Children's Health Insurance Program, the money should be focused on the children. This says you cannot spend money on the adults unless they are pregnant adults until 95 percent of those targeted kids are enrolled in the program, and that is where the money is spent. I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, this is a poison pill. The effect of it is to kill this legislation.

The Senator is correct, no State can meet 95 percent. No state currently meets 95 percent. Driver's license participation, which is mandatory and not voluntary, is 85 percent. Participation in Medicare Part D, which is voluntary and not mandatory, is only 56 percent. There is no way in the world any State can meet a voluntary compliance rate of 95 percent, so this is a killer amendment. It kills the bill. It ostensibly applies to adults, but it kills the bill. I urge Senators not to kill the SCHIP program and vote against the amendment.

Mr. ENSIGN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bennett	Dorgan	Murkowski
Bond	Ensign	Nelson (FL)
Brownback	Enzi	Nelson (NE)
Bunning	Graham	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Sununu
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Conrad	Isakson	Voinovich
Corker	Kyl	Warner
Cornyn	Lott	
Craig	Lugar	

NAYS—55

Akaka	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Grassley	Murray
Biden	Harkin	Obama
Bingaman	Hatch	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Roberts
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Smith
Coleman	Levin	Snowe
Collins	Lieberman	Specter
Domenici	Lincoln	Stabenow
Durbin	McCaskill	Tester
Stevens	Webb	Whitehouse
		Wyden

NOT VOTING—2

Dodd Johnson

The amendment (No. 2540) was rejected.

AMENDMENT NO. 2579

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2579, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized

Mr. THUNE. Mr. President, let me start by saying this amendment is not a poison pill. By voting for this amendment, it doesn't impact any other part of the legislation, except to limit the expansion of SCHIP in the following ways:

To show you how expansive in nature this bill is, this bill would not prevent a State, such as New York, from going to the 400 percent of Federal poverty level, which in New York is about $82,000, which, interestingly enough, would subject over 12,000 people in New York—taxpayers—to the alternative minimum tax.

So, essentially, what we are saying is you are poor enough to qualify for SCHIP, but you are wealthy enough to be subject to the AMT.

My amendment says that for children or adults from families with incomes so high they are going to be subject to the AMT, they cannot also be eligible for SCHIP. Families should not be considered low-income for the purpose of receiving taxpayer-funded health insurance and, at the same time, wealthy enough to have to pay the alternative minimum tax.

The Congressional Budget Office scores this amendment as achieving savings because there will be fewer people qualifying for SCHIP than otherwise under this bill.

This helps us get back to the original intent of the bill, which is to cover low-income children, which I strongly support. I hope Members will support the amendment.

Mr. BAUCUS. Mr. President, the Senator raises two issues, the AMT and this legislation. They are two entirely separate, independent issues. We will deal with the AMT at the appropriate time, not on this bill. The AMT is a huge problem. This Congress and the committee are going to, as sure as I am standing here, make sure we have some kind of AMT patch so taxpayers who did not pay the AMT tax in 2006 will not have to pay it for 2007.

We should not try to solve the AMT problem on the backs of the low-income kids. It is wrong, dead wrong. I strongly urge Senators to keep first things first. This is a kids bill, not an AMT bill. We deal with kids today and help low-income kids and we will deal with the AMT at a later date. Believe me, we will find a solution to that.

I urge Senators to keep their eye on the ball with kids and not to support the amendment.

The PRESIDING OFFICER. All time has expired.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—42

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner

NAYS—57

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

NOT VOTING—1

Johnson

The amendment (No. 2579) was rejected.

AMENDMENT NO. 2537

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate prior to a vote in relation to amendment No. 2537 offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, my amendment says that the program is implemented as long as no more than 20 percent of the beneficiaries are crowded out of private insurance; in other words, no more than 20 percent of the beneficiaries already have private insurance.

Here is the problem: The Congressional Budget Office says that between 25 and 50 percent of the people who are going to be covered under this program already have private insurance. What is worse, every one of the newly eligible is already insured. In other words, CBO says 100 percent of the newly eligible, the people we are adding to this program, already have insurance. Now why should the American taxpayer have to pay for people who already have insurance?

Surely, in response to the argument of the other side that it is as efficient as we can get, we can be more efficient than 100 percent inefficient. My amendment says that when we get it down to only 20 percent inefficiency, then the program takes effect; in other words, when only 20 percent of the people we are paying for already have insurance.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is plainly, simply, clearly a killer amendment. There is no way in the world that CBO can certify 20 percent crowd-out. They cannot do it.

There are many organizations trying to figure out what is the so-called crowd-out rate. They are all over the lot. It is almost impossible to tell what it is. That is the reason for the big range to which the Senator referred. The one to one is not accurate. If you read the CBO table closely and go down to the next line, you will see it is much less, about one-third under the table. There is no way CBO can certify this. It cannot happen.

If this amendment is adopted, you are basically saying no State can have a Children's Health Insurance Program. This is clearly a killer amendment. We should not kill the Children's Health Insurance Program. We should help more kids get health insurance, kids who are not now getting it.

I urge refusal of this amendment.

Mr. President, before we vote, I wish to set up a series of colloquies among several Senators after this vote. I ask unanimous consent that the following Senators be recognized for the following amounts of time on the Lincoln amendment No. 2621: Senator LINCOLN, 5 minutes; Senator NELSON of Nebraska, 3 minutes; and Senator SNOWE, 3 minutes.

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

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

The PRESIDING OFFICER. (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—37

Alexander	Barrasso	Bond
Allard	Bennett	Brownback
Bunning	Ensign	McCain
Burr	Enzi	McConnell
Chambliss	Graham	Sessions
Coburn	Gregg	Shelby
Cochran	Hagel	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Voinovich
Crapo	Kyl	Warner
DeMint	Lott	
Dole	Martinez	

NAYS—62

Akaka	Feinstein	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Roberts
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Specter
Collins	Lincoln	Stabenow
Conrad	Lugar	Stevens
Dodd	McCaskill	Tester
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feingold	Murray	

NOT VOTING—1

Johnson

The amendment (No. 2537) was rejected.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I believe under the current agreement, the Senator from Arkansas, Senator LINCOLN, is next. I ask unanimous consent simply to call up an amendment, if there are no objections.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. LOTT. Mr. President, I reserved the right to object to make sure I understand what the request is.

Mr. OBAMA. My only request was to call up the amendment so it would be pending. I will not speak any further.

Mr. DEMINT. I ask the Senator to modify his request to allow me to bring up my amendment No. 2755 and allow me 10 minutes to speak.

Mr. OBAMA. I want to make sure I do not leave the Senator from Arkansas waiting. I was not going to speak on this but simply get my amendment pending.

Mr. DEMINT. I will speak afterwards.

Mr. OBAMA. After the existing order? I have no objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I will yield to the Senator from Idaho.

Mr. CRAIG. Senator LINCOLN is already under an operative unanimous consent agreement, as I understand it. There is simply a unanimous consent agreement to bring it up. I have been waiting to speak to an issue I think is

critical, and I am happy to accommodate, but I wish to be in that mix, if at all possible, for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, if I could, I object. I think we can work this out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The regular order is before the Senate.

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

The PRESIDING OFFICER. The regular order is the recognition of the Senator from Arkansas.

Mr. LOTT. Mr. President, as soon as she completes her statement, we can go back and get this worked out.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2621 TO AMENDMENT NO. 2530

Mrs. LINCOLN. Mr. President, I remind colleagues under the unanimous consent agreement there was also time for my colleague Senator NELSON.

I ask unanimous consent the pending amendment be set aside and my amendment No. 2621 be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. ENZI, Mr. DURBIN, Mr. CRAPO, Mr. SMITH, and Mr. HATCH, proposes an amendment numbered 2621 to amendment No. 2530.

Mrs. LINCOLN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should enact legislation that improves access to affordable and meaningful health insurance coverage, especially for Americans in the small group and individual health insurance markets)

At the end of title VI, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

Mrs. LINCOLN. Mr. President, I ask one more unanimous consent request and that is to add Senator HATCH as an original cosponsor to our amendment.

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

Mrs. LINCOLN. Mr. President, I am so pleased to be here today, offering this amendment to affirm this body's commitment to move forward with health care reform in the small group and individual markets this year. We certainly know our focus here is on children. We want it to be. We know that is a priority. We know if we take things one step at a time, we do a much better job at it, so we are glad to be here working on children's health care and the availability and accessibility to that.

But we are also excited with the group of Members who have expressed their concern about the small group market, those of our small businesses and our self-employed, and the real concerns and needs they have in terms of access to health insurance. As is evident from this distinguished list of cosponsors joining me in offering this amendment, it is an extremely important issue, one that Members across the political spectrum in this body are committed to addressing in the coming months.

I know this week has been about children's health care, and rightly so. But we must not get ourselves into believing we are nearly done, because we are not. Much more work is required of us to ensure all Americans have access to affordable and quality health care.

There are now approximately 45 million Americans without health insurance. In my home State of Arkansas, 20 percent of working age adults are uninsured. Additionally, more than half of our uninsured workers are employed by businesses with less than 25 employees or are self-employed. These small business employees are almost always in a small group and individual health insurance market, where similar coverage usually costs more than it would in a large group market. Actually, they end up without anything, in terms of health insurance, because it becomes so costly.

Addressing this problem must be a national priority. That is why we have come together as a group. Those who lack health insurance do not get access to timely and appropriate health care. They have less access to important screenings and state-of-the-art technology and prescription drugs.

This is not a new problem and none of us see it as that, but it is a growing problem and it is one that we must address and we must begin to start to find the solution, the solution using new and innovative ideas to this age-old problem. I, along with each of these distinguished cosponsors on this amendment, have been working for a long time, trying desperately to make progress on this issue. We have not all approached it in the very same way, and, no, we have not necessarily seen the same path to a solution, but that is all right because what is important is that through this amendment we are recognizing and affirming our responsibility to come together in a bipartisan way, to use our individual expertise and perspectives, and to find a workable solution that is going to move the ball down the field and start providing real relief for our working families in this great country this year.

I take a moment to thank my partners on this amendment. I thank them for their determination to move forward in a bipartisan fashion, to make real progress on health insurance reform, specifically for small businesses and the self-employed. I thank them for all their tireless efforts, because each person in this cosponsorship list has taken a tremendous amount of their time over the past several years to devote attention to this critical issue: Senator SNOWE, who is on the Senate Finance Committee and also on the Small Business Committee; Chairman BAUCUS and Ranking Member GRASSLEY have been wonderful, in the midst of all the things they have been facing, to work with us as a group to talk about what we can and cannot do in the Finance Committee; Senator BEN NELSON, who has a tremendous history in dealing with this issue, from the perspective of his State but also here on the HELP Committee; HELP Committee Chairman KENNEDY; and Ranking Member ENZI, who comes with tremendous background; and Senator DURBIN and Senator CRAPO, with whom I have worked on so many different issues, as well as Senator SMITH and Senator HATCH.

We have a lot of work to do. I look forward to rolling up my sleeves, along with each of these cosponsors and each of our colleagues, to make the small businesses and the self-employed working families of this country a priority, as we have the children of this Nation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. LINCOLN. I wish to recognize my good friend from Nebraska, Senator NELSON.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska has 3 minutes.

The Senator from Illinois is recognized.

AMENDMENT NO. 2588 TO AMENDMENT NO. 2530

Mr. OBAMA. I ask unanimous consent the pending amendment be set aside so I may call up amendment No. 2588.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, and Ms. LANDRIEU, proposes an amendment numbered 2588 to amendment No. 2530.

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

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

The amendment is as follows:

(Purpose: To provide certain employment protections for family members who are caring for members of the Armed Forces recovering from illnesses and injuries incurred on active duty)

At the end of title VI, insert the following:

SEC. _____. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Job Protection Act''.

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term ''benefit of employment'' has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term ''caring for'', used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term ''family member'', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2621

Mr. NELSON of Nebraska. Mr. President, I rise today, along with my colleague from Arkansas, my friend Senator LINCOLN, to speak on a separate but overlapping issue related to the challenge of providing health care coverage for the 9 million uninsured American children. Our colleagues Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH have forged a bold agreement to cover millions of children through the SCHIP program, the health program for our kids.

However, another problem remains. These children, by definition, live in households that have not been adequately covered by the private market. In fact, of the 45 to 46 million Americans who are currently uninsured, over 80 percent are employed. These people get up every day and work hard to support their families and keep our economy moving forward but are left praying their family doesn't face a bankrupting health crisis. Fifty percent of these Americans work for small businesses with fewer than 24 employees. The small business workforce is especially important in my State, and I know it is critical for many of my colleagues from other States as well.

I applaud the hard work which has gone into SCHIP, and I intend to vote for this important package. But I am also glad we have the opportunity to show our commitment toward providing market-based relief, which will afford additional coverage for the remaining uninsured Americans.

This is indeed one of our country's greatest challenges. I look forward to turning our focus to solutions for small business, alongside the leaders of the Finance and HELP Committees who have joined us today. I thank the floor managers for affording us this time. I am encouraged by the progress made today.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2577 TO AMENDMENT NO. 2530

(Purpose: To amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce)

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside, and amendment No. 2577 be called up for immediate consideration.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2577.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DEMINT. Mr. President, one of the best ways we can help millions of American children access quality health coverage is to lower the cost of insurance for their families. Two-thirds of the uninsured have income at or below 200 percent of the Federal poverty level, and they cite a lack of affordability as a top reason for why they do not have coverage.

Our Tax Code already discriminates against Americans whose employers do not offer health benefits. I applaud a number of my colleagues, Senator WYDEN, Senator BURR, and many others, who have talked on the floor extensively about how we can equalize the Tax Code and make health insurance available to everyone.

Another driver of rising health insurance prices is excessive State regulation. These State mandates raise the cost of insurance, which, in turn, increases the number of Americans who are priced out of the health insurance market.

Current law traps Americans by only allowing them to buy health insurance in the State where they live. This is not fair, and it makes very little sense in a time when we are trying to lower the cost of health insurance. My amendment, which we call the Health Care Choice Act, will help millions of American children by allowing their parents to shop for health insurance the same way they shop for many other products: online, by mail, over the phone or in consultation with an insurance agent in their hometown.

This amendment will empower consumers by giving them the ability to purchase an affordable health insurance policy with a full range of options. This amendment would reform the individual health insurance market by allowing individuals and families who reside in one State to buy a more affordable health insurance plan that is offered and licensed in another State. That is an important point.

We are not talking about insurance that is not licensed. Every State has regulatory processes, and insurance products would have to be sold under one of those regulatory regimes in one of our 50 States. Health insurance plans would be able to sell their policies to individuals and families in every State, as other companies do in the sale of a wide variety of goods and services in other sectors of our economy.

Under this amendment, consumers would no longer be limited to picking only those policies that meet their States' regulations and mandated benefits. Instead, they could examine the wide array of insurance policies qualified in States across the country.

Consumers could finally choose the policy that best suited their needs and

their budget without being tripped up by State boundaries. This approach would provide more choices and more freedom to all Americans. If they want to purchase a basic, low-cost policy without hundreds of benefit mandates that they do not need, they will be allowed to do it.

Likewise, those Americans who are interested in a particular benefit would be allowed to do that as well. The Health Care Choice amendment will help the uninsured find affordable health insurance while also providing every American with better insurance choices. This amendment harnesses the power of the marketplace to allow Americans to tailor their insurance choices to their individual needs. That is something we should all be able to support.

According to the Heritage Foundation, a nonpartisan think tank, this amendment will broaden and intensify competition across health care plans and medical providers, encourage a serious review of existing health care regulations in every State, and expand the choice of millions of Americans of more affordable health insurance policies.

Mr. LOTT. Will the distinguished Senator yield for a question?

Mr. DEMINT. Yes, I will yield.

Mr. LOTT. Mr. President, I am very interested in what the Senator has to say.

Are you telling me that if I am in Mississippi and I want to buy a health insurance policy in South Carolina, I cannot do that?

Mr. DEMINT. You can't. Your State limits you. The way we have this set up federally, there is really no national market for health insurance.

Mr. LOTT. What is the possible explanation for that, or justification?

Mr. DEMINT. I wish I knew. I think many years ago we didn't have a good regulatory structure for insurance. It was provided to the States. But clearly health insurance is an interstate commerce issue.

Mr. LOTT. Absolutely.

Mr. DEMINT. People move all over the place. Companies have offices all over the place. For us to continue to limit the purchase of health insurance to the State one lives in makes no sense.

Mr. LOTT. I certainly agree. I thank the Senator for bringing this to the attention of the Senate.

Mr. DEMINT. I appreciate the question. I appreciate the support of the Senator.

In New Jersey, the average cost for a single person to buy health insurance is over $4,000 a year. Right across the river in Pennsylvania, the average is less than $1,500 a year. This amendment will give consumers the option of buying the health insurance that meets their needs and is right for them, even if it is right across the border. This amendment will result in significant cost savings.

A recent study found that consumers would save an estimated 77 percent in New Jersey, 22 percent in Washington, 21 percent in Oregon, and 16 percent in Maryland, if those States eliminated some of their mandates.

There will also be cost savings from cutting redtape because insurance plans won't have to go through 50 different certification processes.

By mandating benefits, State legislators have swelled the number of Americans without health insurance, making each health policy's coverage very different. They have added things such as acupuncture and marriage therapists and in vitro fertilization, things that may be important to some people but not to everyone. They should not be mandated to everyone.

Finally, this amendment is widely supported by Americans across the political spectrum. A poll conducted by Zogby International in September of 2004 found that 72 percent of respondents support allowing an individual in one State to buy health insurance from another State, if the insurance is State regulated and approved, as it would be under this amendment. The poll showed that only 12 percent of Democrats opposed it.

People understand intuitively that it doesn't matter. As the Senator from Mississippi just said, it doesn't make sense that we limit people to buying health insurance in only one State.

I encourage my colleagues to support the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment is one that certainly cannot be accepted. Essentially, it allows insurance companies to race to the bottom, race to the State with the lowest level of standards of insurance regulation, to market and sell in any State, irrespective of what the standards would be in the other States. I don't think that is good policy. I understand what the Senator is driving at but certainly not tonight. Without a closer examination of what our State insurance regulation policies should be, this is not the time to get into this issue.

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

Mr. BAUCUS. Certainly.

Mr. DEMINT. Are there particular States that you think the regulations are unacceptable for the people who live there?

Mr. BAUCUS. That is up to people in those States and their insurance commissioners, the decisions they make with respect to how their State sets up insurance regulation and sets up insurance commissioners.

Mr. DEMINT. My amendment does not change any of the State regulations. States continue to control their own regulations. It would allow the residents of the State, if they did not feel that the mandates were appropriate for their family needs, to look at another State for a policy where it was also regulated.

Mr. BAUCUS. That is correct. And that is the problem with the amendment. It would encourage companies to race to the bottom. I don't think we want that encouragement. We want a national program.

Mr. DEMINT. I believe we have had a second on a rollcall vote.

Mr. BAUCUS. At the appropriate time, if the Senator wishes to spend more time—I don't know where we are right now, frankly.

Mr. DEMINT. Parliamentary inquiry: I believe we had a second on the rollcall vote.

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield?

Mr. BAUCUS. Mr. President, if the Senator would like to have a vote on his amendment, we will at the appropriate time.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Who yields time? Is there further debate?

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

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

AMENDMENT NO. 2619 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside, and I call up amendment No. 2619 on behalf of Senators NELSON of Florida and ALEXANDER; that the amendment be agreed to and the motion to reconsider be laid on the table.

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

The amendment (No. 2619) was agreed to, as follows:

(Purpose: To reduce the cap on the tax on large cigars to $3)

On page 218, line 16, strike ''$10.00'' and insert ''$3.00''.

AMENDMENTS NOS. 2631 AND 2588 EN BLOC

Mr. BAUCUS. I ask unanimous consent that the following amendments be agreed to: No. 2631 on behalf of Senators DODD and CLINTON, and No. 2588 on behalf of Senator OBAMA en bloc, and that the motion to reconsider be laid upon the table.

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

The amendments (Nos. 2631 and 2588) were agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 7:45 this evening, the Senate proceed to vote in relation to the following amendments; that no amendment be in order to any of the amendments listed here prior to the vote; that there be 2 minutes of debate equally divided prior to each vote;

that after the first vote, the vote time be limited to 10 minutes; that the amendments be voted in the order listed: Coburn No. 2627, Vitter No. 2596, Allard No. 2535, Hutchison No. 2620, Kyl No. 2562, and Sanders No. 2600.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. LOTT. Mr. President, reserving the right to object, I ask only that the Senator include in his request that Senator COBURN have 5 minutes before his vote, which is the first in the group.

Mr. BAUCUS. I amend that to be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 240

Mr. BAUCUS. Mr. President, I ask unanimous consent that at the conclusion of the next group of votes, the Senate proceed to executive session to consider Calendar No. 240, Timothy DeGiusti, of Oklahoma, to be a U.S. district judge; that there be 2 minutes for debate equally divided between the chairman and ranking member; that the Senate then vote on the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask that at this time Senators KLOBUCHAR and COLEMAN be granted 10 minutes for a colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

TRAGEDY IN MINNEAPOLIS

Mr. COLEMAN. Mr. President, my colleague, Senator KLOBUCHAR, and I wish to thank our colleagues in the Senate for their thoughts and prayers for the victims in the almost unconscionable tragedy that struck our State yesterday.

We just returned from the scene of an unprecedented disaster in our State's history. As my colleagues have watched on the news over the last 24 hours, one of the busiest bridges in Minnesota—the I–35W bridge near the University of Minnesota in Minneapolis—collapsed into the Mississippi River yesterday evening.

The Mississippi is not just a river in Minnesota; it is our identity. Right near where the bridge went down, in 1680, Father Louis Hennepin, the first European in the region, first spotted the Falls of St. Anthony. A few years earlier, he ''discovered'' Niagara Falls as well. As the head of navigation of one of the world's great rivers, the Falls of St. Anthony became the focal point for Minnesota's lumber, textile, and flour-milling businesses that put us on the map.

Many Minnesotans have visited the spot far upstream in northwestern Minnesota, where the ''Mighty Mississippi'' is a little stream, flowing out of Lake Itasca, that you can walk across. It is why we call ourselves the Headwaters State and pride ourselves of being a place of invention and innovation.

So when the bridge came down 24 hours ago, part of Minnesota's soul fell with it as well. Having visited the site firsthand today, there are three things I would like to join Senator KLOBUCHAR in asking of our colleagues, our fellow Minnesotans, and all Americans this afternoon.

First, and most importantly, please keep the victims of this tragedy and their families in your thoughts and prayers. The courage of the first responders and other citizens who joined together last night in the noblest of rescue efforts will receive our unending respect. Unfortunately, our mission is no longer rescue but recovery.

The days ahead will be incredibly difficult for the families of the victims of those who we know have already left us and the many more who remain missing. For comfort in this time of unspeakable tragedy, we implore each and every one of you to honor their loss by keeping them near to your heart and in your prayers.

Secondly, let us acknowledge the skill, coordination, and courage of those responding to the scene of this horrific event. I was the mayor of St. Paul, Minneapolis's twin city and proud neighbor, when we experienced the tragedy that will define our era—the attacks of 9/11. I remember the challenges we had with communication, with logistics, and with overall preparedness.

Minneapolis, St. Paul, and the State of Minnesota learned the lessons of preparation that day and set out to ensure that if any major emergency should happen again, we would be ready. Mr. President, you hope that day never comes, but yesterday it came for the ''Mill City.''

Our Governor, Mayor Rybak, Hennepin County Sheriff Rich Stanek's office, other local first responders—police and fire—and hundreds of Twin City residents responded in a manner which those of us who witnessed will carry with us forever.

Mr. President, Senator KLOBUCHAR and I saw the living definition of heroism and leadership today.

We saw and heard stories of bystanders linking arms to pull victims from submerged automobiles, rescue divers braving the dangerous current of the Mississippi to reach vehicles beneath shredded concrete and jagged steel, and the faces of moms and dads reunited with their children after their miraculous escape from a trapped schoolbus. These images will reverberate across our State for years to come, and we owe all those who contributed to those stories of survival our eternal gratitude.

Finally, as we move forward in the coming days and weeks, let us commit ourselves to rebuilding this critical artery in our heartland and to protect against another tragedy such as this from ever occurring in our great Nation. This process will take time, energy, and dedication.

Next, it is absolutely critical we begin a comprehensive evaluation of our Nation's infrastructure immediately. The one thought many of my colleagues have conveyed to me over the last 24 hours is the fear this could have happened to any bridge in their home State or hometown. We need to make sure it never will.

We also need to rebuild. Our Federal Highway Administration operates a program to assist in this type of disaster, providing emergency relief for Federal highways in the wake of tragedy.

Our Governor made a request today to the Secretary of Transportation. Senator KLOBUCHAR and I will join the entire Minnesota delegation in working with the Department of Transportation to transfer this funding as quickly as possible. My colleague will talk a little bit about some of the details of what we are asking. We need, in sum, to make the funding as expeditious as possible. We have some legislative hurdles we believe we can correct.

Senator KLOBUCHAR and I have introduced a bill to waive the cap on emergency highway funds that can be transferred in such a scenario and to allow those funds to be used to help transit routes and facilities in the meantime, as an interim measure.

We do not have much time to rebuild in Minnesota. The construction window is extremely small because of our difficult winters. We need to pass this waiver before we recess, hopefully, tomorrow.

As Minnesota has come to the aid of other States in their time of disaster, we are going to need a lot of help in our home State. I am happy to hear from around this Capitol and throughout the administration that help will be coming very soon.

We must wrap our arms around those who have lost and grieve.

There will be the temptation to turn pain and agony and suffering into anger and blame. Unfortunately, blame will come—responsibility for this tragedy may lie in many places—but I ask all of us today, let prayers and support be the order of the day.

Our obligation and commitment to the victims of the horror of yesterday's tragedy must be to recognize that we can no longer put off our commitment and obligation to our Nation's infrastructure.

I am committed to that cause on behalf of Minnesota and reach out to my colleagues to ask you to join with me in making that commitment to all of America.

At one of the darkest moments of the American Revolution, George Washington wrote these words in a letter:

Perseverance and spirit have done wonders in all ages.

The people of Minnesota are writing a new chapter in that American story in the aftermath of one of the worst disasters my State has ever seen.

I am honored to be a Minnesotan today, and I look forward to what I trust we will accomplish together tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague, Senator COLEMAN, for those fine words and for his description of the history of the Mississippi River, which is such an important part, as he noted, of our State's history. But for me it is personal. I live only 8 blocks from where this bridge buckled under. This is a place where every day I drive with my husband and our 12-year-old daughter.

As I looked down at that bridge, when I stood on the side and saw that schoolbus barely hanging to the side of that fallen concrete, I thought of those drivers, I thought of those other moms with their kids in the backseat—that on an August day, maybe they were going to a Twins game or maybe they were driving home from work—and never did they expect that a massive eight-lane interstate highway bridge would suddenly buckle to the ground. That is what we saw when we went there this morning.

But the other thing I saw that I come back to tell the Nation is there are little miracles every day—the miracle of that schoolbus, where kids from a very poor neighborhood in Minneapolis were sitting and somehow saved, and acts of heroism. People saw on the news the woman diver who went in and back in and back in, without any safety equipment on, among the concrete and the shards looking for survivors.

This was a disaster that no one expected, but it was something our city and our State had planned for. We learned the lessons from 9/11, and we had many practices for these kinds of disasters. I was the former prosecutor for this area. I remember meeting with the sheriff and the police chief and we planned these drills and we went through them. You could see the results today. You could see the lives that were saved.

When we got in today and drove on this highway, there were actually billboards—actual billboards—already up telling people how to get around the scene. There were actually 24 buses added to the transit service, already, at 6 a.m. in the morning and advertised in the newspaper so people could get to work. This is going to be a model as we go forward for how to handle national disasters.

The Mississippi River starts in Minnesota. In fact, you can walk across it by Lake Itasca, as Senator COLEMAN noted. But then you go down and it gets bigger and bigger and pretty soon it ends in New Orleans.

When I think about what happened today, I think of a much bigger and more massive disaster with Katrina and how that was handled and how people in Washington responded. In some ways, I always think of those people stranded on those roofs. I think the mirror of those people was a reflection of leadership and a lack of leadership. We are not going to let that happen in Minnesota.

We know this is not the massive disaster of Katrina. But it is a huge mess, and it involved a loss of life. So we are coming together, bipartisan, with our colleagues on the other side of the aisle. Senator REID is fully behind this. Senator DURBIN, Senator SCHUMER, Senator MURRAY—they all talked to me already this morning, and they pledged their support.

So what we have proposed, working with Senator COLEMAN—we are working together on this—and working with the Republican leadership, is we get a bill passed tonight to at least authorize a lifting of the cap so we can move forward for emergency disaster relief.

But I think this is also a reminder, as we go forward, that we have to invest in our Nation's infrastructure. We do not know what the cause of this disaster was. One thing I learned as a prosecutor is, you do not come to conclusions unless you know the cause. But this is a reminder that we need to invest in our long-term infrastructure, and we need to have those emergency funds in place, because a bridge such as this in the middle of America should not fall into a river on an August day.

We need to get to the bottom of this and we will rebuild this bridge and we will rebuild this country.

Our prayers are with the families, our thoughts are with the rescue workers. We thank them for working throughout the night. We thank our hospital personnel and our firefighters and our police officers and the ordinary citizens who were walking by—it is right in the middle of the University of Minnesota campus—and dove into that river to help.

This was the true spirit of Minnesota, and the world watched last night.

Thank you, and I thank my colleagues for their support and all the help they have given us as we move forward. This is going to be a long process. It is not going to end tonight. Our goal is to get this bridge rebuilt and to get our city moving again.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2621

Mrs. LINCOLN. Mr. President, having visited with certainly the managing Senators for this bill, I would like to call up my amendment No. 2621. I believe it is appropriate at this time to ask unanimous consent for its acceptance.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator for her efforts on this amendment. She has worked very hard on it, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2621) was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for possibly 10 minutes to have Senator BURR, Senator BENNETT, and myself engage in a colloquy.

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

Mr. GRASSLEY. Mr. President, as my colleagues have stated, we have to make health insurance more affordable. One thing Democrats and Republicans can agree on is that there are inequities in the tax treatment of health insurance. We all agree that Congress should level the playing field and expand access to health insurance; the question gets down to how.

Proposals which have been introduced so far include the President's proposal, which includes a standard deduction for health insurance. Senator BURR, Senator COBURN, Senator MARTINEZ, Senator CORKER, and Senator DOLE have formally introduced a tax credit proposal. Each proposal contemplates eliminating the exclusion for employer-provided coverage to meet this end. Currently, a taxpayer who receives health insurance through his or her employer is not taxed on the cost of the health coverage. Individuals who do not receive health coverage through their employer and are not employed and purchase health insurance on the individual market generally do not receive a tax benefit. As we just discussed, this problem is most acute in the small business context.

Senator WYDEN and Senator BENNETT are also interested in fixing the health care system and making health insurance more affordable. Their proposal also contemplates amending the Tax Code for that purpose. I commend Senators WYDEN and BENNETT for their work in this area.

I wish to ask Senator BURR if he would take an opportunity at this time to comment on this and explain where he is coming from, and then I will call on Senator BENNETT.

Mr. BURR. Mr. President, I thank Senator GRASSLEY for, as a key member of the Finance Committee, acknowledging the fact that it is time we treat all Americans the same; that if you give a tax break on one side, you should give a tax break on the other side; that you should treat everybody alike. I think we approach this in a bipartisan way with Senator WYDEN and Senator BENNETT, and though we disagree about exactly how to implement it, this is tremendous progress.

As the chairman described the difficulty we have today and the challenge in front of us, I think all of us say: When are we going to fix it? Today, we are on the floor talking about an expansion for uninsured children. What we are attempting to do is

to take care of the whole uninsured population. Through refundable tax credits, which I believe reach all Americans—not some and not just those with incomes that have tax deductibility at the end of a calendar year but all Americans—I think we accomplish that commitment to say we want to go out and make sure every American has coverage. We want to make sure they have the resources to go in the private marketplace and negotiate coverage that reflects their age, their income, their health condition. We want health care to be portable so you are no longer locked to an employer because of health care. We want individuals to have the capacity to take it with them, regardless of where they work.

We propose that once we reach tax equity, every individual in this country would receive annually a $2,160 refundable flat tax credit, and every family would receive a $5,400 annual refundable flat tax credit, more than enough money to cover the tax consequences of a benefit that is not treated as wages, and for any extra money that is left over if you are on employer plans, it would be deposited in a health savings account where those additional funds could only be used for health care.

For individuals in the market today who don't have coverage, all of a sudden we have provided the money for them to go into the marketplace and to negotiate coverage for themselves or for their families. That check would go directly from the U.S. Treasury to the insurer that is providing that coverage. If there is something left over from their tax credit after they have negotiated for coverage, it would go into their health savings account.

We are maximizing the amount of dollars just by treating Americans the same—not by giving one special favors and others being deprived of that but saying we are going to treat all Americans the same. Then, an amazing thing happens: We no longer have a debate on uninsured Americans because every American has the opportunity through that—it is not under the Government plan—to receive that refundable flat tax credit.

Some may be at home saying: This really doesn't apply to me. But it does because when you eliminate the uninsured in this country, you eliminate the cost shift each one of us who has health insurance today pays for. I tell my colleagues that the cost of every American's health insurance will come down if, in fact, we solve this problem once and for all.

I think the commitment from the ranking member of the Finance Committee is an important first step for us treating the tax side of this in an equitable fashion, and I look forward to working with our other colleagues on exactly what the solution is.

I yield the floor.

Mr. BENNETT. Mr. President, I apologize for my voice. Some people may say I need a little health care, but, in fact, I am in good shape.

I wish to thank the ranking member of the Finance Committee for his diligence in this situation as well as his attention to this issue over more than a decade. As a very freshman Senator in 1994, I participated in the debate we had on comprehensive health care that ended up in a situation President Clinton described in his State of the Union Message the following year. He said: Last year, we almost came to blows over health care, and he wanted to know why we couldn't get together on bipartisan lines.

Well, the ranking member of the Finance Committee has signaled his willingness to get together along bipartisan lines. Senator WYDEN, a member of the committee, has talked to me about this, and I have been more than happy to join with Senator WYDEN, and I thank him for his statesmanship and his willingness to deal with this question in a bipartisan way.

Senator BURR has talked about how universal coverage—the term Republicans always used to hate to use—is now a legitimate concept. Universal coverage used to be code word for a single-payer, government-run system, which Republicans opposed. We now understand that everyone in the country should have access to health care so that the cost shifting Senator BURR talked about can stop and the debates over what can be done for the uninsured can stop, and it can be done if we change the tax laws in an intelligent way.

Our tax laws for the coverage of health insurance go back to the Second World War. I think the economy has changed sufficiently since the Second World War that we can recognize that the tax laws need to be changed. Senator WYDEN's leadership on this issue, opening up the question of how we can use tax credits now to achieve what Democrats have wanted to achieve for a long time, which is universal access to health care, and at the same time provide what Republicans have wanted for a long time, which is real market forces in health care, to me is an idea whose time has come.

So I am looking forward to the opening the ranking member of the Finance Committee has suggested, where the Finance Committee can have hearings on this issue when we come back after August. I know that will require the cooperation of the chairman of the committee, and I am not being presumptuous to try to suggest what the schedule should be. But I am grateful that the conversation is taking place, that the recognition that hands must be joined across the aisle to deal with this question that has been raised, and I look forward to participating in the debate in any way that I can be helpful.

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

The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. I am going to not say any more, but I ask unanimous consent for 3 additional minutes, and then I will be done because there are three other Members whom I forgot to mention whom I promised a minute to.

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

Mr. GRASSLEY. I yield 1 minute to Senator CORKER and then 1 minute to Senator MARTINEZ and then 1 minute to the Senator from Oklahoma, or whoever wants to use the last minute.

Mr. CORKER. Mr. President, I appreciate the opportunity to speak to this issue. Certainly, Senator BENNETT and Senator WYDEN, Senator COBURN, Senator BURR, and Senator MARTINEZ and a number of people have joined in this debate, and we have spent a great deal of time talking about the important health care bill, the one we are voting on right now tonight. But the fact is, we all know we need to reform health care so that we have equal tax treatment, so that people have the opportunity to actually buy private health insurance and choose the physicians of their choosing.

We can continue to have these short-term fixes—we now have a fix that takes us through 2012 on this program—or we can have reform that really works. I appreciate the chairman and the ranking member having hearings for us to be able to talk about this in a real way. I hope what has happened with Senators WYDEN, BENNETT, and BURR, and Senators COBURN and MARTINEZ and others, including myself, is that hopefully we will have an opportunity to have a real debate on health care reform so that we can really move toward what this country ought to do, and that is to make sure Americans have the opportunity for affordable, quality health care, and we can move beyond these short-term solutions we are faced with today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I wish to rise also to speak on this issue. It is very important that we talk about children's health care, as we have been doing over the last several days, but it is equally important that we talk about all Americans. In the State of Florida, 17 percent to 20 percent of the people are uninsured on any given day. That is unacceptable. We as a country have to deal with this issue. I want to deal with it in a way that allows for there to be tax equity, for one thing, for those who purchase health insurance through their employer and have tax equity for those who choose to buy a single individual policy of their own. We need to find a way through the tax credit program we have introduced with this bill so that we then make it possible for people to buy health insurance.

So the goal is not to create a single-payer system, to create a government-run system—which we know is not ideal and which we know has not been the way to provide the greatest and best care—but to provide a way for people to become insured and for those

who cannot afford it to have an opportunity through the Tax Code to get the help they need so they can purchase it.

I believe there are a lot of good ideas we need to discuss, a lot of debate that needs to take place. At the end of the day, I don't think we should fear a discussion, and we should not fear the possibility that we all are coming to a consensus on the idea that all Americans have to have a place where they can go for their health care. A lot of health care dollars can be saved if people have that kind of maintenance and care all along so that they are not only going to a health care facility in a crisis, in a medical crisis. We would save a lot of dollars in the end, and the quality of life of the American people would increase as well.

I thank the ranking member for his courtesy and yield the remainder of my time to him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I just want to make two points on the Every American Insured Act, and that is that every American ought to have access to health care, and if we do that, the average American's health care policy right now would go down $1,000 a year. There is over $250 billion in cost shifting that is in the system today that will go away. We ought to be thinking about that. We ought to be looking at it.

What we do know from around the world is that a true competitive market will yield the best quality and the best results and the best outcomes for every American.

Mr. GRASSLEY. Mr. President, the underlying intent of any of these proposals is to put downward pressure on insurance costs, thereby reducing the cost of health care.

If Congress goes in the direction of a tax credit, the tax credit must be structured so that low-income individuals have a meaningful tax subsidy to purchase health insurance.

If Congress goes in the direction of a standard tax deduction, any deduction must be structured to ensure that taxpayers who continue to receive health care coverage through their employer do not see a significant increase in their taxes.

Congress should also contemplate a combination of a tax credit and a deduction.

A combination effectively marries these tax concepts and may serve as a viable compromise.

I believe that the Senate Finance Committee should hold hearings on the various ways we can reform the health care system. We may even be able to mark up a proposal that could be acted upon by this body before the end of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, there is only about 17 minutes before voting starts. I have an amendment I would like to speak to for 4 or 5 minutes. If there is not somebody else who needs that time right now, let me do that.

This relates to an amendment that will be, I believe, the last one we vote on in this next tranche that simply reinserts into the code the very minimum wage tax provisions the Senate voted on and approved. It was—if not unanimous, it was a very strong vote in favor of those provisions.

Recall that when the minimum wage bill was dealt with in the House, they originally had a bill, but they ended up putting it in the Iraq supplemental appropriation because that was a must-pass bill. So the minimum wage provisions were attached to that bill, and they passed but without all of the Senate-passed tax provisions.

The bill we are literally debating tonight came from the House of Representatives and is that tax bill. Now, we have amended it to include the SCHIP provisions, but what we need to do is to use that House shell bill for its original purpose, also, and that is to add back the exact provisions we passed in this body to help small businesses offset the costs of the minimum wage requirements we imposed upon them. They have to do with depreciation for leaseholds, restaurants, and for some retail construction. I will explain what each of them is.

Under the leasehold restaurant renovation provision, under current law, leasehold and restaurant improvements and renovations are depreciated over a 15-year period, but that only applies through the end of this year. What we did here in the Senate was to extend that treatment through the end of 2008—very reasonable.

New restaurant construction. Current law requires that components of a new restaurant be depreciated over as long as 39 years, if you can believe it. It doesn't make sense to depreciate restaurant renovations over 15 years but new construction over 39. So what the Senate did was to fix this inconsistency and provide for the same appreciation, a 15-year period, and to extend that again through the end of the year 2008. This applies to things such as convenience stores. A direct competitor of a quick-service restaurant can use the 15-year depreciation schedule for all construction, and it is permanent in our Tax Code. If you have a different kind of restaurant, you don't have that same tax treatment. The Senate recognized that inconsistency and put that into the law and extended it until 2008.

Finally, an owner-occupied retail. Improvements made to that were depreciated for as long as 39 years. The Senate recognized that owner-occupied retail space is not renovated and maintained as often as leased space. So our minimum wage bill provided a 15-year recovery period for improvements made to owner-occupied retail spaces. We extended that same treatment through the end of the year 2008.

My point is those three provisions, which we passed in this body—I think they are all supported by members of the Finance Committee—are not law only because they got dropped in the very bill we are debating today that came over from the House. It is, therefore, the perfect opportunity for us to put them back in.

I am sure my friend, the chairman of the committee, will say this is the wrong bill to do it; this is the SCHIP bill. Well, I say we should not have put the SCHIP bill on the tax bill. We should use that tax bill for its original purpose—to have the House have to pass the same tax provisions we passed. We have to deal with these expiring provisions sometime this year. Right now, they expire at the end of this year. We have to do it. We might as well do it in the very bill it was intended to be done on right now.

There may be a commitment to do all of these so-called extender provisions sometime before the end of the year. When we come back in September, things are going to get pretty dicey with the issues relating to foreign policy and, ultimately, probably tax bills such as AMT relief. We have the FAA reauthorization and all these other things, with time running out.

There is no reason we cannot do it now. I suggest that we do it. All this amendment does is extend the current law provisions for restaurants and leaseholds through the end of 2008—the same thing we would be doing with the usual extender package—and adding the new restaurants construction and owner-occupied retail space to the 15-year depreciation category, as we already did when we passed the minimum wage bill in the Senate.

Remember, we have now imposed the minimum wage burden on small businesses, and they are going to expect some relief so they don't have to bear all of the expense of it. They expected that relief. They are not going to get it if we are not able to extend it before the end of this year. This is the place to do it. I hope my colleagues, when they get to this last amendment, No. 2562, relating to depreciation for retail and restaurants and construction, will recall that they have already supported this once before. We have this commitment to our small business constituency, and I think this is the perfect vehicle for us to ensure that that relief actually gets to them and that they, therefore, can take advantage of it beyond the end of this current year.

Mr. COBURN. Mr. President, under the previous order, at 7:45, I had 5 minutes reserved. I wish to start on that amendment now, and that would give me a total of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I understand we have worked on another amendment, a Senator WYDEN amendment, on juvenile diabetes. I understand it has been worked out all the way around. I urge the Senator to offer it now so we can get that out of the way, and the Senator from Oklahoma can then speak.

Mr. COBURN. I withdraw my request.

AMENDMENT NO. 2570, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. WYDEN. I thank the chairman from the Senate Finance Committee.

I ask unanimous consent to call up my amendment No. 2570, and I send it to the desk with a modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 2570, as modified.

The amendment is as follows:

On page 217, after line 25 insert the following:

SEC. __. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15 million during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 states over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

Mr. WYDEN. Mr. President, I will be very brief. The amendment has been accepted by the leadership on the Senate Finance Committee. We have been talking a lot about health care. We have a lot of health care in our country, but, unfortunately, not enough prevention or wellness.

This amendment is designed to deal with epidemic juvenile diabetes. We can effect it by encouraging people to change behavior through personal responsibility with a bipartisan agreement to promote that.

I urge its adoption.

Mr. BAUCUS. Mr. President, as the Senator indicated, it has been agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2570), as modified, was agreed to.

AMENDMENT NO. 2618 WITHDRAWN

Mr. BAUCUS. Mr. President, before the Senate proceeds, I ask unanimous consent that amendment No. 2618 be withdrawn.

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

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2627

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 2627, and I ask unanimous consent that Senator VITTER be added as a cosponsor.

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

The amendment is pending.

Mr. COBURN. Mr. President, this is a fairly straightforward amendment. I am not sure what the chairman thinks about it. One of the things we know—even from the chairman's words earlier—he rejected the CBO evaluation of the new enrollees in this system. What we do know is that a large number of children who now have insurance with their parents are going to be moved out of that insurance to somewhere else.

In the old SCHIP program, we had a concept of premium assistance. In the two States that have gotten through the very tough parameters of that assistance and have met it to meet the requirements of SCHIP, we found fewer kids go away from their parents' insurance and stay unified in the same clinic, with the same doctors, with continuity of care. And 77 percent of the children between 200 and 300 percent, which is what we are addressing with the new bill, are already covered. For the fully eligible kids up to 200 percent, CBO tells us for every one we add, we will take one off.

This amendment says let's not take them off. Let's use the money for premium assistance to help those parents keep the insurance with them. In Oregon—and the Senator from Oregon might know this—those families who chose the premium assistance option were more likely to receive care in a doctor's office or HMO, rather than a public health clinic or a hospital clinic. Families using the premium assistance option also reported fewer unmet primary and specialty care needs than those in traditional SCHIP. The premium assistance option works. We need to remove the difficulties and barriers so that more individuals eligible for SCHIP have the freedom to access it.

Ensuring that newly eligible populations under the Baucus-Grassley proposal are covered with a premium assistance model will ensure the preservation of market-based health care, rather than decline that system.

Many lower income families already participate in the private health insurance market. Seventy-seven percent, as I said, of those in the 200 to 300 percent of the Federal poverty level are already covered in a private insurance market. So if the purpose of SCHIP is to get kids covered and we are worried that some in this group—those at 200 to 300 percent—why not use premium assistance to help them stay in a contiguous family policy and help the parents maintain them within that policy?

We accomplish the same goal and we do a couple other things. No. 1, we let parents make a decision on who their doctor is going to be for their child, rather than a Government bureaucrat. In many SCHIP programs, there is a limited number of providers, and the child may not be seen now. What this does is use the funds to allow them to stay with their parents, still reaching the goal of covering more kids; but, also, CBO has scored this amendment as saving money because we will cover more children at a lower cost.

It is a fairly commonsense amendment. There are problems with the requirements on the premium assistance model in the old SCHIP program. As a matter of fact, four other States had gone to it and then left because of the complications of getting the waivers and meeting the requirements of the SCHIP, which forced children away from the primary care doctor they and their parents wanted to have.

There is one other thing that I think is important. Whether we like to admit it or not, 60 percent of the primary care doctors in this country don't take SCHIP or Medicaid. So we have limited it down to 40 percent. If we want to have equal access for these children under the SCHIP program, we need to take the Medicaid SCHIP stamp off their forehead. We need to give to them the market so they can go where they want to go. By doing premium assistance, you allow that freedom of choice by the parents of the children. When we don't allow premium assistance, we take choice away—here is what I had and now I don't have the choice. I submit to the body that this will discourage a large number of children from going into the SCHIP program. So if our goal is to increase it from 200 to 300 percent, and over 77 percent of those are already insured, why would we not want to keep those already insured and do a premium assistance model and help the other 23 percent with the SCHIP program?

It is a straightforward amendment. The Massachusetts Institute of Technology economist Amy Finkelstein recently released research about the unintended effect of what happens when the Government controls health care. The summary of that is we pay more, but we don't get better results.

I showed a chart here the other day, actually, of the fully absorbed cost of us buying insurance through the SCHIP program versus what you can buy in the private market. The difference is astounding. It is about $1,800 more to buy a $1,352 policy versus the other.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. COBURN. I ask unanimous consent for an additional 5 minutes, as I did when I requested it from the chairman.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. What did the Senator request?

Mr. COBURN. I requested to start 5 minutes early so I could still have the 7:45 to 7:50 time slot. I will finish up faster than that. I need 2 or 3 minutes.

Mr. BAUCUS. No objection.

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

Mr. COBURN. Mr. President, America spends 16 percent of its gross domestic product on health care, and that doesn't take into account any research and development. It is important to know that, through the private sector, M.D. Anderson, in Texas, spends more on research than the entire country of Canada. We don't want to disrupt that.

So keeping these children in a private program with their parents, with the continuity of care, I can tell you that as a practicing physician, when you have one child go one place and one child going somewhere else, and a parent going somewhere else, the ability to access health care declines. So I hope the chairman will consider accepting this and look on it favorably. We will actually make the Baucus-Grassley bill much more effective, much like we are seeing in Oregon, which has been effective with children staying on the same health care with their parents.

With that, I yield the floor.

Mr. BAUCUS. Mr. President, we are close to 7:45. I suggest that the voting begin now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I understand there is 2 minutes allowed equally divided prior to the vote; is that correct?

The PRESIDING OFFICER. Yes, it is.

Mr. BAUCUS. Does the Senator wish to speak for 1 more minute?

Mr. COBURN. I just spoke.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is not wise. I do not think we should adopt this amendment. What does the amendment do? Basically it would require at least 34 States would have to resign their successful Children's Health Insurance Programs in ways that force children into potentially inferior coverage; that is, their health insurance coverage would be worse than under SCHIP. Why? Because sometimes private health insurance requires deductibles or limits hospital stays, may prevent insulin from being available for diabetes. It forces premium assistance. It forces people into coverage they may not want. I don't think we want to do that.

Second, it would force children to take the premium assistance to purchase HSAs. That is not a good idea. HSAs work better for wealthier Americans, healthier Americans. We are talking about low-income kids, and they have to spend a lot of money on high-deductible HSAs. I don't think it is a good thing to do.

We are here to help kids. We are not here to force kids into private coverage plans and use their premium assistance to buy HSAs.

I urge the amendment not be agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I note a couple points. This does not force any kid, 200 percent or under, to go into the premium assistance program. A family making $62,000 a year—that is not a low-income kid. As a matter of fact, 21 States in this country have less income than that. It is working well where it is being utilized, and it does not force anyone into inferior care.

I understand the chairman's objection. I take that, but the record should show that of those who are on premium assistance today, they have adequate or greater care than the SCHIP program.

Mr. BAUCUS. Mr. President, since the Senator took an extra minute, I ask to respond and then get to the vote.

Essentially, this amendment forces kids to use premium assistance in two negative ways. One, it forces them into private coverage. They may not want it because the private coverage might be worse. Second, this amendment has the effect of forcing premium assistance to buy HSAs.

I don't want to encourage it at this point because HSAs are better for the healthier and wealthier and not low-income kids. I urge the amendment not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—37

Alexander	Craig	Lott
Allard	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Dole	McCaskill
Brownback	Ensign	McConnell
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Gregg	Sununu
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter
Coleman	Inhofe	Voinovich
Corker	Isakson	
Cornyn	Kyl	

NAYS—62

Akaka	Clinton	Kennedy
Baucus	Collins	Kerry
Bayh	Conrad	Klobuchar
Biden	Dodd	Kohl
Bingaman	Domenici	Landrieu
Bond	Dorgan	Lautenberg
Boxer	Durbin	Leahy
Brown	Feingold	Levin
Byrd	Feinstein	Lieberman
Cantwell	Grassley	Lincoln
Cardin	Harkin	Lugar
Carper	Hatch	Menendez
Casey	Inouye	Mikulski
Murkowski	Roberts	Stabenow
Murray	Rockefeller	Stevens
Nelson (FL)	Salazar	Tester
Nelson (NE)	Sanders	Warner
Obama	Schumer	Webb
Pryor	Smith	Whitehouse
Reed	Snowe	Wyden
Reid	Specter	

NOT VOTING—1

Johnson

The amendment (No. 2627) was rejected.

AMENDMENT NO. 2596

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2596, as modified, offered by the Senator from Louisiana, Mr. VITTER.

Mr. VITTER. Mr. President, this is also a crowding-out issue, which I think is a very important and central issue in this debate. I am for a safety net. I am for insuring children who aren't insured, who can't get health insurance otherwise. What I am not for is pushing kids who are on perfectly solid ground off that solid ground and into the safety net. That is what, in part, this very large SCHIP expansion would do, perhaps 50 percent of the new SCHIP enrollees being folks—kids—who have private insurance. Now, that is wrong and it is also very expensive to the taxpayer.

What this amendment does is simple: It says we are for a safety net, but we are not for pushing people who are on solid ground into the safety net. And if they have difficulty staying on that solid ground in terms of affording their premiums, we are going to allow States to have premium subsidization, premium support to be able to keep those folks on good private insurance. That is what we should do, rather than push people off solid ground into the safety net at great taxpayer expense.

I yield back my time.

Mr. BAUCUS. Mr. President, I don't think we want to do this. This requires—it mandates—that States deny kids coverage under the program if their employer offers health insurance. It requires it. I don't know where we have those kinds of requirements today in the health care area. Senior citizens are not required to sign up for Medicare Part B. There is no requirement. Why should we require States to prevent children's health insurance coverage if by chance the child's family is offered private health insurance? The private health insurance may be inferior to what the child would otherwise get in the program. The benefits might be much less. Who knows what doctors are available. Who knows?

I don't think we want to require States to prevent families and low-income kids from getting CHIP coverage simply because an employer offers health insurance. That is not a fair choice. I think we should, therefore, reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—35

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bond	Domenici	McConnell
Brownback	Ensign	Sessions
Burr	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Corker	Hutchison	Voinovich
Cornyn	Inhofe	

NAYS—64

Akaka	Grassley	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Hatch	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Roberts
Brown	Klobuchar	Rockefeller
Bunning	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Specter
Clinton	Lincoln	Stabenow
Coleman	Lugar	Stevens
Collins	McCain	Tester
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—1

Johnson

The amendment (No. 2596), as modified, was rejected.

AMENDMENT NO. 2535

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2535, as modified, offered by the Senator from Colorado, Mr. ALLARD.

Mr. ALLARD. Mr. President, this amendment codifies the ''unborn child'' rule. The purpose of this amendment is to provide health care services to benefit either the mother or unborn child, consistent with the health of both.

It has been reported that some States denied health care to the mother for disorders not directly affecting the unborn child. This is just a commonsense amendment. Obstetricians recognize that you are dealing with two separate individuals, that you have to deal with the unborn child as well as the mother. Obviously, you need to have a healthy mother in order to have a healthy unborn child.

I ask for an ''aye'' vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I urge a ''no'' vote on the amendment. This amendment is an effort to inject a very highly contentious abortion rights issue into this children's health insurance legislation. I think it is a mistake for us to do that.

The underlying bill which came out of the Finance Committee protects the right of any State in the country to provide health care to pregnant women. It protects the rights specifically of the 11 States that are currently providing coverage under this unborn fetus regulation to continue to do that. So there is no need for this amendment. I urge my colleagues to oppose it.

Mr. ALLARD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three seconds.

Mr. ALLARD. Mr. President, this is not unprecedented action. We have passed the Unborn Victims of Violence Act, and so this is basically what we are trying to do, to make sure the mothers have the health care they need.

I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—49

Alexander	DeMint	Lott
Allard	Dole	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Casey	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Coleman	Isakson	Vitter
Corker	Kennedy	Voinovich
Cornyn	Kerry	Warner
Craig	Kyl	
Crapo	Landrieu	

NAYS—50

Akaka	Feingold	Obama
Baucus	Feinstein	Pryor
Bayh	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Salazar
Brown	Lautenberg	Sanders
Byrd	Leahy	Schumer
Cantwell	Levin	Snowe
Cardin	Lieberman	Specter
Carper	Lincoln	Stabenow
Clinton	McCaskill	Stevens
Collins	Menendez	Tester
Conrad	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Dorgan	Murray	Wyden
Durbin	Nelson (FL)	

NOT VOTING—1

Johnson

The amendment (No. 2535), as modified, was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2620

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2620 offered by the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President, we have been talking about having one State or another State have a different cost of living, and therefore having to have a waiver for the whole State. My amendment says the Secretary will look at the cost of living in an area of the State, a county, or a statistical metropolitan area, so you don't have to have a waiver for a whole State, if it is only one city or one area in that State that needs the extra help. That is my amendment. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just assume that you are a person who is maybe in one city and move to another town or have relatives in one city or town in the same State. You don't know what the match is going to be. You don't know whether you qualify or don't qualify. I don't understand this amendment at all. I am really quite astounded that we would want to even countenance doing something like this. Essentially it says: OK, MSA, State, you don't get the 300 percent match rate in Medicaid. You get 200 percent. You get Medicaid which is adjusted by cost of living, and MSA with a county or a State. I don't get it. I think we have to get some simplicity, some continuity, allow some people to have some idea of what the law is. I urge Senators to not support the amendment.

Mrs. HUTCHISON. Mr. President, it just makes common sense that you would want to help the areas that have a clear cost-of-living adjustment need, but you don't have to do it for a whole State if it isn't needed in the whole State. It would save taxpayer dollars. It is equitable. It is fair, and it is responsible. I hope we can adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 21, nays 78, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—21

Allard	Crapo	Inhofe
Barrasso	Dole	Isakson
Bennett	Domenici	Lugar
Chambliss	Enzi	McCain
Cochran	Graham	Sessions
Cornyn	Hagel	Shelby
Craig	Hutchison	Vitter

NAYS—78

Akaka	Durbin	Murkowski
Alexander	Ensign	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Gregg	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Inouye	Roberts
Brownback	Kennedy	Rockefeller
Bunning	Kerry	Salazar
Burr	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Kyl	Smith
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Clinton	Levin	Stevens
Coburn	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lott	Thune
Conrad	Martinez	Voinovich
Corker	McCaskill	Warner
DeMint	McConnell	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden

NOT VOTING—1

Johnson

The amendment (No. 2620) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have had a conversation with the two managers of the bill, and we have two or three amendments left, and one of those could go away, which means we will have a couple of votes, maybe three votes before final passage.

The managers, I think we would all acknowledge, have done a very outstanding job on a difficult piece of legislation.

I would also say, Mr. President, we are going to have to be in session tomorrow. At 9:30 in the morning—I told Senator BYRD it would be a 9:45 vote—there will be a 9:30 vote in the morning. We will vote on a judge at 9:30. Then we will proceed on some other matters. We are going to try to complete the WRDA conference. We are going to have a real yeoman's try at completing the competitive matter. I understand there is a hold on that now. We would hope we could complete that by unanimous consent; if not, a short timeframe within which to debate that and vote. It is something that is bipartisan and Members have worked on for well more than a year.

We also have, of course, good news tonight. The mental health parity is being hot-lined tonight. I hope we can complete that tonight. That is legislation Senator DOMENICI and others have been pushing for a long time. I am not going to mention all the people who have been pushing it, but Senator DOMENICI has been talking about it a lot in recent days, and I appreciate his advocacy for that.

The big issue tomorrow is to see what we can do to complete the problems that everyone has read about dealing with the surveillance program that is going on to listen to these bad people who are trying to create problems in our country and around the world. We do not have that worked out yet. I have had a conversation with the distinguished Republican leader. Hopefully, we can have that set up so there is some way of disposing of that issue tomorrow.

Now, that is what we have left before we leave here. It is not an easy agenda, but it is one we can complete with a little cooperation from both sides.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2600 WITHDRAWN

Mr. BAUCUS. Mr. President, I ask unanimous consent that Sanders amendment No. 2600 be withdrawn.

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

AMENDMENT NO. 2562

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 2562, offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Mr. President, this amendment simply has us do something we have already done. We passed, I believe, unanimously some provisions to help small businesses pay for the minimum wage increase. We all did that. The bill went over to the House of Representatives. You will recall they attached the minimum wage bill to the Iraq supplemental, and they dropped out these tax provisions.

This amendment simply reinstates the same tax provisions for small businesses in three areas: leasehold and restaurant depreciation, extending them from the end of this year through 2008; new restaurant construction, a 15-year depreciation period; owner-occupied retail, a 15-year depreciation period—all just through the end of the year 2008.

As to the first one, it has to be done this year because it expires at the end of this year. As I said, we adopted this. We checked the record. I think it was by unanimous consent. In any event, I believe it was unanimous. We already passed it.

Here is the irony. The underlying bill that the SCHIP bill has been attached to is that minimum wage bill. So to the argument that this is not the right bill, I would say, actually, this is not the right bill for SCHIP, but it is the right bill for this amendment. So I hope we can repeat what we have already done and adopt this small business relief.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, this world is filled with irony. It is ironic, frankly, that we are here in this situation. But, essentially, first, I support what the Senator is trying to do. We reported this same provision out of the Finance Committee, as the Senator stated, at an earlier time as part of that small business-minimum wage package. It was then paid for.

I say to my friends and my colleagues that we will find a time to do this provision. It is part of the extenders package. Extenders are taken up at the end of the year. That is when we put them all together and find out what we want to do, not here on this legislation. It is not paid for. This costs $5 billion. I do not think it belongs on this bill. I, frankly, have to now raise a point of order.

Mr. President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I move to waive the applicable provisions under the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—49

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

NAYS—50

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

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2552

Mr. SMITH. Mr. President, I ask unanimous consent that the pending business be set aside, and I further ask to call up amendment No. 2552 and dispense with its reading.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH. Mr. President, may I read this before he objects? I wonder if my colleagues would indulge me.

Mr. President, this amendment is the outgrowth of a bill I introduced with Senator KOHL this year. As many of my colleagues know, Congress modified the Supplemental Security Income Program to include a 7-year time limit on receipt of benefits for disabled refugees and asylees. This policy was intended to balance a desire to have people who immigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete.

Unfortunately, the naturalization process often takes longer than 7 years. Applicants are required to live in the United States for a minimum of 5 years prior to applying for citizenship. In addition to that time period, their application process often can take 3 or more years before resolution. Because of this time delay, many individuals are trapped in the system and faced with the loss of their SSI benefits. In fact, we know that to date, more than 7,000 elderly and disabled refugees have lost their SSI benefits and another 16,000 are threatened to lose their benefits as well in the coming years.

Many of these individuals are elderly refugees who fled persecution or torture in their home countries. They include Jews fleeing religious persecution from the former Soviet Union, Iraqi Kurds fleeing from Saddam Hussein's regime, Cubans, and Hmong people from the highlands of Laos who served on the side of the U.S. military during the Vietnam war. They are elderly and unable to work and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process is unjust and inappropriate.

The Bush administration in its fiscal year 2008 budget acknowledged the necessity to correct this problem, this injustice, by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit.

This legislation builds upon those efforts by allowing an additional 2 years of benefits for elderly and disabled refugees, asylees, and other qualified humanitarian immigrants, including those whose benefits have expired in the recent past.

Additionally, benefits could be extended for a third year for those same refugees who are awaiting a decision on a pending naturalization application.

These policies are limited to 2010 and are completely offset in cost by a provision that will work to recapture Federal Government funds due to unemployment insurance fraud.

The offset that is provided was also taken from the President's own budget.

By reducing fraud in the unemployment insurance system, the provision would effectively reduce taxes on employers by $326 million over the next 10 years, according to the CBO estimate.

I thank my colleagues for listening. I hope for your support and ask that this amendment be accepted by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator KERRY be recognized now to offer a sense of the Senate, which will be agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2529 TO AMENDMENT NO. 2530

Mr. KERRY. Mr. President, this will be very brief. Senator SNOWE and I have joined together, as the chair and ranking member of the Small Business Committee, to put together a task force effort between the Secretary of Health and Human Services, Secretary of Labor, Secretary of the Treasury, and the Small Business Administrator to coordinate and assist in trying to effectively reach out to small businesses to help them be aware of how they can take advantage of the Children's Health Insurance Program.

This has been cleared on both sides. It doesn't cost any additional funds whatsoever. It simply is an effort to try to coordinate and implement this as effectively as possible. I ask for its adoption.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Ms. SNOWE, proposes an amendment numbered 2529.

The amendment is as follows:

(Purpose: To establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children)

At the appropriate place, insert the following:

SEC. ____. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term ''State Children's Health Insurance Program'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term ''task force'' means the task force established under subsection (b)(1); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2529) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator CARDIN be recognized for the purpose of offering an amendment that also has been cleared on both sides.

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

The Senator from Maryland is recognized.

AMENDMENT NO. 2567, AS MODIFIED, TO AMENDMENT NO. 2530

Mr. CARDIN. Mr. President, I send to the desk the modification of amendment 2567.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Ms. MIKULSKI, Mr. BINGAMAN, and Ms. COLLINS, proposes an amendment numbered 2567, as modified.

Mr. CARDIN. 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 improve the provisions relating to dental health)

Strike section 608 and insert the following:

SEC. 608. DENTAL HEALTH GRANTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2114. DENTAL HEALTH GRANTS.

''(a) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—From the amount appropriated under subsection (f), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

''(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

''(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

''(1) a detailed description of—

''(A) the dental services (if any) covered under the State child health plan; and

''(B) how the State intends to improve dental coverage and services during fiscal years 2008 through 2012;

''(2) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

''(3) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

''(4) an assurance that the State shall—

''(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

''(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

''(c) USE OF FUNDS.—The programs and activities described in subsection (a)(1) may include the provision of enhanced dental coverage under the State child health plan.

''(d) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

''(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

''(2) no State matching funds shall be required for the State to receive a grant under this section.

''(e) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

''(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

''(2) information regarding the assessments required of States under subsection (b)(4).

''(f) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.''.

(b) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website.

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

(d) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a)(6)(ii), as added by section 501(a), is amended by inserting ''dental care,'' after ''preventive health services,''.

Mr. CARDIN. Mr. President, I thank Senator BAUCUS and Senator GRASSLEY who helped on this amendment. It has been cleared. It deals with the dental, or oral, health care in the underlying bill. The bill provides for $200 million to help States expand dental care within the Children's Health Insurance Program.

This amendment adds additional provisions that would require the States to describe these benefits as they do other benefits and how they would improve the benefits to our children. It expands Web information so individuals will have a better understanding as to what providers are available for dental care in their community. It has certain studies as to the status of dental health care and oral health care for our children.

Again, I thank the leadership of the committee for their help. I also offer this amendment on behalf of Senators MIKULSKI, BINGAMAN, and COLLINS. I thank them for their help in putting this amendment together.

Mr. BAUCUS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 2567) was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all pending amendments be withdrawn, with the exception of the DeMint amendment No. 2577; that no further amendments be in order, except a managers' amendment which has been cleared by the

managers and the leaders; that upon disposition of the DeMint amendment and the managers' package, Senator DOLE be recognized for 5 minutes to make a budget point of order against the substitute amendment; that once the point of order has been raised, Senator BAUCUS be recognized to move to waive the applicable point of order; that upon disposition of waiver, if waived, then the substitute amendment, as amended, be agreed to, the bill, as amended, be read the third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is pretty clear we have one more vote that I am aware of before final passage. There will be a little bit of intervening business that should not take much time. So we are about done.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2577

Mr. DEMINT. Mr. President, as I have talked about this amendment today, I have been surprised that several colleagues were not aware that Americans are not allowed to buy health insurance, except in the State where they live. Americans can buy anything from all over our country. Yet they are limited to where they can buy health insurance.

One way we can lower the cost of health insurance and create more choices for all Americans is to allow each and every American the opportunity to buy a health insurance policy in any State where those policies are certified. Some will say this is a race to the bottom. But I ask those critics, which State does not have the regulations that you approve of? Every State legislature has a set of regulations they have approved. So these products would be safe, but they create more choice.

I encourage my colleagues to support this amendment that would allow Americans to buy health insurance all over the country, to help create a national market and make health insurance more affordable for every American.

Mr. BAUCUS. Mr. President, this amendment effectively eliminates State insurance protections. The States with the least regulation would become the home of private health insurers who sit back and watch a race to the bottom. States would be inclined to—and encouraged to—pass regulations that are very weak, and that would mean the insurer could qualify in that State and then market anyplace else in the country. It is totally opposed to the current system, where each State has its own insurance regulations. One can argue whether that is a good system, but that is what it is.

We should not, at this point, adopt this amendment, which has the effect of appealing the current structure and allowing a race to the bottom in health insurance coverage.

Mr. DEMINT. Will the Senator yield?

Mr. BAUCUS. Yes.

Mr. DEMINT. We don't change any of the State regulations. We only allow the people not to be regulated anymore. They get to buy insurance wherever they want to buy it. But regulations in the States don't change.

Mr. BAUCUS. Mr. President, the Senator made my point. It is a race to the bottom. I urge rejection of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

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

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 37, nays 62, as follows:

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—37

Alexander	Craig	Lugar
Allard	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Dole	McConnell
Brownback	Domenici	Sessions
Bunning	Ensign	Shelby
Burr	Enzi	Stevens
Chambliss	Graham	Sununu
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter
Coleman	Isakson	Voinovich
Corker	Kyl	
Cornyn	Lott	

NAYS—62

Akaka	Grassley	Nelson (FL)
Baucus	Gregg	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inhofe	Reed
Bond	Inouye	Reid
Boxer	Kennedy	Roberts
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murkowski	Wyden
Feinstein	Murray	

NOT VOTING—1

Johnson

The amendment (No. 2577) was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2645 TO AMENDMENT NO. 2530

Mr. BAUCUS. Mr. President, I send a managers' technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 2645 to amendment No. 2530.

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

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

The amendment is as follows:

On page 22, lines 3 and 4, strike ''paragraph'' and insert ''subsection''.

Beginning on page 53, strike line 15 and all that follows through page 54, line 4 and insert the following:

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

On page 56, line 5, insert ''clause (ii) or (iii) of'' after ''under''.

On page 74, lines 15 and 16, strike ''13–consecutive week period'' and insert ''3–month period''.

On page 118, strike lines 17 through 21.

Page 120, line 5, strike ''section 1902(a)(46)(B)(ii)'' and insert ''subsection (a)(46)(B)(ii)''.

Beginning on page 120, strike line 22 and all that follows through page 121, line 4, and insert the following:

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

On page 130, strike lines 9 and 10, and insert the following:

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

On page 142, lines 14 and 15, strike ''PREVIOUSLY APPROVED PREMIUM ASSISTANCE'' and insert ''PREMIUM ASSISTANCE WAIVER''.

On page 150, beginning on line 3, strike ''issued'' and all that follows through line 9 and insert ''developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).''.

On page 151, line 14, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 157, line 1, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 161, between lines 14 and 15, insert the following:

(VII) health insurance issuers;

On page 165, between lines 2 and 3, insert the following:

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or

a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

On page 205, line 11, strike ''2112(b)(2)(A)(i)'' and insert ''2111(b)(2)(B)(i)''.

Mr. BAUCUS. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2645) was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, this bill seeks revenues for the very laudable State Children's Health Insurance Program by unfairly taxing tobacco products. I urge my colleagues to acknowledge the reality that this tax increase is an irresponsible and fiscally unsound policy.

Tobacco sales have been declining 2 to 3 percent per year and are expected to be slashed by another 6 percent if the Federal excise tax is increased. But in order for this tax increase trick to work, more than 22 million additional Americans will need to take up smoking to keep the SCHIP program running over the next decade.

In addition, according to the Tax Foundation, no other Federal tax hurts the poor more than the cigarette tax. Of the 20 percent of the adult population who smoke, around half are in families earning less than 200 percent of the Federal poverty level. In other words, many of the families SCHIP is meant to help will be disproportionately hit by the Senate's proposed tax hike.

I oppose this tax hike plan not only because it is fiscally unsound but also because it unfairly hurts the economy of my home State of North Carolina. A massive and highly regressive tax increase on an already unstable product is an irresponsible way to fund such an important program.

Mr. President, section 203 of the fiscal year 2008 budget resolution makes it out of order for the Senate to consider legislation that increases the deficit by more than $5 billion in any of the four 10-year periods starting in fiscal year 2018 through 2057. The pending substitute amendment would increase the long-term net deficit in excess of $5 billion. I, therefore, raise a point of order under section 203 of S. Con. Res. 21 against the pending substitute amendment. This legislation clearly violates the Budget Act.

I yield the floor.

Mr. BAUCUS. Mr. President, I very much appreciate the words of the Senator from North Carolina. I know she means well, and is fighting very hard for her State. But pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—67

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

NAYS—32

Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Brownback	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Graham	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter
Cornyn	Inhofe	Voinovich
Craig	Isakson	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 67, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

SCHOOL-BASED HEALTH CENTERS

Ms. STABENOW. Mr. President, I rise to engage the distinguished Finance Committee chairman in a colloquy.

Mr. BAUCUS. I would be happy to have a colloquy with the distinguished Senator.

Ms. STABENOW. I want to express my appreciation for the chairman's efforts, and those of Ranking Member GRASSLEY, in working to ensure the health and well-being of our Nation's children.

As the chairman knows, more than 1,700 schools offer on-site, comprehensive well care, illness-related care, and dental care to nearly 2 million students from rural, suburban, urban, and Native American communities where access to such care is limited or nonexistent. A recent article in the March issue of Health Affairs discusses the role of school-based health centers as

an effective means of helping children get the care they need.

I was prepared to offer an amendment to the pending Children's Health Insurance Program bill that would ensure that school-based health centers are recognized as a provider under both Medicaid and the Children's Health Insurance Program. While the vast majority of these centers receive Medicaid reimbursement, only one in four receives reimbursement under the Children's Health Insurance Program for the providing the exact same quality services that a child might receive at another provider.

After discussing this with the chairman, we noted that my amendment is included in section 121 of the House version of the Children's Health Insurance Program reauthorization bill. Therefore, to finish the Senate reauthorization as quickly as possible, I am prepared to not offer my amendment. But before I do that, I wanted to ask the chairman if he would support the House provision recognizing school-based health centers in conference?

Mr. BAUCUS. I first thank the Senator from Michigan for her leadership on the Healthy Schools Act and school-based health centers. I, too, recognize the importance of school-based health centers. Clearly, efforts must be made to ensure that not only children have coverage but also access to health care providers. I support this amendment and will work with my colleague to address this issue in conference.

Ms. STABENOW. I thank the chairman for his support and assurance. I will not offer my amendment.

DIABETES

Mr. DOMENICI. Mr. President, I want to begin by complimenting the chairman, the Senator from Montana, Mr. BAUCUS, and the ranking member, the Senator from Iowa, Mr. GRASSLEY, for all their work on this Children's Health Insurance Program. You have taken a very difficult and contentious issue and produced legislation that will help many families. You should be congratulated.

I would like to raise the issue of diabetes as part of the reauthorization of the State Children's Health Insurance Program. I have offered an amendment along with my colleague Senator DORGAN, which would reauthorize the Special Diabetes Program for Indians and the Special Funding Program for type 1 diabetes research. This amendment is identical to the language in S. 1494, which I also introduced with Senator DORGAN.

Diabetes is one of the most serious and devastating health problems of our time. Although diabetes occurs in people of all ethnicities, the diabetes epidemic is particularly acute in our Native American populations. That is why during the negotiations on the 1997 Balanced Budget Act, the same bill that created this SCHIP program, I helped craft an agreement to finance diabetes programs of the Indian Health Service and help raise the profile of tribal health programs. The Special Diabetes Program for Indians began with funding of $30 million annually for 5 years and was later expanded to $150 million a year. This funding has been used widely in Indian country, including among the Navajo Nation and the 19 Pueblos in New Mexico.

These programs are set to expire in 2008, and I believe they need to be a priority in this Congress.

Mr. BAUCUS. I want to thank the Senators from New Mexico and North Dakota for their leadership on this important issue. I have worked hard in previous Congresses to support this program and helped shepherd its last reauthorization as part of the 107th Congress. It is important that we work together to make sure our Native American and rural communities have the resources they need to provide treatment and prevention programs. It is important to support research to work to find a cure for this disease. Although we were not able to include this provision in the bill that is before us on the floor, I am aware that these critical programs expire in 2008; and that the reauthorization of these programs is a priority for the Finance Committee.

Mr. GRASSLEY. I would also like to thank my colleagues for their leadership on this issue. I share your concern with the diabetes epidemic in the United States and especially the effect it is having on our Native American communities. I support the reauthorization of the Special Diabetes Program for Indians and also the reauthorization of the Special Funding Program for type I diabetes research. The prevention and treatment of diabetes has improved greatly over the past decade. These programs have clearly played a major role in these improvements. I also look forward to working with my colleagues to reauthorize these programs during this Congress.

Mr. HATCH. I would also like to speak in support of the reauthorization of the Special Diabetes Program for Indians and the Special Funding Program for type I diabetes research. My record as an advocate for diabetes research and treatment programs is well documented. I have helped to lead the efforts in past years to reauthorize these programs and I look forward to working with my colleagues to make the reauthorization of these programs a priority for the Finance Committee this Congress.

Mr. DOMENICI. I want to thank the Senators for their time. With that I will withdraw my amendment and I ask the chair that my amendment No. 2629 be withdrawn.

AMENDMENT NO. 2535

Mr. SPECTER. Mr. President. I voted against the Allard Amendment for the following reasons.

This amendment sought to codify in law the treatment of unborn children, therefore establishing the fetus as protected separately from the mother. Under the current bill, SCHIP States may treat pregnant mothers. In 2002, the Bush administration issued a regulation that gave States the option of extending SCHIP coverage to unborn children without a waiver.

While I support the waiver policy in the pending legislation, this amendment is an effort to advance a political cause rather than provide a medical necessity because pregnant women are now covered. Under current law, there is ample ground for coverage during pregnancy. In fact, the Senate bill allows States to provide coverage for pregnant women without denominating them as unborn children to advance a political cause.

While the amendment failed by a vote of 49 to 50, there is no practical effect in terms of health care coverage for pregnant women.

AMENDMENT NO. 2557

Mr. BYRD. Mr. President, while I opposed the Specter amendment, I do believe that the alternative minimum tax needs to be reformed. In the coming months, I hope to support efforts to do away with the inequities of the alternative minimum tax that unfairly burden West Virginians.

AMENDMENT NO. 2621

Mr. DURBIN. Mr. President, today the Senate adopted a resolution expressing the sense of the Senate that small business owners should have some help when it comes to providing health insurance for their employees. I am an original cosponsor of the resolution adopted by amendment and strongly support its goals.

The current health insurance system is simply not working for small employers and the self-employed. Employees of small businesses are much more likely to be uninsured than employees of large businesses. They are charged higher premiums for similar coverage. Their premiums can increase dramatically from year to year when a fellow employee gets sick. And employees rarely have a choice when it comes to their health plan.

Over the past several months, I have sought out the opinions of people with a variety of viewpoints, which has resulted in constructive dialogue on how Congress can respond to these challenges. We are making progress. I think a workable compromise can be found.

There is general agreement on what we want to accomplish. We need to create opportunities for small businesses to group together in a large pool. We need to ensure there are choices in private health plans that employees can choose from. And some form of subsidies will be needed to make health coverage more affordable.

We know what we need to put in place, and we are working on how to reach these goals. The resolution demonstrates the Senate's commitment to finding a consensus this year. We won't end up with a Democratic bill, and we won't end up with a Republican bill. It will have to be a bipartisan bill.

We need to work together, take the best ideas that are offered, and develop

a proposal that has bipartisan support. That is the only way this Congress can address the need to help small business manage rising health care costs, while making health care coverage available for their employees.

Mr. McCAIN. Mr. President, I am pleased that the Senate is debating the reauthorization of the State Children's Health Insurance Program, SCHIP. This is a vital safety net program that offers health care coverage to one of our most vulnerable populations, low-income children. I support a timely, fiscally responsible reauthorization of this program.

The SCHIP program has served a critical purpose for many years. In 1997, Congress created SCHIP to come to the aid of the millions of children who were going without health insurance because their families were stuck between earning too much money to qualify for Medicaid and not having enough money to purchase private health care coverage. I was pleased to join many of my colleagues in supporting its establishment. Thanks to this program, low-income children have been able to count on a safety net program that can provide them with health care coverage that they might otherwise go without.

I strongly support the central purpose of SCHIP and believe that children of low-income families should have health insurance coverage. In some ways, this program has been a great success, as we have been able to drop the rate of uninsured children by nearly 25 percent from 1996 to 2005 and SCHIP covered about 6.6 million children last year. At the same time, however, I am greatly concerned that the program has expanded beyond what Congress first intended. In some cases, SCHIP coverage has been extended to middle-income children and to certain adult populations. I don't believe that was the intention of Congress when we created this program. This has complicated SCHIP reauthorization, and I believe that if we allow SCHIP to grow beyond its original purpose, SCHIP spending will grow exponentially and jeopardize its future success.

Several options have been proposed to reauthorize the SCHIP program. One, the CHIP Reauthorization Act, which was reported by the Finance Committee, would greatly expand SCHIP beyond its original framework, lead to an explosion in new spending, and reduce private health coverage in our country. The other, the Kids First Act, which I support, would keep SCHIP's focus on providing low-income children with health insurance in a fiscally responsible manner.

I am concerned over the direction that the CHIP Reauthorization Act would take SCHIP and the precedent it would set for future authorization bills. The current SCHIP baseline is currently $25 billion; however, under the Finance Committee's proposal, spending would explode by an additional $35 billion and will end up costing $60 billion over 5 years. Not only that, according to CBO, at the end of 5 years, in order to comply with pay-go rules, this bill reduces the SCHIP allotment in the fifth year 2013 from $8.4 billion to $600 million. If there is anyone who seriously believes Congress will cut SCHIP funding by $8 billion in 1 year and cause millions who would then rely on SCHIP to lose coverage, I have got some beachfront property in Yuma, AZ, that I am willing to sell.

The CBO report also points out that if the costs of the program continue to grow according to enrollment projections, the total cost of the program over the fiscal year 2008–2017 period would be $112 billion. Even the massive tobacco tax increase included in the bill, which would raise about $71 billion from fiscal year 2008–2017, can't cover that cost. I am not sure where the extra money will come from to cover the cost of the bill, and it is unfair that we leave this for a future Congress to figure out how to cover our overspending. In other words, let's put a halt to business as usual.

The CHIP bill also represents a change in the mission of SCHIP by further eroding private health coverage of children. With expanded eligibility for SCHIP, we are likely to see families who already have private coverage drop that coverage and opt for a Government-run, Government-subsidized program. CBO estimates that, among newly eligible populations covered under this bill, each additionally enrolled individual in SCHIP will be matched by one individual leaving private coverage. We will be spending billions and billions of dollars providing coverage for children who already have coverage, and I believe this is a dangerous step toward Government-run health care insurance.

Instead, Congress should remember the central mission of SCHIP and focus the program reauthorization on providing low-income children with health insurance coverage if they don't otherwise have it. Several of my colleagues offered the Kids First Act as a substitute amendment to the CHIP bill. It would reauthorize SCHIP, provide an increase in funding, and avoid a costly regressive tax increase. This bill would ensure that SCHIP mission remains covering low-income children and will focus efforts on enrolling children who are already eligible for SCHIP and Medicaid but are not currently enrolled. It also recognizes that millions of children receive private health coverage and would improve current laws that allow States to offer premium assistance for coverage through private plans. Additionally, the Kids First Act also includes small business health plan reforms. Unfortunately, the Kids First Act failed after it was offered as an amendment during debate earlier this week.

At this time, I cannot support the CHIP Reauthorization Act. While I applaud the sponsors efforts to reauthorize SCHIP, I believe that bill differs drastically from the original intention of the SCHIP law and is fiscally irresponsible. I support the ideas contained in the alternative bill, the Kids First Act, which I believe would keep SCHIP focused on providing health insurance coverage to low-income children and would do so without dramatic increases in Federal spending or higher taxes on Americans.

Mr. AKAKA. Mr. President, I support the Children's Health Insurance Program Reauthorization Act.

According to the Center on Budget and Policy Priorities, the Children's Health Insurance Program has reduced the number of uninsured children by one-third since its enactment in 1997. The administration's opposition to this legislation is a vital mistake that threatens the health and well being of our Nation's children. This program is not partisan and debate on this issue should not be ideological. We simply want children to have access to health care. Making investments in the health care of children will help ensure that they grow up into healthy adults. In order to learn and lead active and healthy lives, children must have access to health care.

As of June 2007, 17,512 children were enrolled in Hawaii's Children's Health Insurance Program. An estimated 5 percent of children in Hawaii do not have health insurance. This is approximately 16,000 children who do not have health insurance. I am proud that my home State, Hawaii, has continued to develop innovative solutions to help increase access to health care. This year, Hawaii enacted legislation establishing the Keiki Care Program. The Keiki Care Program is a public-private partnership intended to make sure that every child in Hawaii has access to health care.

Now is not the time to cut Federal resources provided to States to provide health care for children. The legislation currently before the Senate will preserve the access of health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. It will also expand health care access to an estimated 3.2 million children.

The Children's Health Insurance Program Reauthorization Act must be enacted. This administration's opposition to this program is shortsighted and threatens the well-being of our Nation's children.

Mr. LIEBERMAN. Mr. President, I rise today to offer my support to not only the reauthorization of the Children's Health Insurance Program, or CHIP, but also to the expansion of this successful program.

CHIP was created a decade ago on a bipartisan basis with the support of a Democratic President and a Republican Congress. Members of both sides of the aisle came together to address the problem of uninsured children across this country. In 1997, over 22 percent uninsured low-income children were uninsured. In 2005, that percentage had

decreased to less than 15 percent. It is clear that CHIP has significantly lowered the percentage of low-income children that are uninsured. Overall, CHIP has led to a one-third reduction in the percentage of low-income uninsured children in America.

CHIP covers a total of 6 million children today, and research shows us that these children are doing better than those without insurance. CHIP kids are more likely to have seen a physician, and to have had a well-child visit than uninsured children. They are more likely to receive hospital care and prescription medications for their health conditions. Most importantly, CHIP kids have better health and academic outcomes, such as improved care for asthma; declines in infant mortality, childhood deaths, and low-birth weight; and improved academic performance. These facts make it clear that our bottom line should not be dollar amounts, but the health and success of our children, and it is clear that children enrolled in CHIP are healthier and doing better in the classroom. I see no greater reason than that to expand this successful program.

CHIP is a national success story that we should all take pride in. Unfortunately, it is one the few success stories that we have to report in health care over the last decade. Health care costs are rising at ever increasing rates, employer sponsored coverage is decreasing, the numbers of uninsured is rising, health care quality is not where it should be given the amount we spend on health care, and patients are not involved enough in their own care.

As families, businesses, and providers confront these realities, Washington is in a deadlock about how to solve one of our most daunting domestic challenges. CHIP, however, offers this Congress another opportunity to reduce the number of uninsured children in this country now. Just as importantly, we have an opportunity to also make an investment in our future by improving the health status of our Nation's children. It is imperative to our Nation's future health security to provide these children with the coverage they need to be healthy and productive for years to come.

I know that members of both parties want to cover uninsured children in their States and across the country. Members of both parties want CHIP to function as efficiently as possible and to reach those most in need. Members of both parties want to provide States with flexibility to address their States' unique concerns. Now, we are all faced with a new challenge—to cover the 9 million children that remain uninsured across America, 6 million of whom are eligible for Medicaid or CHIP. This challenge brought a core group of Senators from the Finance Committee together around these common goals, which they used as a foundation for reauthorizing and expanding this successful program to move towards covering all of the 9 million uninsured children that remain in this Nation.

Both sides worked tirelessly together and compromised so that the legislation we are now considering could be brought to the Senate floor and so that we could move towards bringing health security to more of America's uninsured children. If enacted, this legislation would provide coverage to over 3 million more children, again reducing the number of uninsured children by one-third. States would receive new funding for reaching out to eligible children and enrolling them. States will also receive funding based on their spending projections, thereby reducing the likelihood of budget shortfalls as we have seen increasingly in recent years. States will receive incentives to lower the rates of uninsured children in their State. Lastly, States will continue to have the flexibility to design programs that meet their unique needs. In Connecticut, children up to 300 percent of the Federal poverty level are eligible for CHIP and this legislation would allow my State to continue to build on its success and enroll even more children into this successful program. This legislation also establishes a new framework for improving quality, which should be a priority as we consider ways of containing health care costs, by creating a quality initiative to develop, implement, collect measurement data on quality of care.

I know there are some in the Senate that are opposed to this legislation and to the expansion of this program. This week they have spoken extensively on their proposals for health care reform and their willingness to move forward on that larger issue. However, while we wait to reform the health care system in this partisan environment, children in this country are living without access to health care. We have a moral obligation to care for these children and give them the best chance to succeed in school, and at life, by keeping them healthy. There are others that say the program should be expanded even more significantly. While I agree with this latter sentiment, the nature of the work of this body is bipartisan. To progress, we each may have to give something up to our colleagues. I urge them to continue on this course and support this legislation.

The legislation before this Senate body is the product of months of bipartisan negotiation, compromise, and a shared vision and goal across both parties. CHIP reauthorization should be an example to all in this Chamber of what can be accomplished when we put partisanship aside and focus on what we have in common.

Most of all, I urge the President to not veto CHIP reauthorization if a bill were to reach his desk. It would signal a colossal missed opportunity to provide health security to those that are most vulnerable in our Nation.

Mr. ENZI. Mr. President, I rise today to speak about the State Children's Health Insurance Program, or what folks on Capitol Hill are calling S–CHIP.

SCHIP was created by a Republican Congress in 1997 to help low income kids get health insurance. The goal of the program is to help kids that don't qualify for Medicaid, but also can't afford to get health insurance on their own, receive the care they need. This program expires on September 30, 2007, and I am here today to speak about how important it is to reauthorize this critical program in a way that protects private health insurance and keeps kids healthy.

I would like to speak for a few minutes about the how the program works today and how the proposals the Senate is discussing will change what currently happens.

Currently States have three options: they can enroll kids in Medicaid, create a new separate program, or devise a combination of both approaches. SCHIP is financed jointly by the Federal Government and the States, and States receive a higher percentage of Federal money for their SCHIP beneficiaries than they do for their Medicaid beneficiaries. This was originally designed to encourage States to create SCHIP programs. States have 3 years to spend their SCHIP allotments. Funds that aren't spent within 3 years are usually redistributed to States that have spent their allotment and need additional money.

When the Republican-led Congress enacted SCHIP in 1997, the program authorized $40 billion for 10 years. I will come back to this point in a bit, but the underlying bill before us today authorizes $60 billion over 5 years—the baseline spending is $25 billion over 5 years and this bill authorizes an additional $35 billion over 5 years. The budget resolution contained a deficit neutral reserve fund to spend $50 billion over 5 years in addition to the $25 billion in the baseline, so a total in the budget resolution is $75 billion over 5 years. This is a lot of money and Congress needs to ensure the money is being used to pay for health insurance for kids that don't currently have health insurance.

The nonpartisan Congressional Budget Office estimates that Senator BAUCUS' bill will reduce private coverage—that is kids will move from private health insurance to taxpayer-funded public health insurance. This is a highly inefficient policy—especially given how bureaucratic some State programs are structured. This is not an efficient use of the taxpayer's money.

Part of the reason why the crowd out effect is so great under the Finance bill is because the bill allows States to expand coverage to kids up to 400 percent of the Federal poverty level—which by the way translates to an annual income of $82,000 for a family of four. The higher the income expansion, the greater the crowd out effect. This is simple economics.

Now I would be remiss if I didn't mention what a great job my home state of Wyoming is doing in administering SCHIP. Wyoming first implemented its SCHIP program, Kid Care

CHIP, in 1999 and in 2003, Wyoming formed a public-private partnership with Blue Cross Blue Shield of Wyoming and Delta Dental of Wyoming to provide the health, vision, and dental benefits to nearly 6,000 kids in Wyoming. These partnerships have made Kid Care CHIP a very successful program in Wyoming. All children enrolled in the program receive a wide range of benefits including inpatient and outpatient hospital services, lab and x-ray services, prescription drugs, mental health and substance abuse services, durable medical equipment, physical therapy, and dental and vision services. Families share in the cost of their children's health care by paying copayments for a portion of the care provided. These copays are capped at $200 a year per family.

Wyoming is also engaged in an outreach campaign targeted at finding and enrolling the additional 6,000 kids that are eligible for Kid Care CHIP but aren't enrolled.

As Congress works to finalize a bill to reauthorize this program, it is essential that we focus on the kids first. Some states SCHIP programs cover parents of kids that are on SCHIP and some States even cover childless adults. Adults without health insurance are a problem in this country, but not a problem this program was originally intended to address. I think there are responsible, market-based things Congress can do to help more American adults get health insurance, but this bill, the State Children's Health Insurance Program, should focus on the C for Children.

Not only does this bill need to focus on kids, we need to focus on low income kids. In July 2005, Wyoming's Kid Care CHIP began covering kids up to 200 percent of the Federal poverty level—those with family incomes below $42,000. The median family income in the United States is about $46,000, so the Wyoming benefit is very generous. Some of my colleagues are advocating for expanding SCHIP to cover kids and adults at 400 percent of the Federal poverty level. That means families making as much as $82,000 a year would have their kid's health insurance paid for by the government. Again, this is an inefficient use of taxpayer dollars. Why should the government provide health care for kids that come from families making $82,000 a year? I'll tell you why my colleagues are advocating for it—they see this as the first step toward government-run health care. They want the U.S. to be more like Canada and Great Britain. They want to take the private sector out of health care. They want to put the government in the exam room and tell you what doctors you can see and when you can see them and what drugs they can prescribe for you. I don't believe in this. Not only do I not believe in this, I think this goes against all the principles upon which this country was founded.

Now I do agree that our health care system is breaking down, and in fact I don't think we have a health care system, I think we have a sick care system. That is why, earlier this month, I introduced ''Ten Steps to Transform Health Care in America,'' a bold and comprehensive solution that addresses our health care crisis by building on market based ideas to expand access to health insurance for all Americans. I would like to take just a little bit of time to discuss each of Ten Steps.

The first of the Ten Steps is eliminating unfair tax treatment of health insurance, expanding choices and coverage and giving all Americans more control over their own health care. The Joint Committee on Taxation estimated that removing this tax bias and a few related health care tax policies will save the Federal Government $3.6 trillion over the next ten years. That is a lot of money that can and should be used to expand choices and access and give individuals more control over their health care. Ten Steps ensures every American can benefit from this savings—whether they get their health care from their employer, from the individual insurance market, or they decide they want to get off Medicaid and switch to private insurance. Everyone should be treated equally.

The second step of Ten Steps would increase affordable options for working families to purchase health insurance through a standard tax deduction. The national, above-the-line standard deduction for health insurance will equal $15,000 for a family and $7,500 for an individual.

The third step of Ten Steps is what makes this a hybrid approach—I couple the standard deduction with a refundable, advanceable, assignable tax-based subsidy. The tax subsidy is equal to $5,000 for a family, $2,500 for an individual. The full subsidy amount is available to individuals at or below 100 percent of the Federal poverty level, FPL, which is $20,650 for a family of four. The subsidy is phased out as an individual's salary increases, with individuals at 200 percent receiving half of the subsidy and individuals at 301 percent receiving the standard deduction instead of the subsidy.

The fourth key step for health care reform is to provide market-based pooling to reduce growing health care costs and increase access for small businesses, unions, other kinds of organizations, and their workers, members, and families. Those of you who know me well recognize how central this would be to any health care reform proposal of mine.

The fifth step blends the individual and group market to extend important HIPAA portability protections to the individual market so that insurance security can better move with you from job to job.

The sixth step emphasizes preventive benefits and helps individuals with chronic diseases better manage their health. America should have health care, not sick care. Prevention. Prevention. Prevention. This step is modeled after a very successful program in Wyoming. In 2005, Wyoming EqualityCare, our Medicaid Program, began providing one-on-one case management for Medicaid participants with a chronic illness, such as diabetes, asthma, depression, and heart disease, to encourage better self-management of these conditions. The program provides educational information on self-management as well as a nurse health coach that follows up with each patient to ensure they have what they need to take care of themselves.

The seventh step gives individuals the choice to convert the value of their Medicaid and SCHIP program benefits into private health insurance, putting them in control of their health care, not the Federal Government. This is very pertinent to the underlying bill we are discussing today. The rationale for this step is simple. If the market can provide better coverage at a lower price, then why not allow Americans to access that care? This gives low-income individuals more options about where they receive their care and what care is available to them. It is time for people to start making decisions about their care—let's get the government out of the doctor's office.

The eighth step in Ten Steps is a bipartisan proposal which the HELP Committee approved last month—the Wired for Health Care Quality Act. This bill will encourage the adoption of cutting-edge-information technologies in health care to improve patient care, reduce medical errors and cut health care costs. Some of the most serious challenges facing healthcare today—medical errors, inconsistent quality, and rising costs—can be addressed through the effective application of available health information technology linking all elements of the health care system.

The ninth step of Ten Steps helps future providers and nurses pay for their education while encouraging them to serve in areas with great need. The ninth step also ensures appropriate development of rural health systems and access to care for residents of rural areas and gives seniors more options to receive care in their homes and communities.

The final step decreases the skyrocketing costs of health care by restoring reliability in our medical justice system through State-based solutions.

I realize that I have talked for quite a bit about Ten Steps to Transform Health Care in America and that, the underlying legislation is the reauthorization of the State Children's Health Insurance Program. I believe it is important to think bigger than just one program and think about the health care system as a whole. I have spoken a few times on the Senate floor about what I call the 80/20 rule. I always believe that we can agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on that 80 percent we can do great things for the

American people. I believe that if we work together on these proposals we can find that 80 percent. I would like to work with my colleagues on that 80 percent. I want action—real action to provide real coverage for Americans. I support reauthorizing this program in a way that protects private health insurance and keeps kids healthy. I also support looking beyond this single program at reforming the entire health care system.

Mr. LEVIN. Mr. President, I am proud that we have produced a bipartisan bill to continue to provide health care insurance to children of low-income parents. The Children's Health Insurance Program, which we created 10 years ago, has been a great success, but it is set to expire on September 30. This bill to reauthorize and expand the program deserves our strong support.

I urge the President to approve the bipartisan compromise my colleagues worked so hard to achieve and not to carry out his threat to veto a bill, a veto which could result in denying health care coverage to many uninsured children from working families.

The Balanced Budget Act of 1997 created a children's health insurance program under title XXI of the Social Security Act. This program allows states to insure children whose families are above Medicaid eligibility levels through block grants, and it allowed states flexibility in designing how CHIP would be implemented.

Since 1997, CHIP has received about $40 billion in appropriations and has been widely successful. Currently, 6.6 million children are enrolled in CHIP. Seventy percent of those children came from families with incomes below 150 percent of the poverty level, and more than 90 percent were from families with incomes below 200 percent of the poverty level.

CHIP coverage leads to better access to preventative and primary care services, better quality of care, better health outcomes and improved performance in school. Some experts estimate that families with insured children are five times less likely to delay health care because of costs than families with uninsured children. Michigan has had particularly impressive results from CHIP and currently has the second lowest rate of uninsured children in the nation.

Although CHIP has been successful, it still fails to address the problem fully. Too many children qualify for the program but are unable to receive insurance because of inadequate funding. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. In Michigan, while 55,000 children are covered under CHIP, 90,000 Michigan children are currently eligible for Medicaid or MIChild, Michigan's CHIP program, but are not receiving services. In addition, according to the Robert Wood Johnson Foundation, the recent decline in employer-sponsored health care coverage is threatening the access to private health care coverage for many more children.

With CHIP set to expire this year, the path we need to take is clear we need to reauthorize and to also expand CHIP.

This bill before us was reported by the Senate Finance Committee with a bipartisan majority of 17–4. It will reauthorize CHIP and increase funding for the program by $35 billion over 5 years. The Children's Health Insurance Program Reauthorization Act of 2007 would ensure that there is sufficient funding to cover the children currently enrolled and to expand the program to additional children in need. This plan would increase outreach and enrollment for uninsured low-income children of the working poor, enhance premium assistance options for low-income families, and improve the quality of health care for our Nation's children.

This reauthorization would also provide $200 million in grants for states to improve access to dental coverage; require that states providing mental health services provide those services on par with medical and surgical benefits under CHIP; and allow states to use information from food stamp programs to find and enroll eligible children. This bill would also help to reduce racial and ethnic health care disparities by improving outreach to minority populations and provide new funding for state translation and interpretation services.

The additional $35 billion in funding is expected to reach an estimated 3.2 million additional uninsured American children from low-income families. Up to 50,000 more Michigan children would be covered over the next 5 years.

There are two aspects of the bill that are disappointing. The current CHIP program allows for flexibility at the State-level in how the program is implemented. The administration has encouraged this flexibility by approving waivers to some States that would allow them to cover services to other needy populations after ensuring that it is not at the expense of enrolling eligible children into CHIP.

Michigan has had a waiver that allows it to cover adults who make less than $3,500 a year—adults who are the ''poorest of the poor.'' But under the bill we passed today, some of these waivers will be phased out

The second disappointment is that this bill does not go as far as we could have to fund and expand CHIP. In the fiscal year 2008 budget resolution, the Senate included an increase of $50 billion for CHIP. However, the bill, as a result of compromises made, provides $35 billion.

I voted for an amendment offered by Senator KERRY that would have provided the additional $15 billion that would have taken us back to $50 billion. With this additional funding, the Kerry amendment would have provided more incentives to increase the enrollment of uninsured children. Unfortunately, this amendment was not agreed to.

On balance, however, this is a strong bill. President Bush's approach would be far worse. The President wants to add only $5 billion over 5 years, which many believe will not even sustain the current levels of coverage and certainly would not help the millions of children still living without health insurance.

President Bush has threatened to veto the Senate's CHIP reauthorization bill, but I hope the Senate's action today will send a strong message to the President that this program has broad bipartisan support.

Here are just a few examples of the way in which CHIP fills a need. A courageous and hardworking mother from Royal Oak, MI, wrote:

> As a single working mother, I could not afford the family insurance that my employer offered, and definitely could not afford private pay. Without this insurance I do not know what I would have done. [SCHIP] offered us options, doctors instead of emergency rooms, less time missed at work and school. Please continue and increase funding for this valuable program. Thank you.

A registered nurse from Berkley, MI wrote:

> I work in Detroit with impoverished, uninsured and underinsured adolescents and the SCHIP program has helped tremendously in getting them the health care they so desperately need.

And a registered nurse from Pleasant Ridge, MI, wrote:

> It is an imperative to continue to support, and expand, health care services to children. These services are the building blocks of personal health leading to healthy, active adults. Health promotion and disease prevention programs have been shown to save significant healthcare dollars later in life by assuring that each individual grows and develops to their fullest potential. Healthy children become healthy adults who then support the growth of communities and the economy.

We have a moral obligation to provide Americans access to affordable and high quality health care. No person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

Ms. COLLINS. Mr. President, one of the first bills that I sponsored when I came to the Senate 10 years ago was the legislation that established the State Child Health Insurance Program—or SCHIP—which provides health care coverage for children of low-income working parents who cannot afford health insurance yet make too much money to qualify for Medicaid.

Since 1997, SCHIP has contributed to a one-third decline in the uninsured rate of low-income children. Today, over 6 million children—including 14,500 in Maine—receive health care coverage from this remarkably effective health care program.

According to a recent assessment by the nonpartisan Center for Children and Families at Georgetown University, ''While the coverage news for the nation is generally bleak, the story for

children's health coverage stands apart. Of all the health reform efforts, covering children has been resoundingly successful. Since its creation, SCHIP has partnered with Medicaid to help ensure that children have the health care that they need.''

Still, there is more that we can do. While Maine ranks among the top 4 States in the Nation in reducing the number of uninsured children, we still have more than 20,000 children who don't have coverage. Nationally, about 9 million children remain uninsured.

Unfortunately, the authorization for SCHIP, which has done so much to help low-income American families to obtain the health care that they need, is about to expire. As the cochair with Senator ROCKEFELLER of the nonpartisan Alliance for Health Reform, I have long been concerned about the need to extend the SCHIP program in order to renew our commitment to meeting the health care needs of children in our Nation's low-income working families.

That is why I am pleased to support this legislation to extend and strengthen this important program. This bipartisan bill increases funding for SCHIP by $35 billion over the next 5 years, a level which is sufficient to maintain coverage for all 6.6 million children currently enrolled, and also allows the program to expand to cover an additional 3.3 million low-income children.

The legislation the Senate is currently debating also improves SCHIP in a number of important ways. I am particularly pleased that the bill includes a requirement for States that offer mental health services through their SCHIP program to provide coverage that is equivalent in scope to benefits for other physician and health services. Treating behavioral and emotional problems and mental illness while children are young is critical to preventing more serious problems later on.

Despite the demonstrated need, children's dental coverage offered by States isn't always all that it should be. Low-income and rural children suffer disproportionately from oral health problems. In fact, 80 percent of all tooth decay is found in just 25 percent of children. I am, therefore, cosponsoring amendments with Senators SNOWE, BINGAMAN, CARDIN, and MIKULSKI to strengthen the dental coverage offered through SCHIP to ensure that more low-income children have access to the dental services that they need to prevent disease and promote oral health. I am hopeful that these amendments will be included in the final package.

In recognition of the fact that good health begins before birth, the Senate bill also gives States the option of covering low-income pregnant women under SCHIP. Current regulations do permit States to cover unborn children, making reimbursements available for prenatal, labor, and delivery services. Medically necessary postpartum care, however, is not covered. The Senate bill will change that.

The Senate bill will also eliminate the State shortfall problems that have plagued the SCHIP program, and it also provides additional incentives to encourage States to increase outreach and enrollment, particularly of the lowest income children.

In short, Mr. President, the bill before the Senate is a prescription for good health for millions of our Nation's working families, and I urge all of my colleagues to join me in supporting it.

Ms. SNOWE. Mr. President, I want to congratulate Chairman BAUCUS and Ranking Member GRASSLEY, as well as Senators ROCKEFELLER and HATCH, for their visionary leadership and tireless perseverance in crafting an SCHIP package that has received so much bipartisan support. I also want to thank them for never losing sight of the single over-arching goal—obtaining health insurance for uninsured children.

I rise today to strongly support a Senate resolution I have filed with Senator LINCOLN and a host of my colleagues on both sides of the aisle which contains a resounding and inescapable message: Congress must unite to address the small business health insurance crisis—this year.

I am encouraged by the unprecedented level of constructive, bipartisan dialogue currently taking place on the issue of small business health insurance reform. The roster of support on our Small Business Resolution speaks volumes about its viability: Senators BAUCUS and GRASSLEY, KENNEDY and ENZI and Senators BEN NELSON, DURBIN, SMITH, and CRAPO. This diverse, bipartisan group tells me that the will is there. We can get this done—if we don't retreat to partisan corners and if we work together and make tough compromises just as we have done on the SCHIP bill—which this body will soon likely pass—where we sat down, rolled up our sleeves, and worked together to fashion a consensus package.

As past chair and now ranking member of the Small Business Committee, if there is one concern I have heard time and again, it is the exorbitant cost to small businesses of providing health insurance to their employees. Health insurance premiums have increased at double-digit percentage levels in 4 of the past 6 years—far outpacing inflation and wage gains. Is there any question that the small business health insurance crisis is real?

We could not be at a more pivotal juncture on this threshold issue. According to the Kaiser Family Foundation, last year the average group-sponsored health insurance policy for an individual was $4,242—the average family plan cost $11,480. And the figures are dramatically worse for those purchasing health insurance in the individual market. For example, in my home State of Maine, a health insurance plan on the individual market can cost a family of four in excess of $24,000 per year. Funds which could be used for other expenses such as saving for college tuition or retirement security or a down payment on a home—not for one year of health care.

This phenomenon perpetuates a cycle of spiraling costs and declining access as fewer and fewer small businesses offer health insurance to their employees. Only 48 percent of our smallest businesses are able to provide this workplace benefit—a 10 percent drop from 5 years ago. Clearly, it is time we started heading in the opposite direction.

Of course, this is easier said than done as small group markets such as those in Maine have no real competition and represent major impediments. No competition means higher costs, and higher costs mean no health insurance.

Making matters more challenging is the fact that across the country, the largest insurers now control 43 percent of the small group markets. In Maine, a sum total of four large insurers now control 98 percent of the small group market.

So the issue isn't whether the United States has the greatest health care system in the world—we do. But with nearly 45 million uninsured in this country, our goal should be nothing less than providing health care access for all. It is all the more incumbent upon this Congress to consider every possible viable avenue and reach across the partisan divide to solve this crisis, an approach that reflects the undeniable will of the American people on this matter.

That is why I have advocated for and championed Small Business Health Plan legislation which would allow small businesses to ''pool'' together across state lines to provide their employees with health insurance at significantly lower costs. It is an idea which is gaining growing support. A recent study published by the National Association of Realtors concluded that an overwhelming majority of voters—89 percent, including 93 percent of Republicans and 86 percent of Democrats—favor legislation that would allow small businesses to pool together to negotiate lower health insurance costs.

I continue to believe that Small Business Health Plans are a logical solution to the small business health insurance crisis, and I thank Senator ENZI for all of his tremendous efforts in getting legislation passed through the HELP Committee last year, and for having them considered on the Senate floor for the first time ever.

As we move forward in this debate, we must leave no stone unturned in our search for consensus solutions to this crisis as we seek to reform the small group and individual health insurance markets.

We must address how to allow health insurers to provide lower-cost products to small businesses across state lines

while maintaining the most widely accepted and necessary benefits and services.

We must figure out how to ''rate,'' or price, these products—and also how and whether this can be done in a uniform manner, without jeopardizing consumer protections.

Finally, we should examine ways to use the tax code as a mechanism for increasing access to health care and injecting competition into the state small group markets.

In conclusion, Congress must consider small business health insurance reform legislation this year, in a bipartisan, comprehensive way that can secure significant consensus support. In the coming months, I look forward to a robust and productive debate on this issue in the Finance Committee.

I yield the floor.

Mr. LEAHY. Mr. President, I wish to express my support for the passage of the Children's Health Insurance Program reauthorization. This is a vitally important program that ensures some of the most vulnerable among us, our children, have access to the health care they deserve. There is no question that we are a country with a health care crisis. In the richest, most powerful country in the world, it is a disgrace that we have 47 million people with no health coverage. Addressing this national priority is long overdue, so I am especially pleased that this new Congress will take action by extending health care coverage to millions of children.

Congress created this program 10 years ago to provide coverage to children whose families earned too much to qualify for Medicaid, but lacked health care coverage through their employer or the private market. At that time, there were more than ten million children who were uninsured. In the last decade, we have seen the success of the Children's Health Insurance Program; it has covered over 6 million low-income children, providing consistent quality health care.

With the success of this program, it is appropriate that we renew it for 5 more years, but also extend it so that millions of additional low-income, uninsured children will now have health coverage. This expansion is critically important because through CHIP children have far better access to preventive and primary care services than they would if they were uninsured. With more routine health care, we know that kids have better health outcomes and perform better in schools.

Studies have also shown that approximately 6 million children are eligible for public coverage but are not enrolled in CHIP. I am pleased that the Finance Committee has been able to craft a bill that would cover 3.2 million children, but I do hope that we can go even further and expand this coverage to additional children. Because uninsured children are nine times less likely to receive needed health care on time and are more likely to go without a visit to a doctor's office, we need to cover as many of them as possible.

My State of Vermont has been a leader when it comes to covering kids. We are referred to an early expansion State because prior to the creation of this program, Vermont extended Medicaid coverage to low-income children through a program known as Dr. Dynasaur. The bill before the Senate would allow Vermont to maintain coverage for the kids currently covered, but also reach out to the remaining children that are eligible but not enrolled in the program.

The Finance Committee proposal would also have a positive impact on health care by increasing the tobacco tax. This action will have a significant affect on our country's health, reducing the rate of cancer, strokes and heart attacks. Further, an increase in the tobacco tax will also reduce the prevalence of smoking, especially among adolescents. We know that when cigarettes become more expensive, both kids and adults will change how much they smoke. This is a positive outcome and one that I support.

I appreciate the hard work that has gone into crafting this bipartisan legislation. I believe it puts the country on the right track towards ensuring all children have health insurance and I strongly support it.

Mr. ROCKEFELLER. Mr. President, this is a monumental day for all Americans but especially children and their families. I am proud of the work we have accomplished over the past few days in the Senate on the Children's Health Insurance Program—or CHIP—Reauthorization Act of 2007. Renewing this program for another 10 years is a fitting way to mark this Sunday, August 5th's 10-year anniversary of the day the first CHIP bill was signed into law.

As you know, this legislation was the result of countless hours of negotiations between Senators BAUCUS, GRASSLEY, and HATCH and I. CHIP legislation has a history of bipartisanship, I am quite proud of it.

Many Members of this Chamber had hoped for something different in this bill.

There were some on the other side of the aisle who wanted to place further restrictions on those covered by this bill and decrease the funding to $15 million. I know that there were others on this side of the aisle who wanted to add benefits and increase the funding to $50 billion. Individually, we were each tempted by some of the suggested changes in the more than 86 amendments to this bill.

But the fundamental goal has been sustained throughout our debates and votes—expanding access to health care for millions of children, including those eligible children who are not yet enrolled.

Each of us knows the statistics in our own State. I am proud that nearly 39,000 West Virginians were enrolled in the program last year.

These kids can see a doctor when they get sick, receive necessary immunizations, and get the preventative screenings they need for a healthy start in life, because of this important program. The passage of this bill means 4,000 more West Virginia children will have affordable and stable health insurance coverage including access to basic preventative care and immunizations.

Bipartisan passage in the Finance Committee was our first ''win.'' Senate passage is the next bold step. Our conference, like all of the CHIP negotiations, will be intense. But if we keep our focus on covering children and bipartisanship, I am confident that we will achieve our vital goal of continuing this successful program for children.

Many individuals have worked long and very hard on this legislation for months. I truly appreciate the efforts of Chairman BAUCUS and Ranking Member GRASSLEY and their professional staff. Senators HATCH and SNOWE and their staff played an essential role in our negotiating team.

But I also want to take a moment to mention the extraordinary work of my health care legislative assistant, Jocelyn Moore. She is enormously dedicated and she has a deep commitment to health care policy, especially the needs of children. Jocelyn is a talented professional who have been working around-the-clock for many months. My legislative director, Ellen Doneski, has also been involved throughout the process and is a real leader. I am grateful for their dedication and commitment and inspired by the intellect and mastery of the issue of children's health policy.

I thank my staff, and my colleagues. Let's get ready for conference negotiations and stay focused on what matters most—covering children.

Mr. MCCONNELL. Mr. President, when this debate first began, I came to this floor to say that SCHIP has proved to be, in many ways, a remarkable success for this Nation.

Thanks to a program passed by a Republican-led Congress 10 years ago, the rate of uninsured children in America has dropped by 25 percent from 1996 to 2005. Last year, 6.6 million children had health care because of SCHIP—and over 50,000 of them were in my home State of Kentucky.

SCHIP has accomplished what it was designed to do: protect children in low-income families, families too well off to qualify for Medicaid but still needy enough to have difficulty affording private insurance.

When the program came up for reauthorization, this Senate's goal should have been to retain what works, and to strengthen the law in areas where it has been misused.

Unfortunately, that is not what happened. SCHIP was originally created to help the needy. But it is clear the authors of this new proposal have overreached.

Some have seized the reauthorization of SCHIP as a license to raise taxes, increase spending, and take a giant leap forward into the land of government-run health care.

The problems with this bill are numerous, and I have spelled them out on this floor before. Because of a budgeting gimmick, the current bill, H.R. 976, will end up costing $41 billion more than advertised.

It will raise taxes at a time when the American people are already taxed too much by more than doubling the Federal tax on tobacco.

It will leave open loopholes allowing some States to raid their kids' health funds and use the money for adults. The ''C'' in ''SCHIP'' stands for children.

It will allow families in certain States who make as much as four times the Federal poverty level to still qualify for SCHIP insurance. A family of four in New York City making as much as $82,600 could qualify.

That means thousands of families in New York alone will be poor enough to receive SCHIP—yet also rich enough to pay the alternative minimum tax, a tax designed specifically to target the so-called ''wealthy.''

By luring people away from the private market, H.R. 976 will eventually remove 2 million people from private health coverage.

Senators LOTT, KYL, GREGG, BUNNING and I saw the problems with this bill, and proposed an alternative. The Kids First Act would have reauthorized SCHIP and ensured that states had sufficient resources to cover all of the kids already enrolled.

It would have added an additional 1.3 million children to the program by 2012. And it would have done all of this without raising taxes or increasing the deficit.

The Kids First Act kept the focus on SCHIP's true goal: protecting low-income children.

Many States, including Kentucky, would actually have had more SCHIP funds to spend on kids under the Kids First Act than under the bill on the floor. I am sorry the Senate did not see fit to adopt our proposal.

I know many Senators worked their hardest during this debate to craft comprehensive solutions for the uninsured in America. I appreciate their efforts. I look forward to continuing that work.

Unfortunately, so much effort has not produced an answer. This bill is unlikely to receive a Presidential signature. Nothing will have been accomplished. We will have to pass a temporary extension of SCHIP, and then go back to the drawing board for a long-term reauthorization.

When we do, I hope the Senate can stay focused like a laser beam on what SCHIP is truly all about: providing a safety net for kids in low-income families.

I look forward to working with all of my colleagues to craft legislation that can meet that goal, pass this Senate, and be signed into law.

But for now, the bill on the floor will not accomplish that. I intend to vote ''no.'' And I urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, we are about to vote final passage tonight. I am not going to take the time of Senators for all the customary thank-yous. I will do that at a later date. But I do very much want to thank Senators GRASSLEY, HATCH, and ROCKEFELLER and all the great team who helped make this possible.

I also thank the parents across the country who love their children and are determined to provide the best possible health care for them. I say to the parents, to all Americans, I hope this bill helps you provide that health care, and I think it will. I thank all Senators for their cooperation in helping make this happen tonight.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, No. 3520, as amended, is agreed to.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—68

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

NAYS—31

Allard	Brownback	Chambliss
Barrasso	Bunning	Coburn
Bennett	Burr	Cochran
Cornyn	Gregg	McConnell
Craig	Hagel	Sessions
Crapo	Inhofe	Shelby
DeMint	Isakson	Thune
Dole	Kyl	Vitter
Ensign	Lott	Voinovich
Enzi	Martinez	
Graham	McCain	

NOT VOTING—1

Johnson

The bill (H.R. 976), as amended, was passed.

The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2646

Mr. BAUCUS. Mr. President, I ask unanimous consent that the title amendment at the desk be considered and agreed to and the motion to reconsider be laid on the table.

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

The amendment (No. 2646) was agreed to, as follows:

Amend the title to read:

A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the order for the vote on the judicial nomination of the judge from Oklahoma be modified for the vote to occur immediately after the Senate convenes tomorrow morning, Friday, under the same conditions provided under the previous order.

I would say this has been cleared with Senator LEAHY and Senate SPECTER.

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

AMERICA COMPETES ACT—CONFERENCE REPORT

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2272, the 21st Century Competitiveness Act of 2007; that the conference report be adopted, the motion to reconsider be laid upon the table, that any statements be printed in the RECORD as if given.

Mr. President, I hope we can, in a minute or two, clear this wonderful piece of legislation. It is something I think people will write about for a long time. It is going to improve America's stature in the world and allow us to be more competitive.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I want to take a brief opportunity to thank the senior Senator

from Tennessee, who was the brains behind this effort on the Republican side. It did enjoy broad bipartisan support. But the leader clearly on our side in developing and pushing for this accomplishment was the senior Senator from Tennessee. I just want to, on behalf of all of us who were enthusiastic about this piece of legislation, congratulate him for a spectacular job.

Mr. REID. Mr. President, I certainly also applaud the Senator from Tennessee. He worked hand in glove with Senator BINGAMAN, Senator KENNEDY, Senator INOUYE.

I think it is appropriate to send a bouquet to my friend, the distinguished junior Senator from Nevada, Mr. ENSIGN. This is something he has believed in for a long time. He has worked with a number of individuals, and he has been out front on this going on for well more than a year.

The Republican leader and I have left off people who deserve attention, but we all deserve some credit. As we have said before, when we do something that is good, there is credit to go around. When we fail to accomplish things, there is blame to go around. Tonight, we can all claim a little bit of the credit, and rightfully so.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, which I will not do, while the majority leader and the Republican leader are on the floor, I would simply like to say that this is the Reid-McConnell bill we are passing, which represents the fact that so many Members of this body have been a part of it.

After the Senator from Iowa makes his remarks, after wrap-up, I plan to make some remarks about this bill. But I would just simply say now that they have created an environment, in a bipartisan way, that permitted this bill to pass. It has been worked on for 2 years. It has had 70 Members—35 Democrats, 35 Republicans—cosponsoring it. I would judge that there will be no more important piece of legislation to the future of the country that passes the Congress in this session. I wish to thank Senator REID, Senator MCCONNELL, and Senator Frist from the last session for creating the environment that made it possible.

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

The conference report was agreed to.

(The conference report is printed in the House proceedings of Wednesday, August 1, 2007.)

ETHICS REFORM

Mr. REID. While my friend, the distinguished chairman of the committee, is not here, the ranking member is here. I think we all owe you a debt of gratitude. The way this bill was managed has been exemplary, and I speak for all of us in extending my appreciation to you and your partner in this very important committee, Senator BAUCUS, for the work you have done.

Mr. GRASSLEY. I would thank the distinguished majority leader too because he allowed this process to work. All the amendments that needed to come up—and there was kind of a convoluted way of putting it together with the tax bill that opened up a lot of other avenues and amendments that were brought up. But it really worked out well, and it is in the tradition of the Senate, and I thank you very much for your leniency in regard to letting everything that needed to be discussed, be discussed. I appreciate that.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to 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.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for such time as I might consume.

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

SCHIP

Mr. GRASSLEY. Mr. President, before I go to further remarks, I want to give some credit on the passage of H.R. 976 the bill we just had and the cooperation.

The Grassley-Baucus cooperation has been mentioned here. I really compliment Senator BAUCUS for his leadership in working with us. But, also, it took us 3 or 4 months to put together a bill, and Senator HATCH and Senator ROCKEFELLER were very much involved in that effort with many long hours. So I thank them.

I do wish to make the point that what the Senate has done over the past few days has genuinely served the interests of the American people. The Senate passed this bipartisan legislation which will cover an additional 3.2 million children.

The Senate has proceeded in regular order to process amendments. Every amendment that was offered was defeated—I mean every one on which we had a rollcall vote was defeated. So this bill basically has come out of the Senate the same way it came out of the Senate Finance Committee.

This is how we should do business in the Senate. Amendments were debated and voted upon. Members had the opportunity to consider a variety of changes to the Senate Finance Committee bill. Some were adopted by voice vote. Those that took a rollcall, none of those were adopted. But regular order was followed, and the Senate worked its will.

I am pleased with the Senate Committee product, which is a bipartisan product.

I am also pleased with how the majority and minority leaders have handled the process. This has been a tough, complicated piece of legislation. A lot of Members and staff have worked very hard to get us to this point.

I thank the chairman for his tireless efforts and how he worked in a bipartisan manner. I wish to thank his staff: Alice Weiss, Michelle Easton, Bill Dauster, Russ Sullivan, David Swartz, and Rebecca Baxter. I also thank Senator ROCKEFELLER and his staff: Jocelyn Moore and Ellen Doneski. Much is also owed to the Senator from Utah, Mr. HATCH, and his staff. Finally, I wish to thank the staff of the minority—I should say the Republicans on the Finance Committee: Chris Condeluci, Mark Prater, Becky Shipp, Rodney Whitlock, Mark Hayes, and Kolan Davis.

Now, I would like to address the Senate since we passed our bill, since the House last night passed their bill, and soon there will be a conference between the House and Senate. I wish to speak about some things I think the House of Representatives has done that are damaging to Medicare Advantage.

People are saying that Medicare Advantage plans are overpaid. They talk about cutting payments, and that is what the House of Representatives has done in their SCHIP bill. But they do not talk about why Congress set up the payment structure, which was to create choices of plans in Medicare and to expand private plan choices in rural America. They do not talk about why Congress set up that choice. It worries me that those arguing about the plan payments are losing sight of the Medicare beneficiaries.

These beneficiaries, the seniors and disabled of America, are the ones who benefit from having Medicare Advantage plans available to choose from. Congress, in 2003, enacted the Medicare Modernization Act. That is the act that included the prescription drug program as an improvement in Medicare. A major goal of the MMA, the Medicare Modernization Act, was to expand beneficiaries' choice of Medicare plans. Before MMA, rural beneficiaries, such as my people in Iowa and a lot of States that are more sparsely populated than Iowa, rarely had a private Medicare plan to choose from. Now rural and urban Medicare beneficiaries can decide whether a private plan option or traditional Medicare works best for them.

I want to tell you why Medicare Advantage can be a good option for beneficiaries and why the program should not be touched, as it was recently by the House of Representatives in their SCHIP bill. I want to explain at the same time why Congress thought all beneficiaries, whether you were in rural America or urban America, should have a choice of plans.

The original Medicare benefit is set up based on how medicine was practiced in 1964, meaning in 1964 the fee for service that is the traditional Medicare was set up at a time when you went to the doctor. If you were very sick, then you went to the hospital. Medicine was much less specialized.

Patients were treated by one doctor at a time, not the teams of people who treat patients now. Under traditional Medicare, dating from 1964, hospital benefits are in Part A of Medicare; physician benefits are financed and delivered separately in Part B of Medicare. Each set of benefits has its own deductible. A hospital deductible alone is a lot higher than most working people have in their health insurance. It is $992, and it goes up a little bit every year. That is a pretty significant amount. That deductible alone can impose a big hardship on a family, if they are relying solely on Medicare for their health coverage. Medicare also only covers a limited number of hospital days each year. It is not great protection if you are severely injured or if you have an illness that has a long hospital stay. Say you happen to end up in the hospital for months at a stretch, you might end up exhausting your Medicare coverage. A lot of people don't realize how limited Medicare benefits can be.

Medicare also does not actually have catastrophic coverage. Traditional fee-for-service Medicare, the Medicare since 1964, by itself does not provide protection against the cost of catastrophic illness. Some beneficiaries then buy Medigap insurance for this catastrophic insurance. Medigap insurance can be expensive for those on fixed incomes. In contrast, and hence why the House of Representatives should not change Medicare Advantage, Medicare Advantage plans have catastrophic coverage for those seniors who want to choose it, and they do it for a much lower premium than the Medigap add-on to traditional fee-for-service Medicare. That is one of the many reasons Medicare Advantage should be an option, not just in metropolitan areas, as it was before we passed the prescription drug bill in 2003. We need rural equity. And through the MMA, we brought rural equity so that people in my State and more sparsely populated States can have a choice between fee-for-service Medicare and Medicare Advantage, which can be a preferred provider organization, HMOs, or fee-for-service Medicare Advantage. Prior to 2003, in my State of Iowa, only 1 of 99 counties had the Medicare Advantage option. That was Pottawatomie County right across the river from Omaha, because they could work in with Omaha, but the other 98 counties did not have choice as they have in Los Angeles and Texas and Arizona, New York and New Jersey, Philadelphia, and Florida. There may be some others but not really rural States. You are stuck with fee-for-service traditional Medicare written in 1964, not much for the practice of medicine in the year 2007.

So I am very concerned that what the House of Representatives did in their SCHIP bill is such that it is going to put in danger the choices we now have in rural America between fee-for-service traditional Medicare and Medicare Advantage such as some of the more metropolitan States have had for a couple decades.

If you are in Medicare Advantage, you don't have to have the Medigap add-on to your traditional Medicare. Another plus is that most Medicare Advantage plans also have a limit on out-of-pocket costs. In Iowa the plans often have a limit of $1,000 or less. In other States, Montana, much of New York and California, that is true as well. In some States and counties, out-of-pocket limits are higher. Traditional Medicare has no out-of-pocket limits. In original Medicare, to keep costs down, Congress imposed caps on types of care. For example, there is a $1,780 annual cap on physical therapy. Once a patient hits that cap on physical therapy, he must pay out of pocket if he needs more therapy, unless he gets approved for an exception. Many patients hit the cap early in the year. These are patients who have had a stroke or a serious accident. After that they have to pay themselves for the service unless they succeed in appealing for more therapy services. Then by contrast, Medicare Advantage plans can base coverage for physical therapy on what the patient needs, not what some bureaucrat in Washington says there is a limit on. They can avoid these arbitrary caps.

In original Medicare, patients may see a doctor whenever they like. That may seem like a good idea. Many patients see a lot of doctors and are prescribed many different drugs. In original Medicare, physician care can be disjointed. No one oversees all the care a patient receives. Some patients prefer it that way. Others welcome having help navigating the health care system. They would like to choose a plan that would help them coordinate their care, and most Medicare Advantage plans do just that. So that is why we don't want the House of Representatives to cripple Medicare Advantage.

Let's say a patient has diabetes. In Medicare fee for service, there is no one to help monitor that she is testing her blood sugar. No one checks to see if she is getting her eyes and feet checked, which are the result of diabetes. And in most Medicare Advantage plans, somebody does that oversight. Somebody does that checking. Plans use teams of people, ranging from doctors to pharmacists to nurses to dieticians to case managers, all to make sure enrollees are getting the care they need. Four out of five Medicare beneficiaries have a chronic illness. In many Medicare Advantage plans, one doctor oversees their care. The plan assigns a case manager. Patients don't have to navigate the system alone. For many patients, this can be preferable, and it is because of Medicare Advantage. We don't want that plan crippled, as the House of Representatives bill does.

Medicare Advantage is a great program for poor and low-income people. Critics of the program argue that poor people qualify for Medicaid. They say Medicare Advantage doesn't help them. I want to make it clear that this is not true. I am going to get to that point later. But even the critics cannot argue with the statistics about lower income or near poor beneficiaries. These beneficiaries can't afford a Medigap policy. For them, Medicare Advantage is a godsend. According to the Centers for Medicare and Medicaid Services, the average Medicare Advantage beneficiary gets $86 a month in extra benefits. Most of those extra benefits are in reduced cost sharing. Medicare Advantage plans often reduce copays and deductibles that beneficiaries otherwise would have to pay.

As I noted, Medicare Advantage plans offer catastrophic coverage. If an enrollee ends up in the hospital for weeks or even a year, the plan covers it. That is not true of traditional Medicare fee-for-service, started in 1964. It doesn't fit the practice of medicine today. But Medicare Advantage offers medicine delivered on the practice of medicine in 2007. The benefits may include an annual physical. They may include lower copays for enrollees needing kidney dialysis. They include unlimited physical therapy based upon patient need.

Ninety-nine percent of the beneficiaries have access to a Medicare Advantage plan that plugs the gap in the Part D drug coverage; 98 percent have access to a plan that offers preventive dental benefits. Beneficiaries in Medicare Advantage plans are more likely to get preventive services. Almost all Medicare beneficiaries have access to a plan with no-cost cancer screening. And for this, many beneficiaries pay no extra premium. They pay only the regular Part B premium, as everybody else does. Eighty-four percent of beneficiaries had access to a zero premium Medicare Advantage plan last year.

Many seniors live on fixed incomes. Medicare Advantage may be the only way they can afford these benefits. It is also easy to use. Many Medicare Advantage plans let seniors use one health care card, their Medicare Advantage plan card, for all of their health care needs. Instead of three cards, they have one card. They pull the same card out when they go to the doctor, same card they use for the hospital, the same card they use for the pharmacist. They don't have to worry about dealing with claim forms from two or three different insurance plans. But that is not the case for beneficiaries in the original 1964 type Medicare. If they have Medigap and Part D prescription drug coverage, they have to deal with multiple plans that don't coordinate their coverage or coordinate their benefits.

I said I would get back to why Medicare Advantage is good for lower income seniors. It is true that many lower income beneficiaries are also covered by Medicaid. These individuals are referred to as dual eligibles, because they are under both Medicare and Medicaid. But we have a program

in Medicare Advantage for people who are eligible for both. This program is called a special needs plan. It coordinates the care and the benefits between the Medicaid Program which is run by the States and the Federal Government. It should be seamless to the beneficiaries. Have these special needs plans worked perfectly? Not always. The program is a work in progress. Surely it is a lot better than what happens without it. Without it, health care for poor beneficiaries is siloed. The parts covered by Medicare are never coordinated with the parts Medicaid is responsible for.

Let's say a frail senior is in a nursing home. She has exhausted her savings so Medicaid is paying. She has Medicare for her health coverage. She enrolls in one of these special needs plans. When she gets a fever or an infection, the Medicare Advantage special needs plan can treat her at the nursing home. In the original Medicare, the nursing home would send her to the more expensive hospital environment. The hospital, after 3 days, would discharge her to a skilled nursing home facility. For her, the Medicare Advantage plan reduces disruptions and keeps her from being exposed to additional infections in the hospital. At the same time, you save a lot of money in Medicare. Both she and Medicare are spared the cost of hospitalization—the most expensive health delivery.

So the critics who say that Medicare Advantage is not helping poor people are mistaken. While the program is small, that is because the program is new. It can be a model for all of us. This is how we want our care to be delivered to us when we are very old and when we are very frail.

So Medicare Advantage can be a good choice for very sick people. It can be a good choice for people with chronic illness. It can be a good choice for lower income people. It can be a good choice for people who want some extra benefits. It can be a good choice for people on fixed incomes. It can be a good choice for rural beneficiaries as well as urban ones.

When the House of Representatives gets done with it all, we will not have it in rural America. But they will still have it in urban America, and that is very unfair. That inequity was meant to be taken care of when we passed the prescription drug bill in 2003, and I am not anxious to let that sort of equity between rural and urban America go away. But it can also be a good choice for seniors.

All Medicare beneficiaries, whether they live in a city, a small town, or on a farm, ought to be able to choose their own plan. They know best what suits their needs—the original 1964 Medicare or the 2003 Medicare Advantage plan. The House bill would gut the Medicare Advantage program. It would take these choices away from our beneficiaries. The Senate SCHIP bill avoids this.

I urge my colleagues to remember why we decided to give Medicare beneficiaries a choice of health plans. I urge my colleagues to reject efforts to cut Medicare Advantage.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, let me ask, through the Chair, the manager of the previous bill, is he finished with what he would like to do this evening? If I could ask the Senator from Iowa, does he need any more time on the subject he has been talking about? I will be glad to wait.

Mr. GRASSLEY. No. I am going home.

Mr. ALEXANDER. Congratulations.

Mr. GRASSLEY. I thank the Senator for listening to me.

Mr. ALEXANDER. Mr. President, I thank the Senator from Iowa.

AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, this evening the Senate unanimously passed a piece of legislation which we call the America COMPETES Act. Earlier today, the House of Representatives passed it by a vote of 367 to 57. So anyone watching the work of the U.S. Congress must think: Well, that must either be not very important or not very hard to do.

Nothing could be further from the truth. I would suggest that the America COMPETES Act will be as important as any piece of legislation the Congress passes in this session, and it has taken as much work as any piece of legislation that has been passed in this session.

I would like to spend a few minutes acknowledging the work and describing the importance of the bill, but I think the first thing to do is to say actually what the bill does. The point of the America COMPETES Act is very simple. It helps America keep its brainpower advantage so we can keep our jobs from going overseas to China and India and other countries.

The Presiding Officer is from a State that has benefitted greatly from America's brainpower advantage. There is a great deal of higher education and research in his State, and, as a result of that, a number of jobs. I have been in the Edison Museum in New Jersey, which is a good reminder of exactly what we are talking about.

Thomas Edison used to say he failed 10,000 times until he succeeded once. That one success was the lightbulb, and then a number of other inventions, which created millions of jobs in the United States.

The United States, this year, is producing about a third of all the money in the world. The International Monetary Fund says that almost 30 percent of all the wealth in the world is produced in our country, measured in terms of gross domestic product, for just 5 percent of the world's population. That is how many Americans there are.

So imagine if you are living in China or India or Ireland or any country in the world, and you are looking at the United States. It is not so hard to look at other countries today with the Internet and travel and television the way they are. Someone in one of those countries could say: How can those Americans be producing 30 percent of all the wealth for themselves when they are only 5 percent of the world's population? They have the same brains everybody else does. They cannot work any harder than anybody else does.

What is it? There are a variety of advantages we have in this country. But most people who look at this country, since World War II, believe our standard of living, our family incomes, our great wealth comes primarily from our technological advances, from the fact that it has been in this country that the automobile, the electric lightbulb, the television set, the Internet, Google have been invented. Or the pharmaceutical drugs that help cure disease all over the world, they also have come mostly from this country.

It is that innovation that has given us our standard of living and given the rest of the world a high standard of living. That brainpower advantage we have is located in some pretty obvious places. One place, of course, is our system of higher education, the great university system. We not only have many of the best universities in the world, we have almost all of them. Another place is in the great National Laboratories, from Oak Ridge National Laboratory to Los Alamos and across our country.

Another is in the great corporations of America where research is done whether it is in pharmaceuticals or whether it is in agriculture. Those great engines of research and innovation and the entrepreneurial spirit and free market that we have have given us this great advantage.

We, therefore, talk a lot about progrowth policies. What causes our economy to grow? We, on this side—we Republicans—talk a lot about low taxes. I believe that is important and vote that way. When I was Governor of Tennessee, we had the lowest tax rates in the country. But I found very quickly that low taxes by themselves do not create a high standard of living because we had the lowest taxes in our State but we also were the third poorest State. I also found that better schools and better research were the keys to better jobs. That is what this bill is about. So as a result of the America COMPETES Act, over the next few years, we will have done something pretty remarkable.

We asked the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, as well as other business leaders in our country, exactly what it would take to keep our brainpower advantage, and they have told us, and tonight we have done it. All that has to happen now is for the President of the United States to sign it, and I feel confident he will.

I hope what he does is sign it and take credit for a lot of it, because in his State of the Union Address President Bush emphasized the importance of this and talked about his American Competitiveness Initiative 2 years ago.

But this is what we have done. We have authorized the spending, over the next 3 years, of $43 billion to help keep our brainpower advantage by investing in science and technology. Most of that—and this was a part of the President's recommendation—helps to grow research at our major scientific laboratories and Departments by doubling their research budgets over a 7-year term. That would be the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy Office of Science, which among other things, supervises the great National Laboratories in our country.

As I said, the act authorizes a total of $43.3 billion, over the next 3 fiscal years, for science, technology, engineering, and mathematics research and education programs across the Federal Government. It will help to prepare thousands of new teachers and provide current teachers with content and teaching skills in their area of education. It will establish an advanced research projects agency for energy—a nimble and semi-autonomous research agency at the Department of Energy—to engage in high-risk, high-reward energy research. This is modeled after what we call DARPA at the Department of Defense which produced stealth technology and the Internet. Perhaps we can do the same as we look for new energy technologies.

It expands programs at the National Science Foundation to enhance the undergraduate education of our future science and engineering workforce, including at our community colleges. There are many provisions in the bill to broaden participation in science and engineering fields at all levels.

There are new competitive grant programs to enable partnerships to implement courses of study in math, science, engineering, technology, and critical foreign languages. There are competitive grants to increase the number of math and science teachers serving high-need schools. The bill expands access to advanced placement courses and international baccalaureate courses by increasing the number of qualified teachers in high-need schools. In other words, in plain English, it will help more children, including those who come from families with less money, have a chance to take the advanced placement courses that will give them a route into college, high achievement, and the ability to produce jobs not just for themselves but for the rest of us.

It expands early-career research grant programs. It strengthens interagency planning for research infrastructure. It does all of this.

Now, one might say: Where did all these ideas come from? Did the Senator from New Jersey just wander in one day and say, ''I have a great idea. Let's stick it in''? Or did the Senator from Arkansas say, ''Well, we have a little program over at Little Rock that we all like, so let's have some money for it''? Or did the Senator from Tennessee say, ''I was down at the Oak Ridge National Laboratory yesterday, and someone gave me an idea, so let's have $10 million for that''?

That is not the way we did it. What we did is, 2 years ago, Senator BINGAMAN and I, and Representatives BART GORDON and Sherwood Boehlert of the House of Representatives—two Democrats and two Republicans—we literally went to the National Academy of Sciences and we asked this question: Tell us exactly what we need to do to keep our brainpower advantage, to keep our jobs from going to China and India? And they took us seriously.

The National Academy of Sciences and the National Academy of Engineering and the Institute of Medicine appointed a distinguished committee of 21 Americans chaired by Norm Augustine, the former Chairman and CEO of Lockheed Martin and a member of the National Academy of Engineering. On that committee were some of America's most distinguished business leaders, three Nobel laureates, the president emeritus of MIT, teachers, and others, who gave up their summer, reviewed hundreds of proposals, and, in priority order, told us the 20 things we needed to do to keep our brainpower advantage.

All of that was presented to us in a booklet called ''Rising Above the Gathering Storm,'' which is now well-known at universities, in schools, and in the business community as a wakeup call for the United States of America. It says we have been good—in fact, we have been way ahead of the rest of the line—but if we do not watch out, China, India, Ireland, England, and many of the other countries in the world, are going to catch up with us because there is no preordained right for Americans—no matter how bright we think we might be—to produce 30 percent of the world's wealth for just 5 percent of the people. Other people can do the very same thing in their colleges and universities, if they wish.

The members of this commission had countless stories to tell that every American who confronts these issues will find. Every Senator who travels to China sees they have recruited a distinguished professor of Chinese descent at an Ivy League university to come home and help improve a Chinese university. That is happening all over the world, and it is creating a much more competitive environment.

Last summer, Senator INOUYE and Senator STEVENS led a delegation of Senators to China. We were very well received because Senator STEVENS was the first to fly a cargo plane into Beijing in 1944 at the end of World War II. He was flying with the Flying Tigers. Senator INOUYE, of course, was a Congressional Medal of Honor winner in World War II. The Chinese remember well their affection for Americans in that war. So we were treated well and got to see President Hu, and the No. 2 man, Mr. Wu, the Chairman of the National People's Congress, for an hour each. These were interviews that many American delegations had not had before.

What was interesting to me was that in those sessions with the No. 1 and No. 2 man in China, where our conversations ranged from Iraq to Iran to North Korea to Taiwan, all the issues one might expect, the issue that animated the leaders of China the most was their efforts over the next 15 years to create an innovation economy. They wanted to talk about how China caught up with America's brain power advantage because they know their skills, they know they are good, they know they can do it and they did it in their way.

The month before, President Hu had walked over to the Great Hall of the People and assembled their National Academies of Science and Engineering and said: We are going on a 15-year innovation plan. We are going to invest 4 percent of our gross domestic product in research and technology. We are going to improve our colleges and our universities and our schools. We are going to create a brain power advantage for China that gives us a higher standard of living. They understand that.

We did it a little different way. Two years ago, we walked down to our National Academy of Sciences. We invited them to give us this report, ''Rising Above the Gathering Storm''. We took the recommendations of the Council on Competitiveness which was already working. The President of the United States gave his recommendations in his American Competitiveness Initiative. And then we went to work in the American way. We don't announce 15-year plans here; our way is a little messier. So we had to go through three committees here in the Senate and two in the House of Representatives.

I have to thank the senior Members of this body for the attitude they took toward this. For example, Senators STEVENS and INOUYE, Senators KENNEDY and ENZI, Senators DOMENICI and BINGAMAN, Democrats and Republicans who put aside 3,000 years of seniority and 200 jurisdictional prerogatives and said: Let's just work together and see if we can get this done across party lines. That is not very interesting to people across the country, all this inside baseball about how the Senate works. But it has to work in order for something such as this to happen.

It is not a simple thing to take the recommendations of the National Academy of Sciences and actually do them in both bodies, and yet that is what we have done. Not only did we start 2 years ago, when this was a Republican Congress, but we passed this legislation during a Democratic Congress almost without missing a step.

What happened was a bill that was sponsored by the leaders—last time it was Frist and REID; now it is REID and MCCONNELL. They just changed the names because we had worked so well together—not only with ourselves but also with the Bush administration—that it was hard to tell whose bill it was.

At one time, this legislation that Senator DOMENICI and Senator BINGAMAN first introduced had 35 Republican cosponsors and 35 Democratic cosponsors, and the Speaker of the House NANCY PELOSI, when she was the Democratic leader, was one of the first out to support it. It is especially gratifying to me that Tennesseans, if I may say so, have taken such a role in it in the House of Representatives. Representative BART GORDON, who is now chairman of the Science Committee, was the lead conferee on this piece of legislation. Representative ZACH WAMP, who represents the Oak Ridge National Laboratory, gave I thought the best speech on the House floor today on the Republican side. So again, it was bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks an overview of the conference report we passed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. I mentioned a number of the Senators who had been so deeply involved in this. I mentioned the committee chairmen and the ranking members. But I would like to especially acknowledge the work of Senator JOHN ENSIGN of Nevada, who was especially effective in reminding Republicans that investments in research and technology and science is as progrowth as tax cuts. Senator ENSIGN was powerful on that subject. I believe it as strongly as he does. I believe he was more effective than I was. Senator HUTCHISON had been working with Senator BINGAMAN for years on advanced placement courses. Senator MIKULSKI was out front from the very beginning on this. There is an enormous list of Senators who made this happen.

There is also a long list of Democratic and Republican staff members who deserve thanks. The list is too long for me to read all those names tonight, but I ask unanimous consent that this list of staff members be printed in the RECORD following my remarks, with the thanks of all of us for their work.

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

(See Exhibit 2.)

Mr. ALEXANDER. I would like to especially thank Matt Sonnesyn who is sitting here beside me. When I was permitted to be on the faculty of the Kennedy School of Government at Harvard at the time when the Senator from Arkansas's father was the Director of the Institute of Politics, Matt Sonnesyn was my course assistant. He came with me to my campaign, and then he came with me to the Senate. For the last 2 years, he has worked on this legislation with Senator BINGAMAN's staff and Senator ENSIGN's staff on this side—a tremendously effective staff group who has made this bill possible.

I see the Senator from Arkansas here, and I know he is going to close out in a few minutes, and I think I am coming toward the end of my remarks.

I would like to conclude by emphasizing two points—one about substance and one about process. I know the Senator from Arkansas and I have talked about this often. We are working together right now on a bipartisan project that has to do with the Iraq war. We believe there shouldn't be any partisan votes on the Iraq war. For example, we, Senator SALAZAR and I, are joined by 6 Republicans and 7 Democrats in cosponsoring legislation that would make the bipartisan Iraq Study Group the law of our country. If the Congress and the President would agree on this bill, we could send to our enemy and our troops and the world the message that as we go forward to wherever we go next in Iraq, we go together; we are united.

Each Tuesday we have a breakfast that Senator LIEBERMAN and I host—no staff, no media, no policy positions adopted—so that in the midst of all our team meetings among Republicans and Democrats, when we talk about what to do to each other, we can have a session where we build relationships and talk about how we move the country ahead. We have had as many as 40 Senators at those breakfasts.

It is important for the people of this country to know that we spend a lot of time working that way. We did tonight on the Children's Health Insurance bill with Senator BAUCUS and Senator GRASSLEY working together in a bipartisan way. For 2 years, we have done that on legislation that goes straight to the heart of how we keep our jobs from going to China and India, which is what we passed tonight.

So the word I wish to say about process is that when the Senate tries and when we focus on big issues, we are perfectly capable of acting the way the rest of the country would hope we would act. We compromise on our differences and come up with a result that benefits family after family.

This legislation, the America COMPETES Act, will mean, for example, in my home State of Tennessee, opportunities for hundreds of math and science teachers and for thousands of students to go to summer academies and institutes of math and science. It will mean opportunities for thousands of students who now can't afford to take advanced placement courses in science and technology to be able to do so and for hundreds of teachers who aren't trained to teach those courses to have that training.

It will mean distinguished scientists will hold joint appointments at the University of Tennessee and Oak Ridge National Laboratory, for example. It will mean support for a residential high school for science and math, which we have wanted to do in our State ever since I was Governor 20 years ago but didn't feel like we had the money. Now other States have it, and this bill provides some support for such a school.

It will mean a steady growth over 7 years in research funding, new support for early-career research grants in science and technology, and more support for all those kinds of studies that create the jobs that will keep our standard of living. That is what it means for my State. It means the same for New Jersey, and it means the same for Arkansas. So that bipartisan consensus we have seen here happens more often than most Americans know, but it doesn't happen as often as it should.

So this has been a privilege for me to work, especially with Senator BINGAMAN and Senator DOMENICI on the committee that I was a part of, to help get this started with BART GORDON, my colleague from the House, the Democratic Congressman who is chairman of the Science Committee, and with all the other Senators. This is the kind of thing I hoped to do when I came to the Senate. I think each of us hopes when we come here to get up every day and do a little something constructive and then go home at night and come back the next day and see if we can find something more to do along that way. If all of us participate in that way in other big issues, as we have in this, the America COMPETES bill, the Senate will be a stronger institution and the country will be a better country.

So I thank my colleagues for their support and for the time tonight. I thank the Senator from Arkansas for staying late so I can make these remarks. This legislation, the America COMPETES Act which passed the House today overwhelmingly and passed the Senate unanimously, is at least as important as any piece of legislation that passes in these 2 years because we have accepted the advice of the wisest men and women in our country about what we ought to do to keep our brain power advantage so we can keep our jobs.

The President has done a big part of it. I am sure he will sign it. I hope he takes some credit because he deserves it. There is plenty of credit to go around. I think the country will be glad we acted.

I yield the floor.

EXHIBIT 1

OVERVIEW OF THE CONFERENCE REPORT ON H.R. 2272, THE AMERICA CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN TECHNOLOGY, EDUCATION, AND SCIENCE ACT (COMPETES)

Earlier this year, both the U.S. House and Senate passed comprehensive legislation (H.R. 2272, S. 761) to ensure our nation's competitive position in the world through improvements to math and science education and a strong commitment to research.

The Conference Agreement follows through on a commitment to ensure U.S. students,

teachers, businesses and workers are prepared to continue leading the world in innovation, research and technology—well into the future.

In summary, the Conference Agreement:

Keeps research programs at National Science Foundation (NSF), the National Institute of Standards and Technology (NIST) and the Department of Energy (DOE) Office of Science on a near-term doubling path;

Authorizes a total of $43.3 billion over fiscal years 2008–2010 for science, technology, engineering and mathematics (STEM) research and education programs across the federal government;

Helps to prepare thousands of new teachers and provide current teachers with content and teaching skills in their area of education through NSF's Noyce Teacher Scholarship Program and Math and Science Partnerships Program;

Creates the Technology Innovation Program (TIP) at NIST (replacing the existing Advanced Technology Program or ATP) to fund high-risk, high-reward, pre-competitive technology development with high potential for public benefit;

Establishes an Advanced Research Projects Agency for Energy (ARPA–E), a nimble and semiautonomous research agency at the Department of Energy to engage in high-risk, high reward energy research;

Expands programs at NSF to enhance the undergraduate education of the future science and engineering workforce, including at 2-year colleges;

Includes provisions throughout the bill to help broaden participation in science and engineering fields at all levels;

Authorizes two new competitive grant programs that will enable partnerships to implement courses of study in mathematics, science, engineering, technology or critical foreign languages in ways that lead to a baccalaureate degree with concurrent teacher certification;

Authorizes competitive grants to increase the number of teachers serving high-need schools and expand access to AP and IB classes and to increase the number of qualified AP and IB teachers in high-need schools;

Expands early career grant programs and provides additional support for outstanding young investigators at both NSF and DOE; and

Strengthens interagency planning and coordination for research infrastructure and information technology (i.e. high-speed computing).

Following are more detailed summaries of the conference agreement's eight titles:

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY (OSTP)/GOVERNMENT WIDE SCIENCE

The conference agreement directs the President to convene a National Science and Technology Summit to examine the health and direction of the U.S. STEM enterprises; requires a National Academy of Sciences study on barriers to innovation; changes the National Technology Medal to the National Technology and Innovation Medal; establishes a President's Council on Innovation and Competitiveness (akin to the President's Council on Science and Technology); requires prioritization of planning for major research facilities and instrumentation nationwide through the National Science and Technology Council; and expresses a sense of Congress that each federal research agency should support and promote innovation through funding for high-risk, high-reward research.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conference agreement establishes the National Aeronautics and Space Administration (NASA) as a full participant in all interagency activities to promote competitiveness and innovation and to enhance science, technology, engineering and mathematics education. The agreement also affirms the importance of NASA's aeronautics program to innovation and to the competitiveness of the United States. It urges NASA to implement a program to address aging workforce issues at NASA and to utilize NASA's existing Undergraduate Student Research program to support basic research by undergraduates on subjects of relevance to NASA. Finally, the conference agreement expresses the sense of Congress that the International Space Station (ISS) National Laboratory offers unique opportunities for educational activities and provides a unique resource for research and development in science, technology, and engineering which can enhance the global competitiveness of the U.S.

TITLE III—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The conference agreement authorizes a total of $2.652 billion over fiscal years 2008–2010 for NIST. This includes funds for the NIST labs, for lab construction, the TIP program, and the Manufacturing Extension Partnership (MEP) Program: This funding level keeps the NIST labs on a path to doubling in ten years.

The conference agreement funds the NIST Labs at $502.1 million for FY08 and increases the funding by 8% per year (10-year doubling), which result in $541.9 million in FY09 and $584.8 million in FY10. The conferenqe agreement provides $150.9 million in FY08 for lab construction. This funding is reduced in each of the next two fiscal years, with funding provided at $86.4 million in FY09 and $49.7 million FY10. These out-year funding levels will allow the completion of construction projects at NIST's Boulder, CO and Gaithersburg, MD facilities. The MEP program is funded at $110 million in FY08, $122 million in FY09 and $131.8 million FY10.

The conference agreement creates a new initiative, the Technology Innovation Program (TIP) which is based on the proven success of the Advanced Technology Program (ATP), but better reflects global innovation competition by funding high-risk, high-reward, pre-competitive technology develoment, focusing on small- and medium-sized companies. The TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and firmly focuses the program on small- and medium-sized high-tech firms.

TIP will replace ATP and bridge the funding gap between the research lab and the marketplace. The conference agreement provides an authorization of $100 million FY08, $131.5 million FY09 nd $140.5 million in FY10. These funding levels will allow for a viable program, with approximately $40 million per year for new awards.

The agreement includes language to clarify that the focus of TIP is to support, promote and accelerate innovation in the U.S. through high-risk, high-reward research in areas of critical national need. It specifies that large companies may not receive any TIP funding.

Further, it provides a list of award criteria to ensure that the proposed technology has a strong potential to address critical national needs through transforming the nation's capacity to deal with major societal challenges that are not currently being addressed; that the applicant provides evidence that the research will not be conducted within a reasonable time period without TIP assistance; that reasonable efforts were made by the applicant to secure funding from alternative sources and that no other alternative funding sources were reasonably available; and that other entities have not already developed, commercialized, marketed, distributed or sold similar technologies. In addition, the NIST Director shall issue an annual report on the program's activities. TIP may accept funds from other federal agencies, and these funds will be included as part of the federal cost share of any TIP project.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement establishes a coordinated ocean, Great Lakes, coastal and atmospheric research and development program for the National Oceanic and Atmospheric Administration NOAA) in consultation with NSF and NASA. In addition, NOAA is required to build upon existing educational programs and activities to enhance public awareness and understanding of the ocean, Great Lakes, and atmospheric science. As a result, a science education plan is to be developed that would set forth the goals and strategies for NOAA, and be reevaluated and updated every 5 years. NOAA would also be recognized for their historic contributions to the innovation and competitiveness of this country, as well as be recognized as a full participant in interagency efforts to promote innovation and competitiveness.

TITLE V—DEPARTMENT OF ENERGY

The conference agreement provides nearly $17 billion to Department of Energy (DOE) programs over fiscal years 2008–2010, keeping Office of Science on a seven-year doubling path and establishes an Advanced Research Projects Agency for Energy, or ARPA-E.

ARPA-E will address long-term and high-risk technological barriers in energy through collaborative research and development that private industry or the DOE are not likely to undertake alone. Because of its autonomy within DOE, and the flexibility and resources afforded to its technical personnel, ARPA-E is structured to respond very quickly to energy research challenges, as well as terminate or restructure programs just as quickly. A fund is established in the U.S. Treasury separate and distinct from DOE appropriations, as will be the budget request for ARPA-E. With this separate fund, ARPA-E will be independent of the DOE bureaucracy, and likewise should not operate at the expense of other programs at DOE, particularly the Office of Science. The conference agreement authorizes $300,000,000 in FY 2008, and such sums as are necessary thereafter for fiscal years 2009 and 2010.

As the nation's largest supporter of the physical sciences, the DOE Office of Science funds basic research and world-class facilities that play an integral role in the effort to maintain the technological competitiveness of the U.S. The conference agreement contains an authorization for the Office of Science which extends the 7 year doubling track prescribed in Energy Policy Act of 2005 by authorizing Fiscal Year 2010 at a funding level of $5.8 billion.

The conference agreement provides $150 million for K–12 science, technology, engineering and mathematics (STEM) education programs that capitalize on the unique scientific and engineering resources of the national laboratories. These programs include a pilot program of grants to states to help establish or expand statewide specialty high schools in STEM education; a program to provide internship opportunities for middle and high-school students at the national labs, with priority given to students from high-needs schools; a program at each national lab to help establish a Center of Excellence in STEM education in at least one high-need public secondary school in each lab region in order to develop and disseminate best practices in STEM education; and

a program to establish or expand summer institutes at the national labs and partner universities in order to improve the STEM content knowledge of K–12 teachers throughout the country.

All of these programs would be coordinated by a newly appointed Director for STEM Education at the Department, who would also serve as an interagency liaison for K–12 STEM education. In keeping with ongoing efforts to improve coordination and evaluation of K–12 STEM education programs across the federal government, all of the programs authorized in this conference agreement require evaluation and reporting of program impact.

In addition, the conference agreement highlights the critical role of young investigators working in areas relevant to the mission of DOE by establishing an early career grant program for scientists at both universities and the national labs; and a graduate research fellowship program for outstanding graduate students in these fields. The agreement also brings attention to research and education needs in the nuclear sciences and hydrocarbon systems sciences by establishing programs of grants to Universities to establish or expand degree programs in these areas.

Finally, the conference agreement helps DOE recruit distinguished scientists to the national labs and foster collaboration between universities and the labs by providing competitive grants to support joint appointments between the two.

TITLE VI—DEPARTMENT OF EDUCATION

To enhance teacher education in the STEM fields and critical foreign languages, the conference agreement authorizes two new competitive grant programs. The programs will specifically enable partnerships to implement courses of study in STEM fields and critical foreign language that lead to a baccalaureate degree with concurrent teacher certification and at the graduate level the conference agreement implements 2- or 3-year part-time master's degree programs in these areas for current teachers to improve their content knowledge and pedagogical skills. The conference bill authorizes $151,200,000 for the baccalaureate degree program and $125,000,000 for the master's degree program for fiscal year 2008 and the two succeeding fiscal years.

The conference agreement authorizes competitive grants to increase the number of highly qualified teachers serving high-need schools and expand access to AP and IB classes; as well as authorize the Secretary of Education to contract with the National Academy of Sciences to convene a national panel within a year after the enactment of this Act to identify promising practices in the teaching of science, technology, engineering and mathematics in elementary and secondary schools. It also authorizes appropriations of $65,000,000 for fiscal year 2008 and such sums as may be necessary for each of the two succeeding fiscal years.

The conference agreement authorizes new grant programs to enhance math education in elementary and middle school mathematics and provides grants to support the following activities to assist states to implement programs for secondary schools and in addition to other best practices and in-service training, the bill provides targeted help to low-income students who are struggling with mathematics. The conference agreement also authorizes a competitive grant program to increase the number of students studying critical foreign languages, starting in elementary school and continuing through postsecondary education programs.

The Secretary of Education is authorized to award competitive grants to states to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in academic credit-bearing coursework in institutions of higher education, in the 21st century workforce and in the Armed Forces. The Secretary is also authorized to award grants of $50,000 to three elementary and three secondary schools, with a high concentration of low-income students in each state, whose students demonstrate the largest improvement in mathematics and science.

TITLE VII—NATIONAL SCIENCE FOUNDATION

The conference agreement provides $22 billion to the National Science Foundation (NSF) over fiscal years 2008–2010, putting it on a path to double in approximately 7 years. Particularly strong increases are provided in fiscal year 2008 for K–12 STEM education programs at NSF. These programs, including the Noyce Teacher Scholarship program and the Math and Science Partnerships program will help to prepare thousands of new STEM teachers and provide current teachers with content and pedagogical expertise in their area of teaching.

In addition to providing increased support for programs that address the earliest stages of the STEM workforce pipeline, the conference report will help create thousands of new STEM college grduates, including 2-year college graduates, through increased support for the STEM talent expansion (STEP) program and the Advanced Technological Education (ATE) program.

For those STEM graduates who continue on the path toward academic careers, the conferece agreement provides critical support for young, innovative researchers by expanding the graduate research fellowships (GRF) and integrative graduate education and research traineeship (IGERT) programs, strengthening the early career grants (CAREER) program, and creating a new pilot program of seed grants for outstanding new investigators. Such programs have an additional benefit of helping to stimulate high-risk, high-reward research by identifying and taking a chance on the best and brightest young minds.

Finally, the conference agreement includes provisions throughout the bill to help broaden participation in STEM fields at all levels, from kindergarten students through academic researchers. These include several programs of outreach and mentoring for women and minorities, a request for a National Academy of Sciences report to identify barriers to and opportunities for increasing the number of underrepresented minorities in STEM fields, and an emphasis on inclusion of students and teachers from high-needs schools.

TITLE VIII—GENERAL PROVISIONS

The conference agreement includes several general provisions related to the purposes of the legislation, but unrelated to any of the agencies above.

Specifically, the agreement requires the Secretary of Commerce report to Congress on the feasibility, cost and potential benefits of establishing a program to collect and study data on export and import of services; expresses a Sense of the Senate that the Securities and Exchange Commission and the Public Company Accounting Oversight Board should promulgate final regulations implementing the section of the Sarbanes-Oxley Act that are designed to reduce burdens on small businesses; directs the Government Accountability Office, after three years, to assess a representative sample of programs under this Act and make recommendations to ensure their effectiveness; expresses a Sense of the Senate that federal funds should not be provided to any organization or entity that advocates against a U.S. tax policy that is internationally competitive; directs a National Academy of Sciences study on the mechanisms and supports needed for an institution of higher education or non-profit organization to develop and maintain a program to provide free access to on-line educational content as part of a degree program, especially in science, technology, engineering, mathematics and foreign languages, without using federal funds; expresses a Sense of the Senate that deemed exports should safeguard U.S. national security and basic research and that the President and the Congress should consider the recommendations of the Deemed Exports Advisory Committee; and lastly, expresses a Sense of the Senate that U.S. decision-makers should take the necessary steps for the U.S. to reclaim the preeminent position in the global financial services marketplace.

DEMOCRATIC STAFF TO THANK

Jonathan Epstein (Bingaman).
Sam Fowler (Energy Committee).
Chan Lieu (Commerce).
Carmel Martin (HELP Committee).
Melanie Roberts (Bingaman).
Craig Robinson (Lieberman).
Roberto Rodriguez (HELP Committee).
Missy Rohrbach (HELP Committee).
Ilyse Schuman (HELP Committee).
Colleen Shogan (Lieberman).
Bob Simon (Energy).
Rachel Sotsky (Lieberman).
Jean Toal Eisen (Commerce).
Jason Unger (Reid).
Trudy Vincent (Bingaman).
Michael Yudin (Bingaman).

REPUBLICAN STAFF TO THANK

Jeff Bingham (Commerce).
Adam Briddell (HELP Committee).
Beth Buehlmann (HELP Committee).
Kathryn Clay (Energy).
David Cleary (HELP Committee).
Ann Clough (HELP Committee).
Hugh Derr (Commerce).
Floyd DesChamps (Commerce).
Lindsay Hunsicker (HELP Committee).
Libby Jarvis (McConnell).
Christine Kurth (Commerce).
Jason Mulvihill (Commerce).
Sharon Soderstrum (McConnell).
Matt Sonnesyn (Alexander).
Jack Wells (Alexander).

Mr. KENNEDY. Mr. President, our increasingly global economy is creating numerous challenges for America's families nationwide. Across the country, hardworking citizens are being left behind. The value of their wages is declining, their cost of living is going up, and many of their jobs are being shipped overseas.

As a result, the Nation is falling behind in the world economy. Study after study tells us the answer is to invest more in education, research and innovation, if we hope to keep up with other countries whose economies are soaring.

We know that a sound education is more important than ever for today's youth to succeed. Yet studies show, for example, that 15-year-old U.S. students score below average in math and science compared to the youth of other industrial nations. In one study, our 15-year-olds ranked only 24th in math. High school and college graduation rates are also falling behind. Our college graduation rate today has now dropped below the average graduation rate for OECD countries.

We know that Federal investments in research lead to medical, scientific, and technology breakthroughs. But these investments have been shrinking as a share of the economy. In real terms, government spending for research has been flat. Since 1975, we have dropped from third to 15th in the production of scientists and engineers.

It is a serious problem and we can't just tinker at the margins. We have a responsibility to our people, our economy, our security, and our Nation to make the investments to achieve the progress we need in the years ahead.

The America COMPETES Act is a step in the right direction. It will help put America back on track.

It invests in research by doubling the support for research at the Department of Energy and the National Science Foundation over the next 7 years, and will increase funding for the National Institute of Standards and Technology as well.

It invests in innovation by creating a President's Council on Innovation and Competitiveness to determine the most effective ways to create jobs and move our economy forward.

Above all, it will invest in education, especially in math and science, engineering, and technology from the elementary school through high school and beyond, in order to attract more young people to pursue careers in these fields in the years ahead.

The problem today is especially serious for our low-income and minority students. Teachers are the single most important factor in improving student achievement and narrowing the achievement gap. One study found that having a high quality teacher for 5 years in a row can close the average 7th grade achievement gap in math between lower income and higher income children. Yet too often, low-income and minority students are taught by the least prepared, least experienced, and least qualified teachers. Math and science classes in high-poverty schools are much more likely to be taught by teachers who do not have a degree in their field.

We know what we need to do, and this bill will help us do it. We must make sure all students are getting the teachers they need and deserve in the subjects that matter most in the new economy.

This bill addresses the teacher challenge head on by taking strong steps to ensure that all children have access to a high quality teacher with strong content knowledge in math, science, engineering and technology—particularly in high need schools, where such teachers are needed most.

The bill expands the Robert Noyce Teacher Program of the National Science Foundation, NSF, by creating a new NSF teaching fellows program to prepare accomplished math, science, technology and engineering professionals to teach in high need schools. It also creates a master teaching fellows program to leverage the talents of the best teachers to improve instruction in high need schools. Teaching fellows in the program will receive annual salary supplements of $10,000 a year in exchange for a commitment to teach for at least 4 years in a high need school.

The bill also expands the Teacher Institutes for the 21st Century Program at NSF, which provides cutting-edge professional development programs throughout the school year and during the summer for teachers in high-need schools.

In addition, the bill supports impressive new programs in colleges and universities to prepare math, science, technology, engineering and foreign language teachers. These programs will combine bachelor's degrees with concurrent teacher certification in their subjects, and will create master's degree programs for teachers to improve their knowledge in these subjects and to encourage math and science professionals to go into teaching.

Too often today, elementary and secondary school standards are not aligned with the expectations of colleges and employers. In many cases, high school graduates are struggling to keep up in college and the workplace. Remedial education and lost earning potential costs the Nation $3.7 billion a year, because so many students are not adequately prepared for college when they leave high school.

Our bill will help States align their standards with the demands of the 21st century workplace. Grants to States to create P–16 Councils will bring the elementary and secondary schools, college, businesses, and the Armed Forces together to ensure that education standards are better aligned with the expectations of colleges, the workforce, and the military. This alignment is essential if we hope to remain internationally competitive. Support will also be available for new data systems in states to track students' achievement and help them graduate prepared to succeed.

The bill will help give students in low-income districts the same opportunities as those in wealthier districts to enroll and succeed in college preparatory classes by expanding access to advanced placement and international baccalaureate classes.

This bill invests as well in foreign language education, to ensure that students are exposed to foreign languages and cultures. More than 80 Federal agencies now use tens of thousands of employees with skills in 100 foreign languages, and our businesses need the same.

For students to become proficient in foreign languages, they need sustained study, beginning in the early grades. But only a third of students in grades 7 through 12 today and only 5 percent of elementary school students study a foreign language. The bill provides grants to colleges and local educational agencies to create partnerships for students from elementary school through college to study such languages.

Finally, the bill will encourage new interest in nuclear science. Massachusetts has long been a leader in this research. Of three dozen licensed research reactors in the United States, three are located in Massachusetts universities The University of Massachusetts in Lowell, Worcester Polytechnic Institute, and MIT. These colleges will have an increasingly important role as nuclear science expands, and our bill will expand existing programs and establish new ones to meet the growing demand.

All of these programs and investments are designed to help prepare us to compete in the 21st century, but there is more we must do if we intend to keep our nation and our workforce truly competitive. Significant new investments are needed to expand opportunities for higher education. College is more important than ever today, but it is also more expensive than ever. In the Senate 2 weeks ago, we passed the largest increase in student aid since the G.I. bill, and I look forward to delivering that aid for low-income students as quickly as possible.

We must also address the increasingly demanding impact of the global economy on American workers and their families. Our hard-working men and women deserve greater job security today and greater job opportunities in the future.

This bill puts first things first. Increased investments in education, research, and innovation are indispensable to our success as a nation. We have done it before and we must do it again. Let's begin with this bill.

Mr. ROCKEFELLER. Mr. President. I want to add my thanks and congratulations to the conference leaders and the dedicated staff for completing the negotiations on the America Competes Act. This legislation is an important investment in our Nation's strategy to promote competitiveness. It is a bipartisan package with broad support, based on the National Academy of Sciences report known as The Gathering Storm. Many members deserve our thanks and praise, and the report is a strong example that Congress can come together to develop comprehensive public policy.

America Competes is a comprehensive package that includes major sections covering math and science research and education initiatives. I am particularly pleased and proud that the legislation will reauthorize the National Science Foundation, NSF, at $22 billion from fiscal 2008 to fiscal 2010, to support several grant programs intended to encourage more students to teach math and science, as well as grants for college and graduate student science research. I have worked long and hard on programs within NSF. This bill supports the principle that the Experimental Program to Stimulate Competitive Research, EPSCoR, increases in proportion with the overall budget of NSF. Earlier this year, I introduced a bipartisan bill, S. 753, the

EPSCoR Research and Competitiveness Act of 2007 which makes a similar recommendation. In my view, if our country seeks to broadly promote competitiveness, every state needs to be part of the effort. The EPSCoR program helps enhance the competitiveness of the 24 States, including West Virginia, that have historically not received as many NSF grants. The NSF continues its strong, peer-reviewed, merit-based competitive grants, but underserved States get support to achieve NSF's high standards.

EPSCoR is an essential part of our national competitiveness strategy. Our country will not do as well if only half of our States are competitive. It is also important to recognize that the EPSCoR States are home to 20 percent of the population and 25 percent of doctoral and research universities. Our States host 18 percent of academic scientists and engineers, and their institutions train nearly 20 percent of science and engineering graduate students. Even more interesting is the fact that 7 of the top 10 energy producing States are EPSCoR States. To be competitive, we must continue to invest in the EPSCoR program and our EPSCoR States for the long term. It is good for the States, but it is also a fundamental building block for our national policy. EPSCoR will enhance science and competitive which will help increase the number of scientists and engineers. It will encourage good science projects in States with unique aspects such as energy resources, proximity to our oceans, and other helpful scientific resources.

Two other programs that received generous support in the final package are the NSF's Math and Science Partnerships and the Noyce Scholarships. Both initiatives were including in the 2001 reauthorization of the National Science Foundation. Having sponsored legislation years ago to develop both programs, I am thrilled by current success of the programs in training teachers and recruiting top math and science majors into teaching. Expanding these programs will help improve math and science education which will be the cornerstone for our future competitiveness. This is a good investment for the future of West Virginia, and our entire country.

Mr. SCHUMER. Mr. President, I rise today in support of the America COMPETES Act. I applaud the bipartisan group that put together the America COMPETES Act, an extraordinary bill that will provide invaluable resources to ensure that the United States does not lose step with our global competitors.

We live in a global marketplace and if our students are to compete with students from around the world, they must have the benefit of a first rate math and science education taught by first rate math and science teachers. This new program will vastly improve the chance that our high school students are taught math and science by the best and the brightest.

That is why I am particularly proud of one provision that I authored that has been included in this conference agreement. This provision will establish a new program called the National Science Foundation Teaching Fellowship within the Robert Noyce Teacher Scholarship Program. I wish to express my deep gratitude to Senators KENNEDY, BINGAMAN, ALEXANDER and ENZI for including this important provision in the bill. I would also like to thank my friend and colleague, Senator CLINTON, for her valuable support.

The provision creating the NSF Teaching Fellowship is modeled on a bill I introduced last Congress, the Math and Science Teaching Corps Act. The Math and Science Teaching Corps was in turn modeled after a highly successful New York City program called Math for America.

Math for America's mission is to improve math education in our Nation's public schools by recruiting top math and science college graduates to become teachers and providing financial incentives to make these jobs competitive with the graduates' other opportunities.

The program has made tremendous strides. Over 100 teachers teach in nearly 60 New York City public schools. By 2011 the program will support at least 440 teachers. I can only hope that the new NSF Teaching Fellowship will be so successful.

The NSF Teaching Fellowship program is about paving the way for the future. It will ensure that leaders in math and science train the next generation of innovators—instead of leaving the classroom for research or other jobs. This model program is working in New York City, and now, with the America COMPETES legislation, it will be expanded to the rest of the country.

We need this program to reverse a dismal trend. Our students are not currently prepared to compete in a technology-intense economy. In the 2003 PISA math assessment that compared 15-year-old students across the world, American students ranked 24th out of the 29 participating countries—here in the U.S., in math, 24th out of 29. How can we compete when our students are falling behind?

A 2005 mathematics assessment of twelfth graders by the National Assessment of Education Progress found that 61 percent of high school seniors performed at or above the basic level, and 23 percent performed at or above the proficient level. For science, 54 percent of twelfth graders scored at or above the basic level. Eighteen percent performed at or above the proficient level. This is unacceptable.

Students currently studying math and science will be the fuel that powers our economy for the next century, and we must give them every chance to achieve, excel and thrive. The NSF Teaching Fellowship is a significant step.

Inspirational and brilliant teachers will make an enormous difference. To attract these role models, we need to level the playing field, and ensure that these future teachers can afford to teach. Only one-third of math teachers and less than two-thirds of science teachers majored or minored in the subject they teach. It is not hard to understand why. Starting salaries for math and science majors can be as much as $20,000 higher in the private sector than they are for public school teachers.

The NSF Teaching Fellowship will help reduce these barriers. The program's structure has a rigorous selection process and incentives built in to improve retention. NSF teaching fellows will have to take a test to prove their strengths in math or science. Then they enroll in a 1-year master's degree program in teaching that will give them teaching certification, and it is all paid for. They will agree to teach for at least 4 years, and for those 4 years, they will receive bonuses on top of their salaries. These individuals will infuse our schools with a deep passion for and an understanding of math and science and will share their knowledge with other teachers in their school.

To retain our current teachers who are outstanding at what they do and can provide expertise in the classroom that our teaching fellows won't yet have, there is another category called NSF master teaching fellows. Master fellows are current teachers who already have a master's degree in math or science education. They will also take a test demonstrating they have a high level understanding of their subject area. For the next 5 years they will serve as leaders in their school, providing mentorship for other teachers in their department as well as assisting with curriculum development and professional development. For these 5 years they also will receive bonuses on top of their salaries.

We all agree that every child deserves effective, high-quality professional teachers. And there are thousands of wonderful teachers in our country. But we need more. Without them, children will have difficulty reaching the high standards we want them to achieve. The federal government has long worked to ensure that all children have equal access to a quality education, no matter where they live. We must encourage and fund well-designed programs, such as the NSF Teaching Fellowship to incite rapid improvement in the quality of the Nation's future teaching workforce.

I urge all my colleagues to support this monumental bill, the America COMPETES Act.

Mr. ENZI. Mr. President, I rise today to speak about the importance of supporting the conference report on the America COMPETES Act. This report represents a unique bipartisan, bicameral collaboration among three committees on the Senate side and our House counterparts to enhance American competitiveness in the 21st century global economy.

This conference report demonstrates that when we set partisan politics aside and work together, we can do great things for the American people. The core of this conference agreement is the Senate's America COMPETES Act, which was the product of bipartisan negotiations and input from the Members of the Senate Commerce, Energy, and Health, Education, Labor and Pensions Committees. Work on this legislation began last year in response to the National Academy of Sciences report ''Rising Above the Gathering Storm,'' which was chaired by Norman Augustine, the ''Innovate America'' report, and the President's American Competitiveness Initiative. I want to thank all those who worked on this legislation for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

The focus of the programs in this bill is where it should be: on the knowledge and skills the American people need to have to be successful in the 21st century global economy. I am pleased we were able to keep education as one of the key priorities in this legislation. However, I have said consistently from the beginning that I wanted to hold programs to reasonable funding levels and to avoid duplication of programs. I think we could have gone further toward reducing duplication and overlap of programs, but this bill represents a strong bipartisan, bicameral effort and moves us in the right direction.

Why is this important? This year marks 50 years since Sputnik was launched. That launch sparked huge turmoil in this country and worry about the knowledge and skills necessary to keep our country safe and our economy growing and competitive. I was in junior high at the time. It was a shock to our Nation. Every one of us could recognize it—teachers, parents, and, probably as important, students, recognized it. Russia was beating us. They had put a satellite into orbit. It was hard to accept that we were behind. But it also brought out that American competitive spirit. We said they were not going to beat us. It launched a change in education such as we had not seen in the United States in decades, maybe centuries.

We were ultimately the winners of the space race, but it wasn't just a space race; it was an education race. It was the broad range of education that the United States delved into and the innovation that was brought about at the time that put us ahead of Russia.

Sputnik had a dramatic effect on our education system and made us recognize that a high school diploma was no longer just a nice thing to have. We could no longer rest on our past successes as a nation. We met the challenge of Sputnik through the National Defense Education Act. We looked to education as a path to continued success, and we supported an increase in the number of people who would continue their education beyond high school, particularly in science, technology, engineering, and mathematics.

Today, we are again being challenged. In the 1950s, skilled jobs comprised 20 percent of the U.S. job market. In 2000, 85 percent of all U.S. jobs were categorized as skilled. For millions of Americans, access to an affordable college education is the key to their success in the 21st century global economy. The United States has one of the highest college enrollment rates but college completion rate is average to below average among developed countries in the world. Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education.

We have a huge challenge, not just in K–12 and higher education but in continuing education. It is estimated the average person leaving college will change careers 14 times. I didn't say ''change jobs'' 14 times, I said ''change careers'' 14 times. Of those 14 career changes, 10 of them don't even exist now. That is the pace at which things are accelerating.

So we are educating people for a level of jobs that do not exist at the present time. That is quite a challenge. Technology is demanding that everybody continue to learn and gain skills to remain competitive in the workplace. Learning is never over; school is never out. Those who do not get the knowledge and the capability to make the transfer to new careers will be left behind. We do not want that to happen. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. Every American can and should be part of our Nation's success.

Because higher education is the on-ramp to success in the global economy, it is our responsibility to make sure everyone can access that on-ramp and reach their goals. This bill includes provisions that improve science, mathematics, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to support students trained at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

The American system of higher education is renowned throughout the world. I can attest to that after having gone to India. I saw how their educational system works and how it is becoming very competitive with the United States. In India, only 7 percent of their children go on to higher education. That creates a very high level of competition among students to get into higher education. Despite the rigorous emphasis on science, mathematics, engineering and technology, however, India continues to send its graduate students to the United States because it is here that they learn creativity and innovation.

In most of the other countries around the world they learn the basics, can do excellent calculations and have a vast amount of rote knowledge. But what our colleges specialize in is teaching people to think, to come up with new ideas. To date, that is what has kept America ahead. However, the success story of American higher education is at risk of losing the qualities that made it great, which are competition, innovation, and access for all, if we do not invest in those core principles.

It is important to ensure that more students enroll in college prepared to learn and that more students have the support they need to complete college with the knowledge and skills to be successful. Slightly less than one-third—31 percent—of all public high school students are prepared for postsecondary education, as demonstrated by the academic courses they pursue. Well-prepared and well-supported students are more likely to persist to a degree completion and obtain the knowledge and skills they need.

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

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

Our Nation needs to make sure that every person has the opportunity to access quality education and training throughout their lives, which is why the America COMPETES bill is only the beginning. I remain committed to reauthorizing the Higher Education Act, the Head Start Act, and the Workforce Investment Act. In addition, we need to focus our efforts on taking

what we have learned from 5 years of experience to improve the No Child Left Behind Act. Together these laws form the path for success, so that every American can have the knowledge and skills necessary to be successful in the 21st century global economy, which is only going to become more competitive.

The call for education and skills training is loud and clear. Ingenuity, knowledge, and skills are a beacon for jobs; therefore, we must keep the beacon of innovation shining brightly on our shores. I ask my colleagues to support passage of the conference report on the America COMPETES Act and to work with me to move the companion education and workforce bills through Congress this year.

Mr. HUTCHISON. Mr. President, I rise to express my support for the conference report on the America COMPETES Act, and I congratulate Senators BINGAMAN, ALEXANDER, DOMENICI, ENSIGN, KENNEDY, ENZI, INOUYE, STEVENS, and NELSON and their staff for their tireless and dedicated work to bring this vital and important legislation to final passage.

There is much in this legislation that will enable the United States to secure its leadership position in science, technology, engineering and mathematics education and enhancing our competitiveness and capacity for innovation.

I am especially pleased that the conference report contains the language I included in the original Senate bill, reported last year by the Commerce Committee and eventually incorporated into S. 761, as passed by the Senate.

That provision directs that NASA be included in activities collectively referred to as the American Competitiveness Initiative, or ACI. This corrects what many of us believe was a serious oversight in the original announcement of the ACI, which failed to recognize the long-standing history of NASA's role in inspiring young people to pursue academic and professional careers in science and engineering.

The report also contains new language recognizing the potential contribution to education and competitiveness that can be made by the International Space Station National Laboratory and directs NASA to develop specific plans to realize that potential.

I look forward to working with Senator BILL NELSON, chairman of the Subcommittee on Space, Aeronautics and Related Sciences, in drafting reauthorization legislation for NASA next year, in which we can provide more specific authorization and guidance for NASA in fulfilling its important new role as part of the ACI.

This report also provides vital new authority to the Department of Energy, the Department of Education, the National Institute for Standards and Technology, NOAA, and the National Science Foundation to enable them to address the pressing national needs in science, technology, engineering and mathematics education and enhancing the Nation's competitiveness and innovation capabilities.

It is vital that the new provisions provided by this legislation are used as they are intended. This legislation includes generous new authority for appropriations for the Departments of Energy and Education and for NIST and the National Science Foundation. These additional spending limits are not provided to enable them to continue to do business as usual at an increased level of spending.

My single concern about the conference report is the action taken by the conference to modify section 7018. That provision, which was an amendment I offered during the markup of S. 1280, the original Senate Commerce Committee portion of what became S. 761 and was preserved in the conference chairman's mark considered in the conference, provided that the National Science Foundation take into account the degree to which proposed research contributed to the needs of innovation, competitiveness, the physical and natural sciences, technology, engineering and mathematics. At the same time, that provision included language—consistent with the recommendations of the report ''Rising Above the Gathering Storm''—that such prioritization not be used to inhibit investments in other important areas of research or scientific endeavor.

Despite that limitation, the conference adopted an amendment to that section which, essentially, includes virtually all research conducted by the NSF in the prioritization, including research that may or may not contribute to meeting the critical needs outlined in that report and which inspired the creation of this legislation. The awarding of such a ''blank check'' to NSF removes any assurance that the expanded authority and resources provided through this legislation will actually be used to carry out the purposes for which they have been granted.

While I am disappointed with this change, I am very much in favor of adopting the report. But as a member of the Commerce Subcommittee on Science and Innovation, and the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, I will closely follow how the National Science Foundation implements the authority granted by this legislation.

By passing this report, Congress will have taken an extremely important and significant step toward meeting what are clearly and widely recognized as critical national needs. We cannot let that step be compromised by allowing a business-as-usual approach by the departments and agencies we are tasking to meet those needs.

Mr. PRYOR. Mr. President, I would like to join my colleagues in congratulating Senator ALEXANDER of Tennessee for his hard work and his great legislative success on this piece of legislation which passed the Senate tonight. I will just remark, if I may, that once again he has proven himself to be an effective leader and a thoughtful legislator. He is really the kind of Senators who is putting America first and trying to get great things done. And, obviously, you can tell by his speech that he is sharing credit with anybody and everybody.

We all know that it was Senator LAMAR ALEXANDER's hard work and dedication that made that legislation a reality.

BUDGET INFERNO

Mr. CRAIG. Mr. President, I would like to take 10 minutes to talk about a situation that is happening in the West. I thank my colleagues for giving me that opportunity.

I spoke last week, and the background of my speech was this graph called a Budget Inferno. I was en route to Idaho to look at a fire complex known as the Murphy Fire Complex. That is now under control. In other words, a perimeter is around the fire. It happens to be 1,038 square miles of fire, nearly 700,000 acres, and $6.6 million spent. Type 1 teams, 2 of them; 24 crews, 1,230 personnel; 120 engines, 5 helicopters, 27 water tenders, and 10 dozers.

The firefighters who went in harm's way to work and stop this fire were gallant and I honor them. As I speak, there are literally thousands of young men and women out on the fire line in Idaho and Montana and parts of Nevada and elsewhere standing in harm's way to stop raging wildfires that are devastating the West.

This was the largest fire Idaho has had in literally decades. It is now the largest single fire this year in total acreage. Why did it happen? Is there a reason? Was it simply the hot weather or are there other reasons that are creating these huge infernos of wildfire across the West as we speak?

Last year, 10 million acres burned. This year, it appears we are on schedule to have an even greater fire season than we had last year. A month ago, I put a half a billion more dollars in the Interior appropriations budget to fight fire. My guess is when we get back in September, I and others will be on the floor asking for supplemental spending to pay for more wildfire devastation.

The good news, in the great tragedy of the Murphy Fire, was that no one was killed. There were four firefighters injured, there were hundreds of cattle burned up, hundreds of sheep, probably hundreds of wildlife that we simply do not know about.

But we have this huge area, some 600,000 acres that will be of no use to anyone, including cattle grazing, including wildlife, for a period of several years. It is totally burned out. I flew over it in a helicopter with our Governor and Senator CRAPO. None of us has ever experienced anything like that. You fly for half an hour at 100-plus miles an hour across a firescape, and all of it is black, the hilltops, the valleys, no trees, nothing left.

Here is what happened a few years ago. Here is what is happening now in the West. We ought to be doing something about it. Two years ago, there was a fire out there, 200,000 acres right in the same area. We rehabbed it. We grassed it, and the BLM said you cannot graze it for a couple of years now. Cattle might damage it.

Then there was another fire last year, 60,000 acres right beside it. We rehabbed it. We seeded it. You cannot graze it. At least that is what the scientists say. That is not what those who have lived out there for a hundred years say. We left it alone and the fuel built up.

Then we had someone sue us to protect the sage grouse habitat and the slickspot peppergrass, and a judge ruled. So we stopped grazing on half of that area, and the fuel built up.

Now, we are in a fire scenario, with temperatures in the West that we have never seen. So we had 3 weeks of 100-degree temperatures in the Boise Valley, and the dewpoint dropped to nearly zero. You know the rest of the story because I told you that story.

An unprecedented fuel buildup because a judge, and what I now call ecoterrorists, are destroying the landscape by not allowing reasonably managed, multiple-use approaches to our management. That is why the fire destroyed what it destroyed.

An unprecedented fuel loading is on the grasslands of our country. Now, because it is a little hotter, it is a little further into the summer, our timberlands are starting to burn. They, too, are loaded with fuel, and they will burn at unprecedented rates as they did last year and the year before and the year before that.

Here we are spending billions of dollars and destroying millions of acres of wildlife, watershed, wildlife habitat, all of those things combined. Our courts are saying: Get the people off the land, get the livestock off the land, rule in the favor of single-use management, here, there, and everywhere, tying the hands of our managers at the BLM and the Forest Service level, denying them the right to use their knowledge, use their scientific understanding for reasonable flexibility in the management we so desperately need.

That is the story of the Murphy Complex; that is the story of nearly 700,000 acres of total destruction; $6.6 million, and by the time we are done rehabilitating it, it could go to nearly $8 million.

Is there something we can do about it? Well, there will be interest groups who will rush back here, and in the name of the environment say do nothing—in the name of the environment.

Please, let us do something. Because the habitat the judge and the ecoactivists argued for to save the sage grouse and the slickspot peppergrass is no longer there. The enemy, some were the cattle that were grazing, they are no longer the enemy. The fire has become the enemy and that which they who ruled sought to save is now gone.

That story that I have related to you, whether it is played out in the Murphy Complex in Idaho and Nevada, or whether it is in Northern California, or whether it was in the Tahoe Basin this year, or whether it is in Eastern Oregon, or whether it is in the mountains of Idaho, will be played out and millions of acres will burn and billions of dollars will be spent and homes will be destroyed and we will say: Gee, I think we got a problem.

Congress will fail to respond and act to give our managers the flexibility, and we will continue to allow judges in the Ninth Circuit and environmental interests to game us and create these single, unique special kinds of management units that are impossible in any way to manage.

I wanted to relate to you this story. The State BLM director, our Governor, myself, and my colleague, Mike Crapo, flew over this devastation. In the terms of a cowboy who has lived out there all his life and his father before him and his father before him:

> Senator, you ain't never seen anything like this one.

And, boy, we have not. The great tragedy is, more will come, and more is burning now. Several fires are burning in Idaho. We are already nearly over a million acres in my State alone. Yet our hands are tied by a bureaucracy that is strangled by court decision after court decision because Congress will not act in the name of the environment.

We have been scared into environmentalism instead of good and reasonable management. We are allowing our courts and our activist organizations to create the wildfire which has become a budget inferno.

So the reason I give this speech now is because we have entered the fire season. August is our fire season. September is our fire season. My guess is I will be returning as one of the members of the Appropriations Committee and the Interior Appropriations Subcommittee saying: Please, my colleagues, could we have a couple billion more dollars to fight these fires? Because we are burning up out there, and there is not much we seem to be able to do about it because we have decided to allow public land management to be turned over to the activists and the judges instead of the professionals.

Idaho burns tonight. Montana burns tonight. Nevada burns tonight, California, parts of Oregon, parts of Utah. I think it is important you hear this story and try to begin to understand that when we talk about balance and flexibility, you help us get there so we do not have to spend our budget in a useless and irresponsible way.

TRIBUTE TO ELIZABETH S. RUNNER

Mr. MCCONNELL. Mr. President, I rise today to honor a respected Kentuckian, Mrs. Elizabeth S. Runner. On August 25, Mrs. Runner will turn 100 years old.

Mrs. Runner was born in Arkansas and moved to Warren County, KY, when she was just an infant. Her early years were not without struggle. She lost her father at the age of five, and her mother died during the flu epidemic that swept across the country in the early part of the last century. She was raised by her maternal grandmother.

At an early age, Mrs. Runner recognized the importance of a good education, and she pursued her passion for teaching. In 1925, she began her teaching career at Indian Creek, a one-room school in northern Warren County. She later transferred to the Richardsville School, where she taught until 1965. Over the course of her 40-year teaching career, she touched the lives of many Kentucky schoolchildren and their families.

In addition to being a devoted teacher, Mrs. Runner is a wife, mother, grandmother, and great-grandmother. She married J. Elvis Runner on June 28, 1930, and they were happily married until his passing in 1997. They raised two sons, Randall S. Runner and Phillip J. Runner. She has one granddaughter, Karen Elizabeth Runner, and two great-grandsons, Kory and Wren.

Mrs. Runner is a woman of faith and a founding member of the Rays Branch Church of Christ congregation. Kentuckians admire Mrs. Runner for her dedication to teaching, her family, her faith and her zest for life. I understand that Mrs. Runner's family and friends will gather on Sunday, August 26, to celebrate and honor her reaching the rare and marvelous milestone of a 100th birthday. I ask my colleagues to join me in sending Mrs. Runner wellwishes and congratulating her on her centenarian status.

AMERICA'S CRUMBLING INFRASTRUCTURE

Mr. DODD. Mr. President, I rise today in the wake of the terrible tragedy that began unfolding yesterday in the Twin Cities region of Minnesota.

As we all know by now, the bridge carrying Interstate 35W over the Mississippi River near downtown Minneapolis abruptly collapsed during yesterday evening's rush hour. At least 50 vehicles plunged 60 feet into the river. This morning, several people are confirmed dead, dozens of people are injured, and almost two dozen people remain missing. Sadly, first responders expect the death toll to rise as search and rescue missions continue today in earnest.

I would like to extend my thoughts and prayers to Senator COLEMAN, Senator KLOBUCHAR, and all those directly affected by this tragedy. The people of Connecticut can sympathize with the people of Minnesota at a time like this. Just over 24 years ago, a bridge carrying Interstate 95 over the Mianus River in Greenwich, CT, collapsed in the early afternoon. Four vehicles plunged into the river, three people

died, and three others sustained serious injuries. It remains the worst transportation disaster in my State's history.

Today, the National Transportation Safety Board will begin investigating the bridge collapse in Minnesota. While it is too early to conclude what exactly caused the collapse, we do know that a catastrophic structural failure of some sort occurred. We also know that this truss bridge was constructed in 1967 and—according to an interview on National Public Radio this morning—likely nearing the end of a 50–year operational lifetime.

The tragedy in Minnesota is the most recent example of our national infrastructure crumbling before our very eyes. Indeed, this is not a problem only affecting Minneapolis or Greenwich or—in the case of the recent steam pipe eruption—New York City. It is a problem affecting every State, county, city, and community between San Diego, CA, and Bangor, ME. For too long we have taken our infrastructure systems—our roads, bridges, mass transit systems, drinking water systems, wastewater systems, and public housing properties—for granted. For too long we have failed to invest adequately in their long-term sustainability. And today, we find ourselves in a precarious position concerning their future viability—a precarious position that is costing lives, endangering lives, and jeopardizing the high quality of life we have come to enjoy and expect as Americans.

According to the American Society of Civil Engineers in their seminal 2005 Infrastructure Report Card, the current condition of our Nation's major infrastructure systems earns a grade point average of D and jeopardizes the prosperity and quality of life of all Americans.

According to the Federal Highway Administration, 27.1 percent of all bridges are structurally deficient or functionally obsolete. The average age of bridges in our country is 40 years. Thirty-three percent of all urban and rural roads are in poor, mediocre or fair condition. Data from the Federal Transit Administration shows our mass transit systems are becoming increasingly unable to handle the growing demands of passengers in a safe and efficient manner. A significant percentage of our Nation's drinking water and wastewater systems are obsolete; the average age of these systems ranges in age from 50 years in smaller cities to 100 years in larger cities. Clearly, these statistics are alarming and they are not getting any better.

In their Infrastructure report Card, the American Society of Civil Engineers estimates that $1.6 trillion is needed over a 5-year period to bring our Nation's infrastructure systems to a good condition.

Regrettably, our current infrastructure financing mechanisms, such as formula grants and earmarks, are not equipped by themselves to absorb this cost or meet fully these growing needs. They largely do not address capacity-building infrastructure projects of regional or national significance; they largely do not encourage an appropriate pooling of Federal, State, local and private resources; and they largely do not provide transparency to ensure the optimal return on public resources.

Early yesterday afternoon, on, I joined with my colleague, Senator HAGEL, in introducing bipartisan legislation to establish a new method through which the Federal Government can finance more effectively large ''capacity-building'' infrastructure projects of substantial regional or national significance by using public and private capital. I will say to my colleagues that our legislation focuses on the long-term capacity and sustainability of infrastructure facilities just like the bridge that carried Interstate 35W over the Mississippi River.

Fixing our Nation's crumbling infrastructure is an issue that cannot be neglected or deferred any further. This demands our immediate attention and commitment in the Senate. The quality of life in our country hangs in the balance.

Again, I extend my thoughts and prayers to those in Minnesota.

ETHICS REFORM

Ms. KLOBUCHAR. Mr. President, following the tragic collapse of the 35W bridge in Minneapolis that took place yesterday, August 1, 2007, I returned to Minnesota this morning to learn all of the facts, and pledge the necessary Federal resources for the victims, the investigation, and the repair. By returning to Minnesota, I was, unfortunately, unable to be in Washington, DC, to vote on the motion to invoke cloture on the motion to concur in the House Amendment S. 1; and the motion to concur with the House Message to S. 1. Had the tragedy in my State not taken me back to Minnesota, I would have voted for the motion to invoke cloture as well as the underlying bill. In short, I would have voted to change the course in Washington.

When I arrived in Washington in January, my husband, daughter and I pulled up in our family Saturn, loaded with my husband's college dishes and a shower curtain that I found in the basement from 1980. But we brought a little more than dishes and shower curtains. We brought a commitment for change something the people of our State Democrats, Independents, and Republicans, from Worthington to Moorhead to Duluth to Rochester called for very clearly and loudly in November.

We also brought a Minnesota moral compass, grounded in a simple notion of Minnesota fairness: A notion that all people should be on equal footing in the halls of Congress.

But they can't be on equal footing when their elected representatives are selling their votes for trips to Scotland or have cash in the freezer. They can't be on equal footing unless this new Congress delivers real, meaningful ethics reform.

That's why I came to Washington back in January and why I am delighted to see that the Senate passed a strong, bipartisan ethics reform package today.

Instead of maintaining business-as-usual, this ethics legislation will bring meaningful and robust reform in a number of critical areas.

Among other things, this legislation will bring about more transparency for lobbyist bundling and political campaign fund activity; greater transparency in earmarking; a strong lobbyist gift ban; meaningful limits on privately funded travel; strong revolving door restrictions; and expanded public disclosure of lobbyist activities.

Stated simply, these reforms are needed and they are needed now to restore the American public's faith in the integrity of their government as well as their elected representatives.

It is hard to exaggerate the importance of what's at stake.

Ethics is woven into the very fabric of how our government does business. And ethics reform goes to the very heart of our democracy, to the public trust and respect that's essential to the health of our constitutional system.

Recent scandals have cast a shadow over the legitimacy of the laws and policies that come out of Washington. The American public's receding faith in the integrity of our legislative process means that ethics reform is now central to every public issue that we will consider—whether it's energy policy, or health care reform, tax policy, or even homeland security.

The ability of Congress to deal credibly and forthrightly with these other issues depends on reforming our own ethical rules.

The long-term challenges that we face in this country are enormous. They include high energy prices and a growing dependence on foreign oil; health care costs that have spiraled out of control; global warming that threatens the future of our environment and our economy; a mounting national debt; and a growing middle class squeeze.

I believe that there are solutions to these challenges. We can achieve energy independence by investing smart and having some guts to take on the oil companies. We can get this country back on the right fiscal track, and move forward to more affordable health care. We can deliver much-needed and long overdue relief to the middle class. These are the things that the people of Minnesota sent me to Washington to fight for.

The people of Minnesota also sent me here because they have not yet seen the bold change of direction that we need to make these solutions happen. Instead, they have seen a Washington where the rules are tilted against them and where the interests of well-connected lobbyists come at the expense of the interests of the middle class.

When our energy policy is drafted in secret meetings with the oil companies, we all end up paying more at the pump because they've failed to invest in renewable energy. When our health care legislation is written by the drug companies, we all pay more because they've banned negotiation on prices. The people of this country know corruption when they see it and they saw last November who was benefiting and who was getting hurt.

Business as usual doesn't only generate bad policy and wasteful spending. It also erodes public trust in the integrity of our government institutions, our elected leaders, and the law-making process itself. We the American people know what we want from Washington. It is this: a government that's focused on doing what's best for our nation, and on securing a better and more prosperous future for the people.

This reform legislation gets us there. By passing this legislation, we will make a positive difference in how Congress performs its duties—and these reforms will send a strong, clear message to the American people that we are here for them and focused solely on representing their interests.

And that's the way it should be.

FDA REAUTHORIZATION BILLS

Mr. KENNEDY. Mr. Presdient, as my colleagues know, the Senate passed S. 1082, the FDA Revitalization Act, on May 9 by a near-unanimous vote. The House passed its version of this legislation, H.R. 2900, the FDA Amendments Act, on July 11, also by a near-unanimous vote. Staff of the Senate HELP Committee and the House Energy and Commerce Committee has worked many, many hours a day, 7 days a week, to get to a bipartisan, bicameral agreement on the FDA reauthorization bills.

Working together with Senator ENZI, we have already made a great deal of progress. We have reached agreement or near agreement on several titles and have narrowed the gap on most others. Important issues remain to be resolved, but we will do the work we need to do to have an agreement for the House and Senate to consider in September.

I thank our majority leader, Senator REID, for his leadership and support throughout this process and for making this important legislation an early priority in the Senate. While we were unable to appoint conferees today, our bipartisan deliberations will continue through August, and I hope we can name conferees in September and finalize this legislation that is so important to the safety and health of all Americans.

I also commend my colleagues on both sides of the aisle, from both the House and Senate. They have a deep knowledge of the issues presented by these bills and have been strong advocates of different positions on some of the issues. I believe this process has improved the legislation and will continue to do so and that it will produce an FDA reauthorization bill that the House and Senate can again endorse with broad, bipartisan support.

DROUGHT IN THE STATE OF DELAWARE

Mr. BIDEN. Mr. President, I rise today in support of the farmers in my State of Delaware, and those in other parts of the Nation, who are looking out their windows and seeing the damage caused by a drought. This is the time of year when corn is at its best, at its sweetest, but in Delaware, specifically in Sussex and Kent Counties, where agriculture is king, my guys are in trouble. On some farms, corn is half the size it should be, brown and withered, stalks, with no ears of corn. Losses, I have been told, are 50 percent of the crop or even 100 percent of a farmers total crop. Soybeans are also in jeopardy. And we are facing a forecast with little or no rain.

As I have been telling my colleagues, for more than three decades, agriculture is an enormous and vital part of my State. Delaware is an agricultural State. Almost 50 percent of our total acreage is farmland. Sussex County, the southernmost county in my State, is the largest poultry producing county in the entire country. Delaware is first in production value per farm and first in cash receipts per acre. We are ranked No. 2 in lima bean production, and we have 200,000 acres of soybeans and 175,000 acres of corn.

Sadly, this is not the first time that my State has faced a severe drought. In 2002, our farmers faced similar circumstances and suffered major losses. When a severe drought strikes, the impact on the economy, the environment, and the agricultural sector can be devastating. USDA's assistance during these crucial periods help the livelihoods of our farmers in Delaware.

Farmers, always at the mercy of the weather, are constantly faced with decisions of how to best manage risk. With Delaware soil, irrigation is oftentimes an option, but it is an expensive one which can be daunting to a farmer trying to make a profit. Another tool which farmers look to is crop insurance. Throughout my tenure in the Senate, I have supported incentives to make such tools attractive and affordable to farmers.

Bur for now, our Governor has started the process that triggers Federal assistance by calling for the Delaware Farm Service Agency to survey the crops. Because it is essential that the State, or specific counties, be designated as crop disaster areas to make farmers eligible for Federal disaster assistance, I am hopeful that they complete the process soon. If disaster assistance is needed, I hope the Secretary of Agriculture will move swiftly to help.

CLIMATE CHANGE

Mr. BINGAMAN. Mr. President, I seek recognition today to engage in a colloquy with a number of colleagues who have been true leaders on one of the most challenging issues facing the world today climate change.

As I stated on the floor several weeks ago, the time for action is now. According to the latest scientific findings of our world's leading experts—the Intergovernmental Panel on Climate Change—the confidence that humans are altering earth's climate has reached 90 percent certainty.

It is with this sense of urgency that I recently introduced, along with Senator SPECTER, the Low Carbon Economy Act of 2007. S. 1766—which is also supported by Senators AKAKA, MURKOWSKI, CASEY, STEVENS, and HARKIN—is the product of over 2 years of deliberation and analysis and enjoys the support of many in industry, labor and conservation.

Senator SPECTER and I are convinced—and I believe my good colleagues from Connecticut and Virginia would agree—that legislation can only attract the bipartisan support needed to put the United States on a path to a low carbon economy if it contains the following: No. 1. mandatory limits on U.S. greenhouse gas emissions; No. 2, an economy-wide approach that meets the economic test of ''no significant harm''; No. 3. increased incentives to accelerate the development and deployment of low and zero emission technologies; No. 4. measures that strongly encourage our major trading partners to begin reducing emissions and that balance U.S. emission-reduction commitments with the necessity of engaging other countries; and No. 5. measures to allocate allowances under the program equitably and efficiently.

Ultimately I am optimistic about our ability to forge bipartisan resolution of all of these issues because there is now such broad agreement within this body and within the business community and the general public about the need for real progress and action on this issue. At the same time, I recognize that we have work left to do. Senator SPECTER and I today hosted a meeting among many of the Nation's leading power producers to explore some new ideas for allocating emission permits within the power sector. We were encouraged by this discussion and plan to broaden the discussion to include a wider array of consumer and environmental perspectives.

While the legislation we have introduced and the outline you are sharing today differ in some important respects, I believe that we have a great deal in common. Senator LIEBERMAN and Senator WARNER, I stand ready to work to address our differences in the interest in forging a broad consensus capable of passing legislation this year.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from New Mexico, for the enormous contribution his efforts have made to move the climate change debate forward. He has

taken the time to study and consider many of the nuts-and-bolts issues that are critical to developing a balanced approach, and we all are better informed for his efforts.

Like my friend, I stand here today very optimistic that we can forge bipartisan legislation. It is my honor to chair a subcommittee on climate change in the Environment and Public Works Committee and to have Senator WARNER as my ranking member. Senator BOXER has shown great leadership and commitment to moving climate legislation through our full committee, and I look forward to working with her and all members of our committee to report out a strong bill in the fall. Senator WARNER and I have reached agreement on the salient aspects of our climate proposal. I agree with Senator BINGAMAN's description of the necessary design elements and believe that he and others will find that the legislation we are working on in our committee embraces these same principles.

Much of the debate recently has centered on what level of U.S. emissions reductions are necessary to stabilize atmospheric concentrations of greenhouse gas emissions by midcentury to avoid catastrophic consequences. I believe that it is ultimately our moral responsibility to curb our emissions to avoid these consequences for those who follow us here on Earth. I also agree that we must ensure that our efforts to address climate change are consistent with our commitment to strengthening the U.S. economy and our economic competitiveness.

I note that some labor unions support the Low Carbon Economy Act, and while I also recognize that we are proposing approaches to cost-containment that overlap in part and differ in part, I am optimistic that we may be able to find a common way forward that will protect the environment and the economy. It is my personal belief that reducing climate pollution will ultimately provide a benefit to the U.S. economy; however Senator WARNER and I recognize that there remain many in this body who are deeply concerned about economic impacts from climate regulation. For these reasons, like Senators BINGAMAN and SPECTER, I am convinced that we must have robust cost-control measures in place in order to forge the bipartisan consensus needed for timely and aggressive action.

The world is looking toward the United States for leadership on climate change. Only with bipartisan leadership and quick action will we be able assume this leadership role. I appreciate my colleagues joining me today in this colloquy and pledge that I will work closely with them to ensure that the bill we report out of the Environment and Public Works Committee enjoys the broadest level of bipartisan support possible.

Mr. SPECTER. Mr. President, I would like to join my colleagues in commending the growing bipartisan movement to craft climate legislation that can pass this body. Senator BINGAMAN and I have been striving for some time to develop an approach that provides a deliberative and measured response to climate change. I agree with the criteria outlined today. Several of these elements were critical to my support for the Low Carbon Economy Act.

First, I represent a State that relies heavily on manufacturing and coal production. We must craft climate change legislation that will protect the U.S. economy. It is critical that we not only provide funding to develop and deploy new climate-friendly technologies, but we must also find the most efficient way to drive these new technologies forward. One aspect of the bill I sponsored with Senator BINGAMAN that I want to highlight is designed to drive the development of carbon capture and storage a technology that is critical to coal-producing States such as Pennsylvania. The bill provides a significant economic incentive to innovative companies willing to take on the challenge of building commercial-scale power plants that capture and store carbon dioxide emissions.

Second, while I agree that the United States needs to take more aggressive steps here at home to address this issue, I also believe that any legislation must include provisions to ensure that we periodically review whether other countries are taking comparable action and that we be prepared to apply pressure on nations that continue to avoid implementing emissions limits.

I believe that this is an idea we all embrace and thank the Senators from the Environment and Public Works Committee for their willingness to work with us as they move legislation through the committee. We must bring together many interest groups in the fight against global warming. Only with broad support inside and outside of this chamber will we develop a bill that can pass.

Mr. WARNER. Mr. President, I am honored to join with my colleagues in this colloquy on developing a bipartisan approach to addressing climate change. As my friend from Connecticut already stated, we have agreed on the principal outlines of a climate change proposal that we intend on moving through the Environment and Public Works Committee this fall. Climate change is a very big problem, and the solution will require a very big tent. In addition to the good work by my colleagues standing here today, we also welcome continued leadership by Senators CARPER and ALEXANDER on our committee, Senators KERRY and SNOWE in the Commerce Committee, Senators BIDEN and LUGAR in Foreign Relations, and many others.

I can say with utmost confidence that Senator LIEBERMAN and I embrace the principles for action described by our colleagues today. As always, the details matter a great deal. Senators BINGAMAN and SPECTER have clearly invested significant time and effort on this issue, and we truly welcome their input as we move legislation through the committee.

Like my colleagues, I believe that as we legislate on climate change we must be careful to protect our economy and pay special attention to those industries and regions that will bear the brunt of achieving necessary reductions. That is why last week I joined Senators LANDRIEU, GRAHAM, and LINCOLN in introducing legislation that I hope will allay the concerns of some Senators about the economic impacts of a cap-and-trade program. We have included this bipartisan measure in the proposal Senator LIEBERMAN and I have agreed to today. While I believe the cost-containment measures we have proposed present a sound basis for legislation, I, too, am open to consider a combination of efforts and ideas so long as the resulting product makes sense ecologically, economically and politically. It will not be easy, but if we can succeed in uniting our coalitions of support, I believe we will have the ability to pass climate legislation in this body.

In my 28 years in the Senate, I have focused above all on issues of national security, and I see the problem of global climate change as fitting within that focus. As with national security concerns, to succeed in addressing the threats of global climate change, we must be united at home.

Mr. BINGAMAN. Mr. President, I thank my friends and colleagues for their remarks and their commitment. We must approach this issue in a thoughtful and constructive way. It is my hope that we can take action on this issue by the end of the year. Let's not wait any longer when we know the one course of action we can't afford or defend is continued paralysis.

Mr. LIEBERMAN. I am committed to working with you and suggest that we bring our key staff together early in the recess to move this discussion forward. I think we all agree that these issues must be resolved and we can only benefit from a serious effort to try and resolve them together.

HONORING OUR ARMED FORCES

CORPORAL DUSTIN LEE WORKMAN II

Mr. NELSON of Nebraska. Mr. President, today I honor Army CPL Dustin Lee Workman II.

Upon his graduation in 2005 from Ashland-Greenwood High School in Ashland, Nebraska, Corporal Workman joined the Nebraska National Guard. His friends and family describe him as an iron-willed person, and as someone who was deeply in touch with his faith. One of his former teachers described him as a talented and creative writer. In fact, Corporal Workman, who was not yet 20 years old, composed a poem, which was set to music by one of his friends and sang at his funeral. I attended the funeral, and it was a moving rendition. The poem follows:

I am from God whose
Hand molded me with only his will.
Conceiving my innocence
As I lay dormant and still.

I am from God who knew
No limits nor fear.
Who gave up his son
Without shedding a tear.

I am from God who granted
Me my soul.
Never to be Hell's among
The others it stole.

I am from God who's my
Shepherd and Lord.
Guiding others and myself
In our herds and our hordes.

I am from God whose
Power and blessing is given as mine
Endowed into me by his hand so divine.

On June 28, 2007, Corporal Workman passed away due to combat injuries sustained from an improvised explosive device while serving in Iraq. He was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, based in Fort Carson, CO.

Corporal Workman is survived by his father, Dustin, Sr.; mother, Valerie; and two younger siblings, Korey and Krysta. I join all Americans in grieving the loss of a patriot and a beloved friend, brother, and son.

SERGEANT NATHAN L. WINDER

Mr. HATCH. Mr. President, today I rise to honor and commemorate one of Utah's fallen sons. SFC Nathan L. Winder was a native of Blanding, Utah, and a member of the 1st Special Forces Group stationed at Fort Lewis, WA. I have been informed that this good soldier tragically lost his life as he and his U.S. Special Forces Quick Reaction team came to the aid of another unit that was ambushed and taking on small-arms fire in Ad Diwaniyah, Iraq.

Shortly after graduating from high school, Sergeant Winder left his home in Blanding, UT, to pursue a career in the Armed Forces. In 2006, he graduated from the special forces qualification course in Fort Bragg, NC, and earned the coveted Green Beret.

As a 2-year-old boy, he was abandoned on the steps of a courthouse in Seoul, South Korea. Shortly after, he was offered a better life and a new beginning in the loving home of Tom and Teri Winder, incredible parents of 20 children. In his parents' eyes, it was from his abandonment and subsequent adoption that he developed the fierce desire to offer others the same kind of hope that was offered him.

Throughout his life, it was clear that Sergeant Winder had a special place in his heart for children. His family remembers how he often remarked in his e-mails that Iraqi children seemed so appreciative of the little things, like a wave from a U.S. soldier, a smile, or even a small piece of candy. Teri Winder said of her son, ''He loved the children. He gave them a sense that they were cared about.'' He did everything he could to offer them the hope he so gratefully received so many years ago. He was known for always carrying toys and candy to hand out to the Iraqi children.

Sergeant Winder was a man who lived his life with a profound purpose, deeply rooted in his convictions of moral reciprocity. His greatest desire was to take the freedom afforded to him and offer it to those who had none. Tom Winder said his son wanted the people in Iraq, if only for a moment, to feel some sense of freedom, however seemingly minute its manifestation.

In addition to two wonderful parents and 19 brothers and sisters, Sergeant Winder is survived by his wife Mechelle and an 11-year-old son. This great soldier and his family will always be in my memory and prayers.

SERGEANT NATHAN S. BARNES

Mr. President, today I also pay tribute to SGT Nathan S. Barnes of American Fork, UT, who recently gave his life during a combat mission in Iraq. Sergeant Barnes was a member of the 10th Mountain Division's 4th Battalion, 31st Infantry Regiment stationed out of Fort Drum, NY.

I have been informed that 400 American flags lined the streets leading to the Sergeant Barnes's family home in American Fork. I also understand that on the day of his funeral, hundreds of Boy Scouts, each bearing a U.S. flag and standing at attention, gathered along either side of the street to honor the fallen soldier.

That is the kind of tribute this brave and selfless soldier merits.

Sergeant Barnes is remembered by his family members and fellow soldiers for his love of friends and family, and for his humor, his commitment to serving the country and his profound dedication to his faith.

Sergeant Barnes was a man who truly lived an abundant life. When not engaged in the service of his country, the soldier enjoyed spending time outdoors jogging, hiking, camping, and hunting. Friends and family recall his insatiable appetite for good literature. All of these interests and hobbies were part of Sergeant Barnes' unique way of exploring what life had to offer him.

I would submit to you this day, Mr. President, that in a time when patriotism is a virtue often overlooked and lost in the midst of the swirl of issues, Sergeant Barnes' sacrifice brings us back to the core of what it means to be a patriot. I hope and pray that his sacrifice will inspire us all to reach for new levels of excellence and citizenship, to recommit ourselves to a greater measure of devotion to family and country, and above all, to continue to pursue ways to provide for a more perfect America.

I am honored and humbled by this opportunity to commemorate the life of SGT Nathan S. Barnes. He served his country with pride and answered its call when it needed him most. I will always remember him and his family in my prayers. Our nation owes SGT Nathan S. Barnes a giant debt of gratitude and for that reason I pay tribute today to his dedicated and selfless service to our Nation.

UNITED ORPHANAGE AND ACADEMY

Mr. INHOFE. Mr. President, today I rise in support of the United Orphanage and Academy in Moi's Bridge, Kenya. As many of my esteemed colleagues know, Africa has a special place in my heart. I visit the continent several times a year to see a number of dear friends. My own granddaughter, Zegita Marie, joined our family through adoption from Ethiopia.

As we hear virtually every day, Sub-Saharan Africa is in crisis; the statistics of devastation are staggering. In 2006, 2.8 million people in Sub-Saharan Africa contracted HIV and nearly 1 million children died from malaria, according to the World Health Organization. The United Nations estimates that in the same year, there were 12 million AIDS orphans living in the region. These pandemics are further compounded by famine, unsafe drinking water, corruption, and war.

Much has been said of these heart-wrenching situations, but today my message is one of hope. During my travels, I have found Africa to be a place of beauty, courage, and ingenuity. Kenya alone is home to more than 42 distinct ethnic communities, the soaring heights of Mt. Kenya, and one of the largest drama events in Africa, the annual Kenya Schools and Colleges Drama Festival.

Embodying these characteristics, the United Orphanage and Academy cares for 40 children impacted by the HIV/AIDS pandemic. Founded in 2001, this beacon of hope lies in rural northwest Kenya, near the Ugandan border. Children ages 4 to 14 are provided with food, shelter, clean water, and quality education. One hundred students are currently enrolled in classes from prekindergarten through second grade. Moreover, the home is a place of reconciliation and unity as children from five distinct ethnic backgrounds and numerous tribes learn to work, play, and grow together.

The vision for the orphanage stemmed from humble beginnings, as conversations between Rev. Stephen Chege and Henri Rush, an elder at Westminster Presbyterian Church, evolved into a vision to ''develop a caring and spiritual space for children to live and grow when they come to the point of having no family or guardian support available to them.'' As a result, an ambitious roadmap has been set in place, encompassing everything from procuring a van for vital transportation needs to constructing additional classrooms.

Today, I would like to highlight efforts to expand this mission. Great need requires great hope, and great hope requires great action. Reverend Chege, Mr. RUSH and their partners seek to double the capacity of the orphanage to house up to 80 children. Furthermore, plans exist to expand the school to include grades K–12 and further vocational training. The philosopher Aristotle once said: ''All who have

meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth.'' In my humble estimation, the fate of Africa depends, in large part, on the education of young men and women who learn to lead their communities with wisdom and integrity.

I am filled with hope when I see individuals and communities coming together to respond to perhaps one of the greatest crises of our time, and I am encouraged when such initiatives emerge from transcontinental friendships. I believe the United Orphanage and Academy embodies the values and provides the tools necessary to equip Africa's youth to embrace a world of challenges and possibilities.

LIFTING HOLD ON NOMINATION OF DENNIS SCHRADER

Mr. WYDEN. Mr. President, on June 18, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Dennis Schrader to be Deputy Administrator for National Preparedness in the Department of Homeland Security. I did so because, prior to his confirmation as Secretary of the Department of Homeland Security, Michael Chertoff told me in my office that if confirmed, he would move expeditiously to implement the National Emergency Technology Guard—NET Guard program. Unfortunately, Secretary Chertoff had failed to honor that pledge.

Today, I received a letter from Secretary Chertoff describing how the Department is moving forward with 12-month NET Guard pilots beginning in September 2007, and how the DHS will be requesting funds to continue the program in its 2009 budget request to the Office of Management and Budget.

The Secretary also communicated to me that the Department of Homeland Security will be publicizing NET Guard and seeking involvement from the private sector, a step critical to the success of this vital program.

The Department has also set aside funds to run the pilots for the year and convened a working group of subject matter experts to guide the design of NET Guard. These activities and Secretary Chertoff's letter indicate that he is making a good-faith effort to get NET Guard off the ground.

In light of these actions, I will no longer object to any unanimous-consent request for the Senate to take up Mr. Schrader's nomination. I will, however, continue to closely monitor DHS's actions on NET Guard.

I ask unanimous consent that a copy of Secretary Chertoff's letter be printed in the CONGRESSIONAL RECORD.

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

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, August 1, 2007.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for taking time this morning to discuss the Department of Homeland Security's plans for the National Emergency Technology Guard (NET Guard) program. Following my June 29, 2007 letter to you that outlined our program approach, and as a prelude to our discussion, members of the Department's NET Guard team briefed your staff on our proposed plan. The positive feedback from your staff, coupled with your positive feedback this morning and the positive feedback that we have received from State, local, and private sector stakeholders, gives us confidence that we are taking the right approach to implementing this important disaster response program.

Accordingly, the Department is moving forward with plans to implement 12-month NET Guard pilots beginning in September 2007. The recommendation to establish pilots in September is consistent with the NET Guard Scoping Initiative Report, which I will provide to you upon its completion this month. To fund our efforts in fiscal years 2007 and 2008, we will continue to work with Congressional appropriators. I will also submit a request to the White House Office of Management and Budget to fund the NET Guard program in fiscal year 2009. On these and other program matters, the Department's Office of Legislative Affairs will keep your staff apprised of our progress.

I appreciate your interest and support of the Department's disaster response mission and look forward to working with you on this and other issues.

Sincerely,

MICHAEL CHERTOFF.

INTERNET GAMBLING

Mrs. DOLE. Mr. President, I would like to share a letter received by our colleagues in the House of Representatives on the issue of Internet gambling from the National Football League, Major League Baseball, National Basketball Association, National Hockey League, and National Collegiate Athletic Association. I would like to include this letter in the RECORD, which alerts us to the serious threat that H.R. 2046 poses to the integrity of American athletics, as well as our national sovereignty over gambling regulation.

Many of us on this side of the Capitol may not be aware that there are efforts afoot in the House of Representatives to legalize Internet gambling, less than a year after we enacted the Unlawful Internet Gambling Enforcement Act of 2006. I strongly supported UIGEA, and supported its inclusion in the SAFE Ports Act, so that after more than 10 years of overwhelming bipartisan support for doing something to stop illegal Internet gambling in this country, we finally have an enforcement law with teeth.

But now, before the regulations for UIGEA have even been written, international gambling interests are telling our colleagues in the House that Internet gambling can never be stopped, so we might as well legalize, regulate, and tax it. We might as well decide that everyone speeds on the George Washington Parkway, so we should just eliminate the speed limits and make it a toll road. Internet gambling is just as dangerous—its 24/7 accessibility from any location, speed, and anonymity make it the ''crack cocaine'' of gambling, leading to addiction, young people wrecking their financial futures, family breakdown, and even crime and suicide. The answer is stepping up enforcement efforts, not abandoning the law and government feeding off the trough of personal tragedy.

H.R. 2046 would license Internet gambling companies to do business with U.S. customers and override every other Federal or State law that would interfere with this business. The proponents of this legalization scheme will argue that the bill allows States and sports leagues to ''opt out'' of legalization, but don't be fooled. The ''opt-outs'' are vulnerable to legal challenge, both in U.S. courts and in the World Trade Organization. And if the opt-outs fall, H.R. 2046 would result in the greatest expansion of gambling ever enacted in the history of the United States.

The sports organizations are very concerned because H.R. 2046 would reverse decades of Federal policy by endorsing sports gambling. We have all seen in the past couple of weeks how damaging gambling can be to the integrity and image of professional sports. When a player or a referee taints the game for gambling profits, all of the participants and all of the fans are betrayed. And even when there is no fraud, pervasive gambling on a sport robs its character as family entertainment celebrating the pursuit of athletic achievement, turning it into a seedy vehicle for making money at the expense of others. Congress must not in any way endorse this degradation of our national pastimes.

I hope that my colleagues here in the Senate will join me on the lookout for Internet gambling legalization efforts and will firmly reject and rebuff any such proposals.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter prepared by the professional and collegiate sports associations.

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

JULY 30, 2007.

DEAR MEMBER OF CONGRESS: Sports betting is incompatible with preserving the integrity of American athletics. For many decades, we have actively enforced strong policies against sports betting. And the law on this point is consistent. Federal statutes bar sports betting, especially the 1961 Wire Act and the 1992 Professional and Amateur Sports Protection Act. Enforcement of these laws against sports betting was also a significant motive for enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA).

Accordingly, we urge you to reject current proposals to legalize Internet gambling, such as H.R. 2046 sponsored by Rep. Barney Frank. This legislation reverses federal policy on sports betting and would for the first time

give such gambling Congressional consent. The bill sends exactly the wrong message to the public about sports gambling and threatens to undermine the integrity of American sports.

On a related point, we believe the Congress should not consider any liberalization of Internet gambling until the U.S. Trade Representative successfully resolves our trade disputes in this area. A rush to judgment on this subject could result in irreversible damage to U.S. sovereignty in the area of gambling regulation, including the capacity to prohibit sports bets.

Though Internet gambling on sports has never been legal, easy access to offshore Internet gambling web sites has created the opposite impression among the general public, particularly before Congress enacted UIGEA last fall. UIGEA emerged from more than a decade of Congressional consideration, in which stand-alone legislation aimed at restricting Internet gambling passed either the Senate or the House in each of five successive Congresses, each time by overwhelming bi-partisan votes. UIGEA also enjoyed a broad array of supporters, including 49 state Attorneys General and other law enforcement associations, several major financial institutions and technology companies, dozens of religious and family organizations, and of course our sports organizations.

Enactment of UIGEA was grounded on concerns about addictive, compulsive, and underage Internet gambling, unlawful sports betting, potential criminal activity, and the wholesale evasion of federal and state laws. When it passed the House a year ago, the vote was 317–93, including majorities of both caucuses and with the affirmative votes of both party leaders.

The final product was a law that did not change the legality of any gambling activity—it simply gave law enforcement new, effective tools for enforcing existing state and federal gambling laws. UIGEA and its predecessor bills could attract such consensus because they adhered to this principle: whether you think gambling liberalization is a bad idea or a good one, the policy judgments of State legislatures and Congress must be respected, not de facto repealed by deliberate evasion of the law by offshore entities via the Internet.

By contrast, H.R. 2046 would put the Treasury Department in charge of issuing licenses to Internet gambling operators, who would then be immunized from prosecution or liability under any Federal or State law that prohibits what the Frank bill permits. The bill would tear apart the fabric of American gambling regulation. By overriding in one stroke dozens of Federal and State gambling laws, this would amount to the greatest expansion of legalized gambling ever enacted.

This legislation contains an ''opt-out'' that appears to permit individual leagues to prohibit gambling on their sports. But regardless of the ''opt-out,'' the bill breaks terrible new ground, because Congress would for the first time sanction sports betting. That is reason enough to oppose it. In addition, the bill's safeguard opt-out for sports leagues as well as the one for states may well prove illusory and ineffectual. They will be subject to legal challenge before U.S. courts and the WorId Trade Organization.

In addition, this legislation would dramatically complicate current trade negotiations concerning gambling. In 1994, the United States signed the General Agreement on Trade in Services, which included a commitment to free trade in ''other recreational services.'' In subsequent WTO proceedings, the United States has claimed this commitment never included gambling services. The United States has noted that any such ''commitment'' would contradict a host of federal and state laws that regulate and restrict gambling. The WTO has not accepted this argument.

Accordingly, the U.S. Trade Representative has initiated negotiations to withdraw gambling from U.S. GATS commitments. Before withdrawal can be finalized, agreement must be reached on trade concessions with interested trading partners. Few concessions should be required because there was never a legal market in Internet gambling in the U.S. If Congress creates a legal market before withdrawal is complete, the withdrawal will become much more complicated and costly. Therefore, we oppose any legislation that would imperil the withdrawal process.

Finally, we have heard the argument that Internet gambling can actually protect the integrity of sports because of the alleged capacity to monitor gambling patterns more closely in a legalized environment. This argument is generally asserted by those who would profit from legalized gambling and the same point was raised in 1992 when PASPA was enacted. Congress dismissed it then and should dismiss it now. The harms caused by government endorsement of sports betting far exceed the alleged benefits.

H.R. 2046 sets aside decades of federal precedent to legalize sports betting and exposes American gambling laws to continuing jeopardy in the WTO. We strongly urge that you oppose it. Thank you for considering our views on this matter.

Sincerely,

RICK BUCHANAN,
Executive VP and General Counsel, National Basketball Association.

ELSA KIRCHER COLE,
General Counsel, National Collegiate Athletic Association.

WILLIAM DALY,
Deputy Commissioner National Hockey League.

TOM OSTERTAG,
Senior VP and General Counsel, Major League Baseball.

JEFFREY PASH,
Executive VP and General Counsel, National Football League.

DARFUR

Mr. DODD. Mr. President, genocide has only one morally tenable answer. This week, the United Nations found that answer: decisive and forceful action to protect the innocent. Tuesday's Security Council resolution put real teeth in the world's effort to stop the Darfur genocide: A paltry contingent of 7,000 African Union peacekeepers will swell with 26,000 more troops in a combined UN/AU force.

The peacekeepers will take command of the region by the end of the year, and their arms will help to shield the people of Darfur from continued murder and rape and displacement.

I applaud this resolution. We all know that it comes 450,000 lives too late. But the UN's action looks positively instantaneous when set against the delay and the equivocation of our own Government. Special Envoy Andrew Natsios assured the world that American action was ''imminent'' 7 months ago. And it was 2 years ago that President Bush declared the crimes in Darfur ''genocide.''

But there is still time for America to act, and a vital role for America to play. The Security Council's force resolution, as valuable as it is, came at a price: To mollify China and several African member states, its provisions for multilateral sanctions on Sudan were significantly softened. We can, and must, fill the gap with unilateral sanctions of our own.

Multilateral force combined with American sanctions would show the international system working at its best. The world community has agreed to act against genocide; now, the United States can work in the spirit of that resolution and do its own part to bring the suffering to an end. Our economic muscle can be a potent weapon.

Three sanctions bills are before the Senate. Two S. 831—the Sudan Divestment Authorization Act of 2007, and S. 1563, the Sudan Disclosure and Enforcement Act of 2007—have been authored by my friend and colleague, Senator DURBIN. From the very start, his voice has been the strongest in the Senate on the Darfur genocide, and his tremendous leadership stands in stark contrast to this administration.

A third sanctions bill—H.R. 180, the Darfur Accountability and Divestment Act of 2007—has been authored by Representative BARBARA LEE, whose leadership ranks with Senator DURBIN's. I have asked the majority leader to expedite consideration of all of these bills.

I would like to focus for a moment on Representative LEE's bill. It aims to punish the bloodstained Government of Sudan by assisting divestment from companies that—knowingly or not—have helped to fund the genocide. H.R. 180 requires the Department of the Treasury to develop a list of companies investing in specific sectors of the Sudanese economy: power production, mineral extraction, oil-related industries, and military equipment industries.

Before being put on the list, companies are given 30 days to either rebut the designation or to say that they will be suspending such activities within a year. The bill also removes specific legal barriers to enable mutual fund and corporate pension fund managers to cut ties with these listed companies.

And it allows States and localities to divest their public pension funds from those companies whose financial operations help support the genocidal practices of the Sudanese Government.

In ultimately leading to the withdrawal of funds from the Sudanese military machine, the bill does valuable work. But I am concerned that it entrusts the compilation of the list of companies to the wrong agency, Treasury's Office of Foreign Asset Control. OFAC is an enforcement agency, and such investigation is not in its mission.

I believe the job is better entrusted to an interagency task force combining

the varied strengths of the Departments of Treasury, State, and Energy, along with the SEC. This combined approach will mean that our efforts toward divestment are as fair, effective, targeted, and transparent as they can be. So I have proposed amending the divestment bill to that effect; a second amendment authorizes $2 million to make this divestment task force a reality.

But whatever form they take, sanctions need to pass now. As the UN/AU force stabilizes Darfur, we must do our utmost to choke off the money that has oiled the machinery of slaughter. To those of my colleagues who are standing in the way of swift action, I ask:

What more do you need to see?

What more do we need to prove?

What more could it possibly take to move you?

I urge my colleagues to support H.R. 180, as amended, and the two other strong Senate bills.

CROP INSURANCE

Mr. GRASSLEY. Mr. President, my comments here today are to point out the importance of the crop insurance program to America's farmers and America's rural communities.

Congress enacted legislation in 1980 that allowed for the expansion of the program and the involvement of the private insurance sector in the crop insurance program's delivery. Since this time, the program has grown from a small, experimental program to one that insures over 70 percent of the eligible acres in the country. In many States, an even higher percentage of the eligible acres in the State are insured. In my home State of Iowa we have over 90 percent enrollment. This protection has come to be relied on by farmers and their lenders as a vital and necessary part of farming. For most farmers their crop insurance policy is the basis of their risk management, crop marketing and loan collateral.

The success of the crop insurance program can be attributed to two key items. One is the support of the Federal Government. It is no secret that the Government supports the crop insurance program with premium subsidies that encourage farmers to purchase coverage and help pay for its cost. Additionally, rather than further increasing farmers' premium costs, the Government also pays for the delivery of the program. These Government expenditures, while not insignificant, are considerably less than the Government would likely spend in after-the-fact disaster aid if farmers didn't use the program or if the program didn't exist.

The second key item that has contributed to the success of the crop insurance program is the delivery of the program by the private insurance sector. Delivery of the crop insurance program by private companies, using local insurance agents, using modern technology, and with an incentive to do things right and earn underwriting rewards, has allowed for market penetration that was thought impossible by many. But it has occurred, and it continues due to the quality, timely and accurate service being provided to farmers by local agents and companies.

I point out the importance of this program and its successes today, because this body is expected to consider this program during debate of the farm bill. It appears that despite successfully operating under separate legislation for years, the crop insurance program is being pulled into the farm bill discussions. The House farm bill has pulled money from the crop insurance program to offset other spending. I intend to analyze carefully the impact this House action will have on farmer's ability to manage their own risk. While I recognize there are improvements that need to be made to the program, crop insurance brings more stability to rural America.

American farmers deserve a safety net that they can count on each and every crop year. As the Senate prepares to work on our farm bill provisions, I hope we recognize that crop insurance has become ingrained into the fiber of American agriculture, from the farmers and lenders that depend on it to the rural communities whose local economies are bolstered by it in hard times.

BALLOT INTEGRITY ACT

Mrs. FEINSTEIN. Mr. President, I rise today to address an important development in the way our votes our counted. Last November, California elected a new chief election officer—Secretary of State Debra Bowen. Secretary Bowen served in the California Legislature, where she had a reputation as a dedicated advocate for greater protections of our voting systems. Upon becoming secretary of state, she called for a ''top-to-bottom'' review of all voting systems used in California. This was a dynamic and appropriate step, given the heartburn that electronic voting systems have caused voters nationwide.

The problems with paperless voting systems are clear. Computers are no substitute for a paper record. We want to know where our most important documents are—and we don't leave them on the computer. Votes should be no different.

Many events over the last few years have raised great concerns about paperless voting systems. In a congressional race in Sarasota, FL, about 18,000 ballots had no recorded vote. The final vote count divided the candidates by only 300-odd votes. So-called ''under-votes'' occur in every election. But the rate in Florida's 13th Congressional District was unusually high. And because there was no verified paper record, we may never know who really won that election.

Some say paper ballots can malfunction or be manipulated just as easily as these computers. I strongly disagree. When paper records fail, we can see that they have failed. If paper records are stolen, or disappear, we will notice their absence. But when malfunctions or security gaps occur in paperless voting systems, there is no easy way for voters or election officials to know that something has gone wrong. It is for this reason I support optical scan paper systems—or, at minimum, voting systems that produce a paper record verified by the voter.

So it is entirely appropriate that Secretary Bowen performed this test. Californians go to the polls in 6 months to cast their votes in the presidential primary. They must have confidence in their voting systems. With the cooperation of several voting system vendors, the University of California assembled several teams to review the systems. The teams examined the systems' source code, their physical and software defenses, and the ability of people with disabilities to use these systems. The systems fell short in all three tests. In a short span of time, computer scientists identified a number of major vulnerabilities with the voting systems. And these experts were able to hack the vote in less than 5 weeks.

It is important to note that many election officials employ security measures to protect their systems from these kinds of attacks. In this test, the focus was on the voting system's defenses alone—no external protections were employed. Even without such protections, the results of this examination clearly indicate we need to improve these systems.

A few examples of what the University of California experts were able to do: First, researchers were able to gain access to the internal computer system by breaking or bypassing the locks in the voting systems. In the case of one voting system, ordinary office objects were used to gain access. Second, researchers were able replace existing software with a new, corrupt virus that fed incorrect election data to the system. This attack used a program that appeared to change the text, but instead replaced the original software with corrupted code. Many small jurisdictions may lack the technical ability to identify and protect against these attacks. Third, while election officials can test these systems, experts noted that software distinguishes between election mode and testing mode. This could allow a virus to instruct the system to run properly during a test—but allow it to be corrupted during an election. Even counties that test their systems often could be vulnerable. Finally, the team was able to develop a device that would allow unauthorized access—and allow someone wishing to corrupt the ballot box to change the system's vote count.

What does all this mean for elections in the United States?

It means we should to follow the lead of Secretary Bowen, and take a very

careful look at our voting systems. It means the argument for paper as an essential part of voting systems is becoming more and more convincing. It means we should watch and carefully assess the new standards for testing voting systems that will be employed for the first time in December. I hope these standards have a significant impact, that they catch the vulnerabilities of these systems.

I believe the bill I introduced in May will lead to great improvements in the technology and the processes of elections. The Ballot Integrity Act would immediately prohibit new purchases of paperless voting systems. By 2010, it would require a voter-verified paper record to be produced by all voting systems used in federal elections. It would ensure that laboratories that test voting systems would not be hand-picked by vendors. And it would bar wireless and internet components in voting systems. In addition, States would have to document which individuals have access to voting systems, and they would have to agree on ways to train poll workers on how to operate machinery. This approach deals with all elements of the voting process—and recognizes that good voting equipment cannot be secure without good procedures to protect the integrity of the vote.

While the debate rages over how California should respond to this new report, it is important to stick to the basics. Vote verification is the new consensus. More than half the States use paper records to preserve the vote count.

I know Americans are passionate about ensuring that their votes are counted. California has taken an important step—and uncovered some disturbing information. The Senate should support improving Federal elections by passing the Ballot Integrity Act.

RETIREMENT OF CONGRESSMAN RAY LAHOOD

Mr. OBAMA. Mr. President, I rise today to extend my appreciation and best wishes to my good friend, RAY LAHOOD, who recently announced his intention to retire at the end of the 110th Congress.

His retirement next fall will mark the end of a long, successful career representing the 18th District of Illinois—first as a staffer for 12 years for then-minority leader Bob Michel and then as a distinguished member of Congress for seven terms.

Born in the district he has represented for over 13 years, RAY LAHOOD's constituents have always been his No. 1 priority. Long after RAY leaves office, Illinoisans from Peoria to Jacksonville will benefit from his attention to local infrastructure needs, whether it is the roads, hospitals or arts projects of central Illinois.

He has been a champion for economic development in rural communities, expanded use of alternative energy, and conservation efforts along the Illinois River. RAY and I also worked together earlier this year to help our Nation's servicemembers and veterans by introducing the Lane Evans Mental Health and Benefits Act.

But beyond his many legislative accomplishments is the distinctive spirit that RAY brought to his job. His time in Washington has been marked by a willingness to speak the truth and work across party lines—traits that have earned him the highest respect and admiration from colleagues on both sides of the aisle.

For several years, RAY hosted bipartisan congressional retreats to bring Members of Congress together for an open dialogue about ways to solve the country's problems in a civil manner. At a time in which Congress is marked by ideological warfare and harsh personal rhetoric, RAY is always searching for ways to bridge the partisan divide and find commonsense solutions to the problems facing average Americans. He was—and is—the ideal successor to Bob Michel, the great statesman who mentored him.

On a personal note, I will always be grateful to him for joining me in opening my Springfield office in January 2005 shortly after I came to the Senate. That small gesture of bipartisanship meant a lot to a freshman Senator and is a reflection of RAY's decency.

The people of central Illinois will miss RAY LAHOOD's hard work on their behalf, and I will miss his friendship.

I thank RAY for his many years of service to Illinois and to his country, and I wish him and his family all the best as he embarks upon this next chapter in his life.

TRIBUTE TO UNCLE HAROLD

Mr. DORGAN. Mr. President, if one is going to boast on the Senate floor, I assume I can be forgiven for boasting about close relatives.

My story is about my Uncle Harold—Harold Bach to be exact.

I called Harold last week and asked him what he had been doing. He said he had just gotten back from Minnesota. I asked, ''What were you doing there?'' He said, ''Well I was running in the Senior Olympics events.''

I guess it is not too unusual to have someone tell you that they are engaged in some track and field events. But my uncle is 87 years old. I said, ''Harold, what events did you enter?'' He said, ''I ran in the 50 meter, the 100 meter and the 200 meter.'' I asked, ''How did you do?'' Harold said, ''I won three medals—a gold, a silver and a bronze.''

It wasn't news to me to hear that my uncle was running.

At age 72 Harold went to the Prairie Rose Games in North Dakota and just as a lark he entered races for age 70 and above. He easily won all three races that he entered. Then he decided, you know—I must have a talent here. It appears I can run faster than people my age. So he started running in other States. He ran in the Minnesota Senior Olympics, he ran in the South Dakota Senior Olympics, and then he was in Arizona and California.

He never stopped running. He has now won 100 medals in Senior Olympics events across the country. At age 87, I think he is still angling for more victories.

So I am announcing today that I am going to award my Uncle Harold a certificate, designating him as the oldest, fastest runner in our State's history. No, I have not done any research to demonstrate that, but I am sure it must be true. And besides, he's my uncle.

The message in having an 87-year-old uncle that runs the 100 meter dash in under 20 seconds is inspiring to me, and I hope, to everyone else. It is a message that if you don't know what you can't do, maybe you won't be surprised if you find out you can do it, even if others think it is improbable.

None of us should be limited by our notions of what is impossible. My Uncle Harold has described what is possible for him by trying—and succeeding. It is a lesson that many of us should learn over and over again. Defeat is not about trying and failing. Defeat is failing to try. And when my uncle determined that he was faster than anybody his age, he got himself a pair of running shoes and filled his car with gas. Fifteen years later he has won 100 track and field medals.

So, hats off to my Uncle Harold! His accomplishments in Senior Olympics events are impressive and inspiring.

ADDITIONAL STATEMENTS

CONGRATULATING MISS ASHLEY SAGISI MOSER

• Mr. AKAKA. Mr. President, I congratulate Ashley Sagisi Moser, Miss Teen World United States, for her achievements in the 2007 Miss Teen World pageant. She placed first runner-up in the pageant and won the Miss Congeniality Award.

The pageant was hosted in Queensland, Australia, where representatives from 14 countries competed for the title of Miss Teen World 2007. In addition to winning the Miss Congeniality Award, Ashley placed in the top five in every category, which included Miss Talent, Miss Photogenic, Best Costume, and Best Swimsuit.

I am proud of Ashley's accomplishments, especially because she was one of the youngest contestants in this international pageant. Her stage presence and wit have allowed her to excel in pageants. She embodies the spirit of Aloha, which was noted by the judges and her fellow competitors. She represented the State of Hawaii and the United States very well.

I also want to acknowledge Ashley's impressive leadership qualities, which are evident through her involvement in one of the State's most prestigious preparatory schools, Punahou School, and

in her involvement in community activities. I encourage her to aspire to make a difference in the world by continuing to cultivate her leadership skills.

I look forward to hearing more about her successes as she continues to pursue her education and personal goals. Congratulations to her parents Kendall and Sandra Moser, who have raised their daughter to be an exemplary representative of the United States on the international stage. I wish Ashley and her family the very best in their future endeavors.●

COMMENDING THE HONOLULU BULLS

● Mr. AKAKA. Mr. President, I congratulate the Honolulu Bulls Soccer Club's Under-14 Division Girls Team for winning the Dana Cup No. 1 in Hjorring, Denmark. The Dana Cup is an international soccer tournament that takes place every summer and includes 300 girls and boys teams from 30 nations. The Under-14 Division Girls Team was one of 2 teams representing the United States out of 47 teams in that division. This was the first time a team from Hawaii has won this prestigious international tournament.

I wish to acknowledge the girls' skill, hard work, and dedication to soccer that led them to this unprecedented victory. They showed strength and agility as they went undefeated in eight matches without a single goal scored against them. A special congratulations goes to Malia Brennan, who received the Golden Boot Award as the top player in the girls Under-14 Division. I wish to also acknowledge her teammates on their success: Jayci Cabael, Kayla Cabael, Lauren Stollar, Brooke Lovelace, Kianna Akazawa, Caprice Dydasco, Kadi Lee, Staci Mihara, Teisha Nacis, Sierra Nicols, Steffani Tanaka, Gabby Yates, McKenna Davidson, and Tracee Fukunaga. Their parents and families are recognized as well for their commitment, sacrifice, and support that helped shape and instill in them important values that led to their success.

These young women could not have gotten where they are today without the support and knowledge of the game passed down to them from their coaches, Rick Chong and Kerry Miike. I commend these two men on their dedication to teaching, nourishing, and raising our next generation of athletes.

I also congratulate everyone at the Honolulu Bulls Soccer Club for their commitment to educating and developing youth soccer players that strive to be competitive regionally, nationally, and internationally. I wish nothing but the best for the girls, their family, and coaches and wish them success in future endeavors.●

RECOGNIZING THE ARMY VETERINARY CORPS

● Mr. ALLARD. Mr. President, today I wish to recognize the hard work and meritorious sacrifice of the Army Veterinary Corps. Their efforts support the global war on terrorism by protecting not only the military men and women serving our country, but our armed forces' animals as well.

The Army Veterinary Corps was formally established in 1916. However, the need for a military veterinary service was recognized as far back as the Revolutionary War. George Washington knew that if the Army used horses, it needed farriers as well. The program continued through the 19th century and when the Civil War began, the War Department issued orders that provided each cavalry regiment with a veterinary surgeon. As early as the 1890s, army veterinarians were sought to inspect meat, poultry and dairy products destined for the frontier posts.

Veterinary officers were first commissioned following the passage of the National Defense Act of June 3, 1916, and the Army Veterinary Corps became a reality. While providing care to the military's working animals would be part of the Army veterinarian's function, food safety and regulation was a primary mission upon the Army Veterinary Corps creation.

After the start of World War I, veterinarians within the ranks of the Army rose from 57 to 2,313 in just 18 months. Since World War I, the Veterinary Corps has remained an essential asset to our Nation's military by ensuring the health of both our animals and troops. The Air Force formed a veterinary service in 1949 as well, but in 1979, Congress directed changes to Department of Defense's veterinary missions and in 1980 the Army became DOD's Executive Agent for veterinary services.

Today the mission of the Army Veterinary Corps includes maintaining food safety and defense, animal medicine, and medical research support. Part of this mission is protecting the food of deployed soldiers, sailors, airmen and marines. In the global war on terrorism, more than 200 U.S. Army veterinarians have deployed in support of our Nation's efforts. The threat of BSE, the spinach recall due to pathogenic E. coli, and the ongoing pet food recall are just a few examples that illustrate the necessity of having robust food safety programs throughout DOD. Army veterinary service personnel audit more than 3,800 food producers in more than 80 countries annually to ensure safe food for service members and beneficiaries. Approximately 75 percent of emerging pathogens are zoonotic, meaning they are shared by both animals and man, such as avian influenza.

Army veterinarians have actively contributed to military and interagency planning processes as well. They recently participated in the development of the U.S. Department of Agriculture's Avian Influenza Playbook in support of the National Response Plan. Veterinary personnel are also an essential contributor in overseas avian influenza testing and surveillance programs.

The Army Veterinary Corps executes programs to test for, monitor and control other emerging diseases, like West Nile Virus, numerous food borne diseases, certain parasitic infections, and rabies. Army veterinarians direct animal medicine programs that protect both military members and their pets. In the same role, they also provide veterinary medical care for the Government-owned and contractor military working dogs which detect explosives, weapons and other devices. These animals help to literally take these weapons out of the hands of terrorists and insurgents.

Here at home, military veterinary supervision of operational ration assembly plants, supply and distribution points, ports, and other types of subsistence operations are critical to ensuring safe, wholesome food for our soldiers, sailors, airmen, marines, and their family members. The service provided by the Army Veterinary Corps remains an increasingly vital component of our homeland defense.

There are nearly 700 veterinarians serving on active duty, Army Reserve, and National Guard today. These brave service men and women proudly protect our Nation and its animals. I offer my sincere thanks and appreciation to these veterinarians and their staffs who dedicate their time and efforts in aid to the United States of America. As a veterinarian, I am proud to see them portray a positive image of our country, both at home and deployed abroad.●

RECOGNIZING ADMIRAL EDMUND P. GIAMBASTIANI, JR.

● Mrs. CLINTON. Mr. President, I wish to recognize ADM Edmund P. Giambastiani, Jr. for his 37 years of dedicated service to our Nation. Next month, Admiral Giambastiani, or ''Admiral G'' as he is known by those who have worked closely with him, will retire from his position as Vice Chairman of the Joint Chiefs of Staff. A native New Yorker, Admiral Giambastiani hails from Canastota, a small town near Syracuse. Following his graduation from Canastota High School, he entered the U.S. Naval Academy in the summer of 1966. For the next 4 years, Admiral Giambastiani learned and practiced many of the values and skills that would guide him later in life and ultimately to the most senior levels of the Department of Defense.

Admiral Giambastiani's early career brought him back to the State of New York where he served at the Naval Reserve Training Center in Whitestone and later at the Nuclear-Powered Training Unit in Schenectady. He served his first fleet assignments aboard the USS *Puffer* and USS *Francis Scott Key*. Later, Admiral Giambastiani commanded submarine NR–1, the Navy's only nuclear-powered, deep-diving ocean-engineering and research

submarine, as well as the USS *Richard B. Russell*, whose crew was awarded three consecutive Battle Efficiency ''E'' awards, three Navy Unit Commendations, and two Fleet Commander Silver Anchors for excellence in enlisted retention.

As his career progressed, so too did the assignments that the admiral was given. Admiral Giambastiani led the Submarine Development Squadron Twelve, an attack submarine squadron that serves as the Navy's Warfare Center of Excellence for submarine doctrine and attacks. He was also the first director of strategy and concepts at the Naval Doctrine Command and the commander of the Atlantic Fleet Submarine Force. He served as the commander of the Submarines Allied Command Atlantic; the Anti-Submarine and Reconnaissance Forces Atlantic in Norfolk, VA; and as NATO's first supreme allied commander for transformation. In each of these assignments, Admiral Giambastiani performed his duties with distinction.

On the morning of September 11, 2001, Admiral Giambastiani was working in the Pentagon as the Senior Military Assistant to the Secretary of Defense. On that day and those that followed, Admiral Giambastiani worked tirelessly to respond to the aftermath of that attack.

Admiral Giambastiani served as commander of Joint Forces Command from October of 2002 to August of 2005. During this period, Joint Forces Command deployed headquarters personnel in support of Operation Iraqi Freedom and Operation Enduring Freedom, established assessment teams for global contingency operations to ensure the application of joint doctrine and practices, and provided oversight of numerous training exercises for deploying task force headquarters staffs to Iraq.

During this time, I worked closely with Admiral Giambastiani as a member of Joint Forces Command's Transformation Advisory Group, a body that the admiral formed to provide U.S. Joint Forces Command with independent advice and recommendations on strategic, scientific, technical, intelligence and policy-related issues. I have great personal and intellectual respect for Admiral Giambastiani and admire his openness to new ideas, his commitment to joint transformation, and his dedication to supporting our servicemembers.

In 2005, Admiral Giambastiani was nominated to serve as Vice Chairman of the Joint Chiefs of Staff, and I had the honor of introducing Admiral Giambastiani at his confirmation hearing before the Senate Armed Services Committee. During his tenure as Vice Chairman, Admiral Giambastiani has worked diligently to improve and transform our Nation's defense capabilities. He has served as the chairman of the Joint Requirements Oversight Council, where he worked to make it more responsive to the requests of our military commanders and to synchronize the delivery of resources needed by our servicemembers.

On behalf of my constituents in New York and of all Americans, I want to express my gratitude to Admiral Giambastiani for his many years of public service. I invite my colleagues on both sides of the aisle to join me today in recognizing and honoring Admiral Giambastiani for the service and commitment to the country that he represents.●

TRIBUTE TO WALTER JOHNSON

● Mr. CRAIG. Mr. President, I wish to pay tribute to a great American who spent a little time in my home State of Idaho.

Today marks the 100th anniversary of Hall of Fame pitcher Walter Johnson's Major League debut for the Washington Senators. On this day—August 2—in 1907, Walter ''Big Train'' Johnson took the field as the starting pitcher for the first time in what would be a 21-year career.

Interestingly enough, I actually have quite a bit in common with Walter Johnson. We both grew up in small towns; we share a connection to Washington County, ID. Johnson played semiprofessional ball in Weiser; I am a Republican, as was Johnson; and both of us are, or were, Senators—Johnson played for the Washington Senators.

Let me explain a little bit about our shared connection to Washington County. Walter Johnson was discovered while playing semiprofessional baseball in the Idaho State League. He played for the team in Weiser, ID; I could almost toss a baseball to Weiser from my hometown of Midvale. Johnson spent 2 years playing in Weiser from 1905 to 1907.

The Washington Senators tried to sign Johnson in 1906, but having grown up in small towns in Kansas and California, Johnson preferred the small-town life and was unsure about moving to Washington, DC.

The following year, the Senators sent their catcher, Cliff Blankenship, to scout Johnson and try to sign him. Blankenship was told to try to get a hit off of Johnson.

Blankenship tried but was unsuccessful. He sent a telegram to his manager back in Washington, saying, ''You can't hit what you can't see. I've signed him and he is on his way.''

For most of his career, Walter Johnson's pitches were considered to be practically un-hittable. Because the radar gun had not yet been invented, nobody knows for sure just how hard he could throw a baseball. But most experts estimate that he could top 100 miles per hour with ease.

His stature was equally intimidating. Johnson stood 6-foot-1 and weighed in at 200 pounds, earning him the nickname ''The Big Train.''

Hall of Famer Ty Cobb was arguably the best hitter ever to play the game. Cobb faced Walter Johnson in Johnson's debut game on August 2, 1907. Although Johnson and the Senators lost, 3 to 2, Cobb gave Johnson high praise, saying, ''The first time I faced him, I watched him take that easy windup, and then something went past me that made me flinch. I hardly saw the pitch, but I heard it. The thing just hissed with danger. Every one of us knew we'd met the most powerful arm ever turned loose in a ballpark.''

Despite playing for teams that were routinely awful, Johnson won 417 games in his career, second only to Cy Young, who won 511.

Johnson won 32 games in one season; compare that to today, where winning 20 games is considered a major accomplishment.

The Big Train also holds a record that will likely never be broken: In 1916, he pitched 369.2 innings without allowing a single home run.

Let me put this in perspective. Simply pitching that many innings in a season today would be a remarkable feat. Most pitchers never come close to 300 innings per season. It is truly phenomenal that Johnson was physically able to pitch that many innings and totally unthinkable that he could do it without allowing a single homerun. My colleague, the Senator from Kentucky, who is a member of the Baseball Hall of Fame himself, could tell you what an extraordinary accomplishment this is.

Many credit Johnson with carrying the Washington Senators to their first and only World Series title in 1924. They defeated the New York Giants, four games to three.

It was truly a different era in America. Senators fans were so ecstatic that Johnson had carried them to the World Series that before the first game, they presented him with a Lincoln Town Car as an expression of their gratitude. At the time, it was the most expensive car made in America and cost $8,000. That wouldn't happen today.

In time, Johnson grew to love Washington, DC and even got involved in local politics after he retired from baseball, winning a seat as a county commissioner in Montgomery County, MD.

He frequently held rallies and political events at his home, and ran—unsuccessfully—for a seat in the U.S. House of Representatives.

Although Walter Johnson only spent a short time in Idaho—just over two seasons-we claim him as one of our own. We feel proud to have played an important role in launching the career of ''The Big Train,'' and I am honored today to mark the 100th anniversary of his Major League debut.●

HATCH CHILE FESTIVIAL

● Mr. DOMENICI. Mr. President, today, I would like to mark the annual chile festival in Hatch, NM.

For the last 36 years on Labor Day weekend thousands of New Mexicans and people from around the country converge on Hatch for fun and good food. The Hatch chile festival is the

premiere celebration of this fiery food that is near and dear to the hearts of New Mexicans. Chile, both red and green, is one of the distinctive flavors that makes New Mexico such a wonderful place to live and visit. A good deal of that chile originates in Hatch and it has rightly earned the title ''chile capital of the world.''

I hope this year's chile festival will be a success. I am sure all involved will walk away satisfied and with full stomachs.●

CHAPTER 641 OF THE VIETNAM VETERANS OF AMERICA

● Mr. DOMENICI. Mr. President. I would like to pay tribute to the members of Chapter 641 of the Vietnam Veterans of America, VVA.

Chapter 641 gathers on the first Saturday of every month from April to November to wash the Vietnam Veterans Memorial Wall in Washington DC. The dedication of these veterans helps to ensure the memorial dedicated to all the brave service men and women who gave their lives in the Vietnam war remains worthy of their sacrifice.

In June of this year the Daughters of the American Revolution presented this group with a national service award. I would like to add my praise to Chapter 641 VVA. Thanks in part to their hard work and dedication, we as a nation will never forget those who have sacrificed so much for our freedom.●

10TH ANNIVERSARY OF THE GEORGIA O'KEEFE MUSEUM

● Mr. DOMENICI. Mr. President, today I recognize the Georgia O'Keefe Museum in Santa Fe, NM, on its 10th anniversary. Georgia O'Keefe was, and remains, a New Mexico institution. The work she did while living in my State is held in the highest regard by artists and spectators alike.

Georgia O'Keefe settled in New Mexico in 1945 after being a frequent visitor of the State seeking artistic inspiration. She is famous for her vibrant portrayals of flowers and unique New Mexico landscapes. Ms. O'Keefe has inspired a number of aspiring artists, and she is sure to inspire many more for many years. Her work is timeless. New Mexico is proud to be home to most of her prized work.

The Georgia O'Keefe Museum is the first museum dedicated to the work of a woman artist of international stature. It showcases well over 1,000 pieces of Ms. O'Keefe's work. The museum has opened its doors to over one million visitors just in its first few years of operation; countless others will enjoy it in the future. It also boasts a vast education and outreach program that includes internships, teacher workshops, seminars and even afterschool arts programs. The museum is dedicated to the study and interpretation of her work, as well as American modernism.

The museum will commemorate the anniversary with a 10th anniversary celebration. The celebration will include a dinner dance, entertainment, and obviously art. The event will not only commemorate Georgia O'Keefe but also honor the museum's founders, Anne and John Marion. They have worked tirelessly to see that the artwork of Ms. O'Keefe is available for all to enjoy. Through their vision, the work of Georgia O'Keefe will be available for study and viewing for many years to come.

I commend these two individuals for envisioning a place for Georgia O'Keefe's work to be displayed, and maintaining that vision for the last 10 years. I believe Ms. O'Keefe would be proud of the work they have done and honored to be held in such high regard with respect to her art.●

TRIBUTE TO LEAGUE TO SAVE LAKE TAHOE

● Mrs. FEINSTEIN. Mr. President, today I recognize the 50 years of great work by the League to Save Lake Tahoe.

The League to Save Lake Tahoe has a long history of fighting to protect what I consider to be the crown jewel of the Sierra. The league was founded in 1957 as the Tahoe Improvement and Conservation Association to fight runaway development in one of our Nation's most beautiful regions. Since then, its membership has grown to 4,500 people, but its mission remains the same: to protect Lake Tahoe's famously clear waters and the surrounding area's natural beauty.

Protecting Lake Tahoe is an issue very dear to my heart. My love for Tahoe goes back to my childhood, when I attended camp and rode horses through its beautiful forests. Today however, the lake's health is threatened. Water clarity has declined from 102 feet in 1968 to 68 feet today, and the forests are more susceptible to catastrophic wildfires.

The League to Save Lake Tahoe was influential in developing the Environmental Improvement Program that identified actions that needed to be taken to help restore Lake Tahoe and instrumental in organizing the 1997 Presidential Forum. The league has continued to display an unwavering commitment to protecting the irreplaceable natural resources the Lake Tahoe Basin is blessed with.

I would like to congratulate the League to Save Lake Tahoe on a half century of outstanding environmental stewardship and wish them the best of luck in their continuing mission to Keep Tahoe Blue.●

BEST BUDDIES

● Ms. MIKULSKI. Mr. President, I wish to recognize the Best Buddies Chapter from Walter Johnson High School in Montgomery County, MD, for being named ''Chapter of the Year'' by Best Buddies International. Best Buddies is a 501(c)(3) nonprofit organization dedicated to enhancing the lives of people with intellectual disabilities by providing opportunities for one-to-one friendships and integrated employment. Founded by Anthony K. Shriver in 1989, Best Buddies focuses on the importance of social integration for a group that is often overlooked by society. They achieve their mission by creating ''buddy pairs'' in student-run chapters at middle schools, high schools, and colleges around the world.

Every year, Best Buddies holds its international leadership conference at Indiana University in Bloomington, IN, where over 1,300 high school and college students are trained on how to run an effective Best Buddies chapter—skills that will serve them well throughout their academic and professional lives. During the conference the organization acknowledges certain chapters that have achieved a particular level of excellence throughout the past year. The Chapter of the Year is selected by the board of directors and is based on the quality of the one-to-one friendships, chapter leadership, and activities. For 2007, 75 chapters applied, and Walter Johnson High School was awarded this impressive distinction.

This chapter exemplified the true meaning of team work. As a team they worked together and planned incredibly successful events, fundraisers, and group outings. Their great sense of spirit and enthusiasm showed in every activity they undertook and in the deeply rewarding friendships they created. Through the tireless outreach of the chapter members, the general student population at Walter Johnson learned first hand that the similarities between children with and without intellectual disabilities far outweigh the differences.

I hope that you will join me in recognizing the importance of what these high school students are doing through their participation in the Best Buddies program and the excellence with which they do it.●

TRIBUTE TO DON HIGHT

● Mr. THUNE. Mr. President, today I pay tribute to South Dakota rancher Don Hight for being recognized at the Third Annual National Day of the American Cowboy celebration in my home town of Murdo, SD.

Don was born in Mellette County, SD, in 1920. He served as an Army paratrooper in World War II. After his return from the war, Don married Adeline Fott and together they started ranching in Jones County, SD, where they raised their two children Dan and Cheryl.

In January of 1962, the farmer from small-town South Dakota made national news when he began a 70-mile cattle drive, trailing 1800 head of cattle from his Jones County ranch along the White River to Winner, SD. On the third day into the trip, a blizzard hit with temperatures below zero and

winds reaching 35 miles per hour. As a result of his accomplishing this difficult drive, his story was picked up by the national news and Don was invited to appear in an episode of ''Rawhide'' which starred a young Clint Eastwood.

Don Hight displayed his strong patriotism following the September 11, 2001, terrorist attacks, when he sold 100 head of calves to the Fort Pierre Livestock and presented the check to the South Dakota Stock Growers to buy beef certificates, which were given to the Salvation Army for distribution to the victim's families.

Mr. Hight is truly a reflection of the American cowboy and proof that the cowboy way of life is still alive and well in South Dakota. He is a man dedicated to his country, and the values that this country represents such as bravery, honor and respect for his fellow man. It is people like Don that make the state of South Dakota such a great place to live.

It gives me pleasure to rise and pay tribute to Don Hight, a true American cowboy.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, 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. 3248. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 4:28 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. 3159. An act to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom.

At 6:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2831. An act to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006.

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–2767. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Addition of Rust-Resistant Varieties'' (Docket No. APHIS–2007–0072) received on July 31, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2768. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Curran, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2769. A communication from the General Counsel, Department of the Treasury, transmitting, the report of draft legislation intended to amend provisions that specify the weights and compositions of the dollar, half dollar, quarter dollar, dime, 5-cent, and one-cent coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2770. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''FPA Section 203 Supplemental Policy Statement'' (FERC Docket No. PL07–1–000) received on July 29, 2007; to the Committee on Energy and Natural Resources.

EC–2771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Iowa; Clean Air Interstate Rule'' (FRL No. 8450–1) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas'' (FRL No. 8450–5) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 8450–7) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval of Designation of Areas for Air Quality Planning Purposes; Indiana; Correction'' (FRL No. 8450–3) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethenamid; Pesticide Tolerance'' (FRL No. 8138–2) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County'' (FRL No. 8448–6) received on August 1, 2007; to the Committee on Environment and Public Works.

EC–2777. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the authorized shore projection project for Lido Key Beach in Sarasota, Florida; to the Committee on Environment and Public Works.

EC–2778. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2008'' ((RIN0938–AO63)(Docket No. CMS–1551–F)) received on August 1, 2007; to the Committee on Finance.

EC–2779. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and

Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update for Fiscal Year 2008'' (RIN0938–AO64) received on August 1, 2007; to the Committee on Finance.

EC–2780. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2008 Rates'' (RIN0938–AO70) received on August 1, 2007; to the Committee on Finance.

EC–2781. 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 1248 Attribution Principles'' ((RIN1545–BA93)(TD 9345)) received on July 29, 2007; to the Committee on Finance.

EC–2782. 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 ''Return Required by Subchapter T Cooperatives under Section 6012'' ((RIN1545–BF82)(TD 9336)) received on July 29, 2007; to the Committee on Finance.

EC–2783. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed technical assistance agreement for the export of technical data, defense services, and articles related to the Laser-based Directional Infrared Countermeasures System to the United Kingdom; to the Committee on Foreign Relations.

EC–2784. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving the restrictions contained in the Cooperative Threat Reduction Act with respect to Uzbekistan; to the Committee on Foreign Relations.

EC–2785. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Changes to Trademark Trial and Appeal Board Rules'' (RIN0651–AB56) received on July 31, 2007; to the Committee on the Judiciary.

EC–2786. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Changes in the Regulation of Iodine Crystals and Chemical Mixtures Containing Over 2.2 Percent Iodine'' (RIN1117–AA93) received on July 31, 2007; to the Committee on the Judiciary.

EC–2787. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to statistics on the operation of the premerger notification program; to the Committee on the Judiciary.

EC–2788. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill intended to clarify the requirements for special monthly pension based on age and disability; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997.

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

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. 775. A bill to establish a National Commission on the Infrastructure of the United States.

S. 1785. A bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. David A. Deptula, 6792, to be Lieutenant General.

Air Force nomination of Lt. Gen. Claude R. Kehler, 6600, to be General.

Army nomination of Maj. Gen. Kenneth W. Hunzeker, 4503, to be Lieutenant General.

Army nomination of Lt. Gen. James D. Thurman, 8182, to be Lieutenant General.

Army nomination of Lt. Gen. James J. Lovelace, 0304, to be Lieutenant General.

Army nomination of Maj. Gen. Carter F. Ham, 0921, to be Lieutenant General.

Army nomination of Col. Lawrence A. Haskins, 3608, to be Brigadier General.

Navy nomination of Rear Adm. Richard K. Gallagher, 9308, to be Vice Admiral.

Navy nomination of Rear Adm. Robert T. Moeller, 1217, to be Vice Admiral.

Navy nomination of Rear Adm. James A. Winnefeld, Jr., 5212, to be Vice Admiral.

Navy nomination of Adm. Michael G. Mullen, 9509, to be Admiral.

Marine Corps nomination of Gen. James E. Cartwright, 5961, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Damion T. Gottlieb, 5640, to be Major.

Air Force nomination of Francis E. Lowe, 3894, to be Lieutenant Colonel.

Air Force nominations beginning with Lista M. Benson and ending with Karen L. Weis, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Kevin C. Blakley and ending with Robert A. Tetla, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Robert K. Abernathy and ending with Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Mary Ann Behan and ending with Paul A. Willingham, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Dawud A. Agbere and ending with Edward J. Yurus, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Blake C. Ortner and ending with Andrew S. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Julie A. Bentz and ending with Thomas L. Turpin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Larry L. Guyton and ending with Linda M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Jose A. Acosta and ending with Lawrence A. Ramirez, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Douglas P. Barber, Jr. and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Susan D. Chacon and ending with Seung C. Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Enein Y. H. Aboul and ending with Kimberly A. Zuzelski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

*Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

*Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation.

*Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nomination of Kristine B. Neeley, 1750, to be Lieutenant.

By Mr. CONRAD for the Committee on the Budget.

*Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear andtestify before any duly constituted committee of the Senate.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. GREGG, Mr. COBURN, Mr. CRAPO, Mr. SUNUNU, Mr. ALEXANDER, Mr. ALLARD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. MARTINEZ, Mr. MCCAIN, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, Mr. DEMINT, Mr. KYL, and Mr. CHAMBLISS):

S. 1935. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. AKAKA, Mr. BAYH, Mr. CARPER, Mr. CRAIG, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. MCCAIN, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. STEVENS, Mr. HAGEL, and Mr. BROWNBACK):

S. 1936. A bill to provide for a plebiscite on the future status of Puerto Rico; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 1937. A bill to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED:

S. 1938. A bill to provide for the reviewing, updating, and maintenance of National Flood Insurance Program rate maps, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1939. A bill to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 1941. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 1943. A bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN):

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

By Mr. VOINOVICH:

S. 1948. A bill to award grants to establish Advanced Multidisciplinary Computing Software Centers, which shall conduct outreach, technology transfer, development, and utilization programs in specific industries and geographic regions for the benefit of small- and medium-size manufacturers and businesses; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mrs. BOXER, Mr. BROWN, Mr. WHITEHOUSE, Mr. BAYH, and Mr. DODD):

S. 1950. A bill to require a report on contingency planning for the redeployment of United States forces from Iraq; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mr. SALAZAR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. COCHRAN, Mr. SMITH, and Mr. LOTT):

S. 1951. A bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. SMITH, and Ms. CANTWELL):

S. 1952. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

By Mr. CONRAD (for himself and Ms. STABENOW):

S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. KERRY, Ms. STABENOW, Mrs. LINCOLN, Mr. CORNYN, Mr. LOTT, Mr. COCHRAN, Mr. DORGAN, Mr. WYDEN, and Mr. COLEMAN):

S. 1958. 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; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill to amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SESSIONS:

S. 1961. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 1962. A bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. INOUYE, Mrs. HUTCHISON, Mr. PRYOR, and Mr. NELSON of Florida):

S. 1965. A bill to protect children from cybercrimes, including crimes by online

predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1967. A bill to provide administrative ease and incentives for increased saving by Americans, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ALLARD, Mr. VITTER, and Mrs. DOLE):

S. 1968. A bill to provide for security at public water systems and publicly owned treatment works; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. HARKIN, and Mr. CRAPO):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1970. A bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. KERRY (for himself, Mr. BOND, Mr. BAUCUS, Mrs. BOXER, Mr. CASEY, Mr. DODD, and Ms. STABENOW):

S. 1971. A bill to authorize a competitive grant program to assist members of the National Guard and Reserve and former and current members of the Armed Forces in securing employment in the private sector, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1972. A bill to amend the Federal Power Act to modify a provision relating to the siting of interstate electric transmission; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 1973. A bill to amend the Internal Revenue Code of 1986 to double the period of limitations for returns involving offshore secrecy jurisdictions, to modify certain other provisions relating to the statute of limitations, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI):

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006; read the first time.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. BROWN):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 1983. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to expend and improve the collection of maintenance fees, and for other purposes; considered and passed.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. MARTINEZ, and Mr. SPECTER):

S. 1984. A bill to strengthen immigration enforcement and border security and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO:

S. Res. 292. A resolution designating the week beginning September 9, 2007, as ''National Assisted Living Week''; to the Committee on the Judiciary.

By Mr. HATCH:

S. Res. 293. A resolution commending the founder and members of Project Compassion; to the Committee on the Judiciary.

By Mr. BUNNING:

S. Res. 294. A resolution designating September 2007 as ''National Bourbon Heritage Month''; considered and agreed to.

By Ms. CANTWELL:

S. Res. 295. A resolution designating September 19, 2007, as ''National Attention Deficit Disorder Awareness Day''; considered and agreed to.

By Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, Mr. BENNETT, Mr. FEINGOLD, Mr. CASEY, Mr. THUNE, Mr. INOUYE, Mr. INHOFE, and Mr. CORNYN):

S. Res. 296. A resolution designating September 2007 as ''National Youth Court Month''; considered and agreed to.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 297. A resolution recognizing the 100th anniversary of the Utah League of Cities and Towns; considered and agreed to.

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 298. A resolution commending the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette, and recognizing that the City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette; considered and agreed to.

ADDITIONAL COSPONSORS

S. 289

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 289, a bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. NELSON) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 439

At the request of Mr. REID, the name of the Senator from Louisiana (Mr.

VITTER) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) 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. 582

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 586

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 586, a bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children.

S. 595

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 595, a bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

S. 739

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) 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. 775

At the request of Mr. CARPER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 775, a bill to establish a National Commission on the Infrastructure of the United States.

S. 781

At the request of Mr. PRYOR, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 781, a bill to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

S. 843

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 843, a bill to provide for the establishment of a national mercury monitoring program.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) 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. 946

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Colorado (Mr. ALLARD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1161

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1188

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1188, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1376

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1382

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1534

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1534, a bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1672

At the request of Mr. HAGEL, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1672, a bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility.

S. 1708

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1718

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemebers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1784

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1784, a bill to amend the Small Business Act to improve programs for veterans, and for other purposes.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1825

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1825, a bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 1833

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1847

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1847, a bill to reauthorize the Consumer Product Safety Act, and for other purposes.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1894

At the request of Mr. DODD, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1894, a bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

S. 1895

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1910

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

S. 1920

At the request of Mr. REID, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1920, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1924

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1926

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 288

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 288, a resolution designating September 2007 as ''National Prostate Cancer Awareness Month''.

S. RES. 291

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 291, a resolution designating the week beginning September 9, 2007, as ''National Historically Black Colleges and Universities Week''.

AMENDMENT NO. 2535

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 2535 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2540

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2540 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2541

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 2541 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2557

At the request of Mr. SPECTER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 2557 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2564

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2564 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2565

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2565 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2566

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2566 intended to be proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2567

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2567 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2588 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2596

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2596 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

AMENDMENT NO. 2621

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. PRYOR), the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 2621 proposed to H.R. 976, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. THUNE, and Mr. JOHNSON):

S. 1934. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF ESSENTIAL AIR SERVICE AT CERTAIN LOCATIONS.

(a) IN GENERAL.—Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2012''.

(b) REQUIREMENT FOR CONTINUATION OF ESSENTIAL AIR SERVICE BY CERTAIN AIR CARRIERS FOR 90 DAYS AFTER TERMINATION OF CONTRACT.—Any air carrier that provides essential air service to a place described in section 409(a) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 41731 note) and has a contract for the provision of such essential air service that expires on September 30, 2007, shall continue to provide such essential air service to such place until at least the earlier of—

(1) January 1, 2008; or

(2) the date on which the Secretary of Transportation identifies a new air carrier to provide such essential air service.

(c) AIR CARRIER DEFINED.—In this section, the term ''air carrier'' has the meaning provided such term in section 40102 of title 49, United States Code.

By Mr. BINGAMAN (for himself and Mr. DOMENICI);

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation reauthorizing the Río Puerco Watershed Management Program, which became law in 1996. In the 10 years since it was formalized by Congress, the Río Puerco Management Committee has helped facilitate a collaborative approach for the restoration of the highly degraded Río Puerco Watershed, which at 7,000 square miles is the largest tributary to the Río Grande in terms of area and sediment.

The Río Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation. Over time, extensive ecological changes have occurred in the Río Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. According to the Bureau of Land Management, while the Río Puerco contributes less than 10 percent of the total water to the Río Grande, it represents the primary source of sedimentation entering the Upper Río Grande with far reaching effects throughout the lower portions of the river. For example, the Río Puerco contributes the majority of the silt entering Elephant Butte Reservoir about 65 miles downstream of its confluence with the Río Grande.

The Río Puerco Management Committee has become one of the most effective collaborative land management efforts in the Southwest, particularly given the challenges posed by the multi-jurisdictional nature of the watershed. It has successfully developed and implemented proposals for watershed rehabilitation on a collaborative basis with participation from private stakeholders, various Federal agencies, Native American Indian tribes, State agencies, and local governments. For example, the committee took on the bold proposal of returning the Río Puerco to its original streambed, originally altered to accommodate the construction of State Highway 44, now U.S. Highway 550, in the late 1960s. According to the BLM, the channel became a primary contributor of erosion and sediment in the river main stem, and even began advancing toward U.S. 550, threatening the highways stability. This large-scale project is one of only three in the entire country that has attempted to reintroduce a channelized river into its original meander.

I am proud to say that the committee's holistic approach has also facilitated low-tech but time-intensive restoration projects and community outreach initiatives which have actively engaged community members and the Youth Conservation Corps. This has helped develop a sense of ownership and community responsibility for the restoration of the Río Puerco while also providing our State's youth valuable resource management skills and teaching them how to be responsible stewards of the land now and in the future.

I am pleased Senator DOMENICI is a cosponsor of this reauthorization bill, and I thank him for always being a strong advocate for this program. The Río Puerco Management Committee has demonstrated the achievements that can be made by working cooperatively to advance the restoration of and maintenance of this watershed. It is also clear that more work needs to be done, and it is my sincere hope that the Congress and the administration will continue to work in a similar cooperative manner to ensure adequate funding is provided for this important program. I urge my colleagues to support this legislation.

Mr. DOMENICI. Mr. President, the need for targeted restoration work in the Río Puerco watershed came to my attention during the early 1990s. Congress began funding local efforts to improve the Río Puerco area in 1992, and the Río Puerco Management Program was formally authorized by the Omnibus Parks and Public Lands Management Act of 1996.

The Río Puerco Basin is the largest tributary to the Middle Río Grande Basin. The watershed encompasses nearly 5 million acres and acts as drainage for portions of 7 counties in my home State of New Mexico. The Río Puerco watershed is a major source of silt in Elephant Butte Reservoir. In fact, the Department of Interior's U.S. Geological Survey has identified the Río Puerco as having one of the highest sediment concentrations. The objective of the collaborative program is to curtail sedimentation from washing down the Río Puerco to the Río Grande and Elephant Butte. As intended, this program has helped to facilitate cooperation between Federal, State, and local agencies along with local landowners to improve the health of the Río Puerco watershed by working together to implement projects that help control erosion and reduce the flow of sediment into the Río Grande.

I believe the program has accomplished much during its tenure, and I fully support its objectives. I am pleased to join my colleague from New Mexico, Senator BINGAMAN, as a cosponsor of this bill, and I look forward to working with him to see that this important program is reauthorized.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1942. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce the Public School Repair and Renovation Act. I offer this legislation to meet the urgent need for support to repair crumbling schools in disadvantaged and rural school districts.

We all agree that school infrastructure requires constant maintenance. Unfortunately, far too many schools have been forced to neglect ongoing issues, most likely due to lack of funds, which can lead to health and safety problems for students, educators and staff. The most recent infrastructure report card issued by the American Society of Civil Engineers gives public schools a ''D'' grade. Now, I don't know many parents who would find ''D'' grades acceptable for their children. So why on earth would we stand by while the state of the buildings in which our children learn are assigned such a grade?

Despite the declining condition of many public schools, Federal grant funding is generally not available to leverage local spending. In fiscal year 2001, the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee which I then chaired, I was able to secure $1.2 billion for school repair and renovation. I continue to hear nothing but positive feedback from educators across the country about that funding.

But that one-time investment amounted to nothing more than a drop in the bucket compared to the estimated national need. In 1995, the General Accounting Office reported that the nation's K–12 schools needed some $112 billion in repairs and upgrades. A more recent study by the National Education Association put the estimate as high as $322 billion.

I have been heartened by the recent boom in local and State spending on

school facilities. However, the distribution of these recent investments has been overwhelmingly slanted to the most affluent communities which are better able to fund new investments without outside assistance. A 2006 study released by the Building Educational Success Together, BEST, coalition found that the quality of your child's school is dependent upon his or her racial or ethnic background and whether they live in a rich or poor neighborhood.

Local spending on school facilities in affluent communities is almost twice as high as in our most disadvantaged communities, as measured on a per-pupil basis. The report also found that school districts with predominantly caucasian enrollment benefited from about $2000 more per student in school repair and construction spending than their peers living in school districts with predominantly minority enrollment.

The Public School Repair and Renovation Act addresses that inequity by targeting school renovation grants to those communities that have struggled to fund needed repairs. The bill builds on the model States found successful in the fiscal year 2001 program. States would receive funding based on their most recent Title I allocation to initiate a competitive grant program targeted to poor and rural school districts. States have the discretion to require matching funds from the local district bringing the potential funding to much more than the $1.6 billion Federal investment.

I would like to thank my colleagues, Senators KENNEDY, CLINTON, and MIKULSKI for signing on to this bill. In addition, I am pleased to report this legislation has the support of a diverse group of national education organizations representing teachers, school boards, school administrators, and principals.

The Public School Repair and Renovation Act takes a much needed step forward in fixing the inequity in public school facilities. Something is seriously wrong when children go to modern, gleaming movie theaters, shopping malls, and sports arenas, but attend public schools with crumbling walls and leaking roofs. This sends exactly the wrong message to children about the importance of education.

I hope that my colleagues will support the Public School Repair and Renovation Act.

By Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, Mr. GRAHAM, Mr. BIDEN, Mr. STEVENS, and Mrs. FEINSTEIN):

S. 1944. A bill to provide justice for victims of state-sponsored terrorism; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Justice for Victims of State Sponsored Terrorism Act with my colleagues, Senators SPECTER, MENENDEZ, CORNYN, COLEMAN, LOTT, LIEBERMAN, SCHUMER, CLINTON, CASEY, COLLINS, GRAHAM, BIDEN, STEVENS, and FEINSTEIN.

I am proud to introduce this legislation on behalf of the many Americans who have suffered at the hands of State sponsors of terrorism. This important legislation will allow victims of state sponsored terrorism to have their day in court. It will do so by enabling these individuals to both sue for liability and seek financial compensation from the states, such as Iran, which committed these murderous acts, thereby starving them of the funds that they use to strike at innocent victims.

In 1983, the U.S. Marine Corps barracks in Beirut, Lebanon, was bombed by the Lebanese terrorist organization Hezbollah, killing 241 servicemen and wounding 100 others. In 2003, the U.S. District Court in Washington, DC, found the Republic of Iran, which directly supports Hezbollah, guilty of masterminding that bombing. The victims and their families have the right to sue their tormentors and have judgments against Iran, yet the judgments are not being enforced.

In 1996, the President signed into law legislation that I wrote to amend the Foreign Sovereign Immunities Act to give private American citizens the right to hold U.S. Department of State-designated state sponsors of terrorism liable in U.S. courts. This legislation, also known as the Flatow amendment, needs to be clarified and updated. The bill I am introducing today will bring clarity to this law on behalf of victims of terrorism and reaffirm their right to sue and collect damages from state sponsors of terrorism.

There are several reasons why the law needs to be improved. First, the courts decided in 2004 in Cicippio-Puleo v. Islamic Republic of Iran that, contrary to the intent of the Flatow amendment, there would be no Federal private right of action against foreign governments. The ruling stated that there could only be legal action against individual officials and employees of that government. Second, current law permits judgment holders to only seize assets over which a terrorist state has day-to-day managerial control, thereby allowing terrorist states to hide their assets from the victims who have successful judgments against them. Third, state sponsors of terrorism, such as Libya, which is still responsible for terrorist acts it committed in the past, have consistently abused the appeals process to delay litigation proceedings.

My new legislation will address these issues and improve the ability of victims to hold state sponsors of terrorism accountable. First, it will update the Flatow amendment to improve its enforcement by reaffirming the right of private citizens to sue state sponsors of terrorism. Second, it will allow for the seizure of hidden commercial assets belonging to the terrorist state so that the victims of terrorism can be justly compensated. Third, it will limit the number of appeals that the terrorist state can pursue in U.S. courts. In addition, my legislation will provide foreign nationals working for the U.S. Government, if they are victims of a terrorist attack during their official duties, to be covered by these same provisions.

While nothing can bring back innocent lives lost to terrorism, the state sponsors of these horrific acts must be made to pay for their crimes. We are united in our belief that state-sponsored terrorism is wrong and that the perpetrators of terrorism must be brought to justice. This legislation will also strengthen our national security by combating the desire and ability of foreign nations to both finance and support terrorism. Most importantly, it will empower those innocent victims who have suffered from terrorism to seek justice through the rule of American law.

I urge my colleagues on both sides of the aisle to support justice for victims of state sponsored terrorism by supporting this important bill. 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. 1944

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 ''Justice for Victims of State Sponsored Terrorism Act''.

SEC. 2. TERRORISM EXCEPTION TO IMMUNITY.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

''§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

''(a) IN GENERAL.—

''(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

''(2) CLAIM HEARD.—The court shall hear a claim under this section if—

''(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

''(B) the claimant or the victim was—

''(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

''(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

''(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

''(b) DEFINITION.—For purposes of this section—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

''(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

''(1) 10 years after April 24, 1996; or

''(2) 10 years from the date on which the cause of action arose.

''(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

''(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

''(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

''(h) PROPERTY DISPOSITION.—

''(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

''(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

''(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

''1605A. Terrorism exception to the jurisdictional immunity of a foreign state.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property by the government of the foreign state;

''(B) whether the profits of the property go to that government;

''(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

''(D) whether that government is the sole beneficiary in interest of the property; or

''(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

(b) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

(c) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(B), by inserting ''or'' after the semicolon;

(B) in paragraph (6)(D), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (7); and

(2) by striking subsections (e) and (f).

SEC. 4. APPLICATION TO PENDING CASES.

(a) IN GENERAL.—The amendments made by this Act shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this Act.

(b) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. BROWN)

S. 1945. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, when companies make headlines today it is often for all the wrong reasons: fraud, tax avoidance, profiteering, etc. Yet many of the companies that are currently providing jobs across America are conscientious corporate citizens that strive to treat their workers fairly even as they seek to create good products that consumers want and to maximize profits for their shareholders. I believe that we should reward such companies for providing good jobs to American workers, and create incentives that encourage more companies to do likewise. The Patriot Employers bill does just that.

This legislation, which I am introducing today along with Senators OBAMA and BROWN, would provide a tax credit to reward the companies that treat American workers best. Companies that provide American jobs, pay decent wages; provide good benefits, and support their employees when they are called to active duty should enjoy more favorable tax treatment than companies that are unwilling to make the same commitment to American workers. The Patriot Employers tax credit would put the tax code on the side of those deserving companies by acknowledging their commitments.

The Patriot Employers legislation would provide a tax credit equal to 1 percent of taxable income to employers that meet the following criteria:

First, invest in American jobs, by maintaining or increasing the number of full-time workers in America relative to the number of full-time workers outside of America, by maintaining their corporate headquarters in America if the company has ever been headquartered in America, and by maintaining neutrality in union organizing drives.

Second, pay decent wages, by paying each worker an hourly wage that would ensure that a full-time worker would earn enough to keep a family of three out of poverty, at least $7.80 per hour.

Third, prepare workers for retirement, either by providing a defined benefit plan or by providing a defined contribution plan that fully matches at least 5 percent of worker contributions for every employee.

Fourth, provide health insurance, by paying at least 60 percent of each worker's health care premiums.

Fifth, support our troops, by paying the difference between the regular salary and the military salary of all National Guard and Reserve employees who are called for active duty, and also by continuing their health insurance coverage.

In recognition of the different business circumstances that small employers face, companies with fewer than 50 employees could achieve Patriot Employer status by fulfilling a smaller number of these criteria.

There is more to the story of corporate American than the widely-publicized wrong-doing. Patriot Employers should be publicly recognized for doing right by their workers even while they do well for their customers and shareholders. I urge my colleagues to join Senator OBAMA, Senator BROWN, and me in supporting this effort. Our best companies, and our American workers, deserve nothing less.

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. 1945

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 ''Patriot Employers Act''.

SEC. 2. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45O. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

''(a) IN GENERAL.—In the case of any taxable year with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

''(b) PATRIOT EMPLOYER.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

''(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

''(2) pays at least 60 percent of each employee's health care premiums,

''(3) has in effect, and operates in accordance with, a policy requiring neutrality in employee organizing drives,

''(4) if such taxpayer employs at least 50 employees on average during the taxable year—

''(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of the United States,

''(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

''(C) provides either—

''(i) a defined contribution plan which for any plan year—

''(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

''(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation, and

''(D) provides full differential salary and insurance benefits for all National Guard and Reserve employees who are called for active duty, and

''(5) if such taxpayer employs less than 50 employees on average during the taxable year, either—

''(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2,080, or

''(B) provides either—

''(i) a defined contribution plan which for any plan year—

''(I) requires the employer to make nonelective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

''(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation.''.

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code or 1986 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following:

''(32) the Patriot employer credit determined under section 45O.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 1946. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN to introduce the Public Corruption Prosecution Improvements Act of 2007, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide. This is the time to restore the faith of the American people in their Government. Congress took an important step in that direction today in passing long-awaited ethics and lobbying reforms that will tighten restrictions on those of us who hold public office, and those who seek to lobby us on behalf of private industry. But rooting out the kinds of rampant public corruption we have seen in recent years requires us to go further and to give prosecutors the tools they need to effectively investigate and prosecute criminal public corruption offenses.

The most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people bent on getting around the rules and banking that they will not get caught. These offenses are very difficult to detect and even harder to prove. Because they attack the core of our democracy, these offenses must be found out and punished. Congress must send a signal that it will not tolerate this corruption by providing better tools for Federal prosecutors to combat it. This b1ll will do exactly that.

The bill Senator CORNYN and I introduce today, like a bill that I introduced in the Senate in January, will provide investigators and prosecutors more time and resources to pursue public corruption cases. But it goes a step further by amending several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities.

The bill will help improve the prosecution of public corruption offenses in three fundamental ways. First, the bill would give investigators and prosecutors more time and resources to uncover, charge, and prove three of the most serious and corrosive public corruption offenses. Specifically, it would extend the statute of limitations from 5 years to 6 years for prosecutions involving bribery, deprivation of honest services by a public official, and extortion by a public official. Public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. They often require the use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement. Bank fraud, arson and passport fraud, among other

offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy, and a more modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

The bill would also provide significant additional funding for public corruption enforcement. Since 9/11, FBI resources have been shifted away from the pursuit of public corruption cases to counterterrorism. FBI Director Mueller has recently indicated that public corruption is now a top criminal investigative priority; but a September 2005 report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. This must be reversed; our bill will give Offices of Inspector General, the FBI, the U.S. Attorney's Offices, and the Public Integrity Section of the Department of Justice additional resources to hire additional public corruption investigators and prosecutors. These offices will finally be able to have the manpower they need to track down and prosecute these difficult but crucially important cases.

Second, the bill contains a series of legislative fixes designed to improve the clarity and enhance the effectiveness of existing Federal corruption statutes, such as the law criminalizing the acceptance of bribes and gratuities, and the law that govern mail and wire fraud. The bribery-gratuities fix resolves ambiguity in the law by making clear that public officials may not accept anything of value, other than what is permitted by existing regulations, that is given to them because of their official position. Similarly, the bill appropriately expands the definition of what it means for a public official to perform an ''official act'' for the purposes of the bribery statute to include any actions that fall within the duties of that official's public office. The bill also adds two corruption-related crimes as predicates for the Federal wiretap and the racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands venue for perjury and obstruction of justice prosecutions.

Third, the bill raises the statutory maximum penalties for theft of Government property and Federal bribery to reflect the serious and corrosive nature of these crimes, and to harmonize these statutory maximums with others for which Congress has already raised penalties. Increasing penalties in appropriate cases sends a message to would-be criminals and to the public that there will be severe consequences for breaching the public trust.

If we are serious about addressing the kinds of egregious misconduct that we have recently witnessed in high-profile public corruption cases, Congress must enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing the ethics and lobbying reform bill is a step in the right direction. But we must finish the job by strengthening the criminal law to enable Federal investigators and prosecutors to bring those who undermine the public trust to justice. I strongly urge Congress to do more to restore the public's faith in their Government.

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. 1946

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 ''Public Corruption Prosecution Improvements Act''.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299A. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by—

(A) striking ''anything of value'' and inserting ''any thing or things of value''; and

(B) striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(2) by amending paragraph (2) to read as follows:

''(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $1,000 or more;''; and

(3) in the matter following paragraph (2), by striking ''ten years'' and inserting ''15 years''.

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''473 (relating to counterfeiting),''; and

(2) by inserting ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 664 (relating to embezzlement from pension and welfare funds),''.

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(C) of title 18, United States Code, is amended by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records, section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (relating to bribery in sporting contests),''.

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting ''otherwise than as provided by law for the proper discharge of official duty, or by regulation—'';

(2) in subparagraph (A), by inserting after '', or person selected to be a public official,'' the following: ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official''; and

(3) in subparagraph (B), by striking all after '', anything of value personally,'' and inserting ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such official or person;''.

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) the term 'official act' means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.''.

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(2) in subsection (c), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''.

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended by striking ''A prosecution under this section or section 1503'' and inserting ''A prosecution under this chapter''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''§ 1624. Venue

''A prosecution under this chapter may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Offices of the Inspectors General and the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. CORNYN. Mr. President, I am proud to introduce this important legislation with Senator PATRICK LEAHY, the distinguished Chairman of the Judiciary Committee. This bill is yet another example of the great things that can come from bipartisan cooperation.

Public corruption is not a Republican or Democratic problem. It is a Washington, DC problem. It is a problem in statehouses and city halls across this country. Our citizens deserve to be governed by the rule of law, not the rule of man. Unfortunately, human nature being what it is, a few rotten apples have a tendency to spoil the bunch.

The legislation we introduce today, the Public Corruption Prosecution Improvements Act, will strengthen the enforcement of U.S. Federal laws aimed at combating betrayals of public dollars and public trust. Our bill does this both by making substantive changes to public corruption laws and by giving prosecutors new tools to use in their battle against corrupt officials.

The Public Corruption Prosecution Improvements Act increases the maximum punishments on several offenses, including theft and embezzlement of Federal funds, bribery, and a number of corrupt campaign contribution practices. For example, it cracks down on theft or bribery related to entities that receive Federal funds, by increasing the maximum sentence for a conviction from 10 to 15 year and lowering the threshold that prosecutors must prove, from $5,000 to $1,000. It clarifies the law in response to several court decisions narrowly interpreting the public corruption statutes. For example, the bill broadens the definitions of ''illegal gratuities'' and ''official acts,'' clarified that an entire ''course of conduct'' can be the result of bribery, and clarified that intangible property interests such as licenses can now trigger the mail and wire fraud provisions.

Federal investigators who seek to root out corrupt officials will benefit from new tools provided in this legislation. The bill would extend the statute of limitations on certain serious public corruption offenses, giving prosecutors more time to investigate and build a case. It expands the criminal venue provisions, allowing prosecutors to bring the case against corrupt officials in any district where any part of the corruption occurred. The bill similarly expands the venue for perjury and obstruction of justice.

Finally, the legislation gives Federal law enforcement what they need most to prosecute public corruption: more resources. Funding of $25 million for each of the fiscal years 2008–2011 will help enhance the ability of the Department of Justice and the Offices of Inspectors General to effectively combat fraud and public corruption.

Importantly, these improvements to current law come with significant input from the career professionals in the Department of Justice.

But this legislation by itself is only a start if we want to clean up Washington, DC. Two additional reforms, in particular, are necessary: the OPEN Government Act, and earmark reform. The operations of Government should be as transparent as possible. Quite simply, refusing to let the public have full access to Government records is a betrayal of public trust. This Senate must live up to its duty to provide transparent government and pass the crucial FOIA reforms contained in the OPEN Government Act.

Similarly, Congress too often permits its members to walk ethical tight-

ropes through questionable earmarking practices. The public sees these for what they too often are: handouts of taxpayer money to special interests. I think it is of the utmost importance that we increase transparency in the earmarking process, exposing the process to the light of the day.

I urge my colleagues to support the Public Corruption Prosecution Improvements Act, as well as these other important reforms. I look forward to debating these issues in Committee and here on the Senate floor. And I thank Chairman LEAHY for his leadership on this and other legislation we have crafted together.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1947. A bill to amend title XI of the Social Security Act to improve the quality improvement organization (QIO) program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS to introduce the Continuing the Advancement of Quality Improvement Act.

The purpose of this legislation is to reform Medicare's troubled Quality Improvement Organization, QIO, program. QIOs and their predecessor organizations have long been responsible for ensuring that the care Medicare beneficiaries receive is medically necessary, meets recognized standards and is provided in appropriate settings. They are currently tasked with a wide variety of important roles ranging from investigating beneficiary complaints of poor quality care to giving technical assistance to Medicare providers for improving health care quality.

I have been an advocate of reforming the QIO program for quite some time. About 2 years ago, I initiated an investigation into a number of the QIOs. Those investigations revealed a program that is in desperate need of reform. This program was running with little or no oversight, and it was expending more than $1 billion every 3 years with little measurable results. In other words, I found trouble. Let me elaborate on a few disturbing things that I discovered. I found that one QIO leased residential properties for board members and a CEO. That same QIO also used Federal funds to lease automobiles for its top executives. I also found other QIOs who had board members and staff attend conferences, many at lavish resorts.

I was not the only one to identify serous concerns with the QIOs. Others identified concerns too. Specifically, the Institute of Medicine, IOM, the General Accountability Office, GAO, and the Department of Health and Human Services, HHS, Office of the Inspector Geheral (OIG) all identified numerous concerns about the effectiveness of this program. These independent organizations also voiced their concerns with the manner in which it is operated and have made recommendations for major reform. Their findings clearly show the need to hold the Centers for Medicare and Medicaid Services, CMS, and the organizations that serve as QIOs accountable for the important tasks they must perform.

The Continuing the Advancement of Quality Improvement Act will ensure that the QIO program is not only effective in improving the quality of care provided to our Medicare beneficiaries, but also that it operates in an effective, efficient and accountable manner. Much of this legislation is based on the investigations that I conducted and the troubling findings that I came across and on the work of the IOM, the GAO, and the HHS OIG.

First, the Continuing the Advancement of Quality Improvement Act would focus the mission of the QIO program on quality improvement. QIOs currently have many diverse responsibilities. As a result, they served conflicting roles of both ''regulator'' and ''technical assistant.'' This conflict poses significant barriers to QIOs effectively serving either role, and we have come to learn that they really don't perform either function particularly well.

The legislation would also address this conflict by following the IOM's recommendation to make the sole purpose of QIOs to be technical assistants for quality improvement and performance measurement. The HHS Secretary would be required to transfer all other QIO: responsibilities to other entities called Medicare Provider Review Organizations, MPROs, in a manner that will support the needs of beneficiaries and be accountable to them.

Second, the legislation would improve the beneficiary complaint review process that I think is in desperate need of reform. You may recall that in 2006 we read about the plight of Mr. Schiff. Mr. Schiff went to a QIO and filed a complaint about the care provided to his wife, who died. The QIO in that case was unresponsive to Mr. Schiff. He was forced to take legal action to learn what the QIO found out about his wife's death. He should not have had to do that. After all, he was the one who filed the complaint with the QIO in the first place because he thought that someone did something wrong that lead to his wife's death. It was at that juncture that I learned that the beneficiary complaint review process was too opaque and ineffective. More importantly, beneficiaries were not being properly served. In fact, I came to learn that complainants often do not receive the findings of the investigation conducted by the QIO. Now I ask; what sense does that make?

The Continuing the Advancement of Quality Improvement Act would require MPROs to report the investigational findings to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. In other words, this part of the bill would bring transparency to a process now shrouded in a cloud of silence.

Third, the Continuing the Advancement of Quality Improvement Act would ensure that limited resources go to providers that need them the most. The GAO recently found that QIOs prioritized their assistance to providers who would be easiest to help rather than the providers who were most in need of help. In other words the QIOs decided it was easier to take a B plus student and make them into an A student rather than putting their resources into the D student to bring them up to par. I guess that way they thought that they would look better and more successful. But if you ask me; that is not the best way to spend limited taxpayer resources. Now, this bill will insure that if demand for technical assistance exceeds available resources, the QIOs would give priority to providers that are in rural or underserved areas, in financial need, have low performance measures or have a significant number of beneficiary complaints. In other words the help is going to go to those who need it most.

Fourth, the Continuing the Advancement of Quality Improvement Act would make QIO data more available to CMS and providers for quality improvement and patient safety purposes. Amazingly enough, QIOs are currently restricted from sharing such data despite the obvious value of this data for improving health care quality. This legislation would permit the sharing of QIO data with providers for quality improvement and patient safety purposes and require CMS to make recommendations on how to improve the data sharing process.

Fifth, the Continuing the Advancement of Quality Improvement Act would promote competition in the QIO program. This is a giant leap forward. These organizations are currently not subject to significant competition because of limitations on who can be a QIO and the availability of noncompetitive contract renewals. This lack of competition has led to a gross lack of accountability and stagnation in the QIO program. This legislation would promote competition by allowing other types of organizations to serve as QIOs and eliminate noncompetitive renewals.

Sixth, the Continuing the Advancement of Quality Improvement Act would enhance governance at the QIOs. During the course of my investigations I identified repeated failures in governance. I exposed board members who were more interested in helping themselves than helping others.

This bill will also address board member conflicts of interest. My investigations identified numerous incidents of questionable QIO governance practices and board member conflicts of interest. Since the QIO program receives over $400 million in taxpayer funding every year, it is reasonable for us to expect not only that QIOs are governed in an ethical manner free of conflicts of interest, but also that CMS appropriately oversees the program. This

legislation would require QIOs to comply with board governance requirements and would require CMS to establish procedures to address conflicts of interest and follow those procedures.

Finally, the Continuing the Advancement of Quality Improvement Act would increase much needed accountability in the QIO program. The I0M, the GAO and the HHS OIG have all questioned the effectiveness of the QIO program. This legislation would require the Secretary to perform interim and final evaluations of program effectiveness not only at the individual QIO level, but at the overall QIO program level as a whole. Also, high performing QIOs would receive financial rewards while low performing QIOs would receive financial penalties. Finally, the Secretary would be required to submit a more detailed annual report showing performance results of QIOs and MPROs and details on how taxpayer dollars are spent.

We have been placing more emphasis on the quality of care that our Medicare beneficiaries receive from providers. You see this as we require more transparency in the Medicare program with the public reporting of provider quality measures. You also see this as we transform Medicare from being a passive payer of services of any quality to a value-based purchaser. These are important reforms that will help improve the quality of care provided in the Medicare program and work toward ensuring that limited resources are used more efficiently and wisely.

As we move toward a payment system based on quality, the reforms in this bill will position the QIO program to support that transformation in Medicare to a quality-based purchaser by making the tools and assistance available to help Medicare providers improve the quality of the care they provide. The Continuing the Advancement of Quality Improvement Act would ensure the QIO program's ability to provide this assistance in an effective, efficient and accountable manner and correct the problems currently plaguing the program.

Mr. BAUCUS. Mr. President, today I am pleased to join Senator GRASSLEY in introducing the Continuing the Advancement of Quality Improvement Act of 2007.

This bill represents another step in our commitment to improving the quality of care provided for Medicare beneficiaries and all Americans.

The Medicare program funds Quality Improvement Organizations, known as QIOs, in part to work with health care providers to help them improve the quality of care they provide.

QIOs have played an evolving role in Medicare. Recently, the QIO program has received a great deal of attention. Not only did Senator GRASSLEY and I have the Senate Finance Committee look into aspects of QIO operations, but the Institute of Medicine, the Government Accountability Office, and the Health and Human Services' Inspector General have all opined about QIOs as well. It seems there is a consensus that the QIO program could be doing more to help improve the quality of care.

That is not to say that QIOs have not been doing good work and providing valuable services up until now. Quite the opposite. However, over the course of time, QIOs have been tasked with a number of responsibilities and the program's mission has become blurred.

What Senator GRASSLEY and I found, as well as the IOM, the GAO, and the HHS, OIG, is that the QIO program needs a sharper focus. Its mission to improve quality must be clear and unambiguous. Therefore, the Continuing the Advancement of Quality Improvement, or CAQI, Act would focus QIOs on providing technical assistance for quality improvement and performance measurement.

The bill would separate the beneficiary complaint process from QIOs and give this responsibility to Medicare Provider Review Organizations, which will be required to report to the complainant and refer the provider to a QIO for technical assistance and/or the appropriate regulatory body for sanctions. This will make the complaint review process stronger.

The CAQI Act would ensure that QIOs devote their attention to the health care providers that need help the most. It would also permit sharing QIO data with providers for quality improvement and patient safety purposes.

The Finance Committee investigation of the QIO program led Senator GRASSLEY and I to include certain provisions we believe will enhance the integrity of the program. So, the CAQI Act would promote competition by allowing other types of organizations to serve as QIOs and eliminating noncompetitive renewals.

To ensure ''corporate'' integrity, the CAQI Act would establish requirements for governance and boards of directors at the QIOs, as well as requiring CMS to establish ways to avoid conflicts of interest.

The CAQI Act aims to ensure greater accountability for individual QIOs, and the QIO program as a whole. It would require the Secretary to perform evaluations of the effectiveness of each QIO and the whole program. QIOs would be evaluated on consistent measures that are based on nationwide priorities for quality improvement. The Secretary would be required to report to Congress annually on QIO performance, including how program funds were spent.

The QIO program is an asset to the Medicare program and the health care system in general. We have an opportunity to improve its effectiveness. We can make it a more useful tool as we continue advancing toward quality improvement. We have a duty to make the Medicare program as strong and robust as it can be. The Continuing the Advancement of Quality Improvement Act presents an opportunity to do just that. Senator GRASSLEY and I urge our Colleagues to support it.

By Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI):

S. 1949. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

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. 1949

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 ''100th Meridian Invasive Species State Revolving Loan Fund''.

SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the regrowth and introduction of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish a rapid response capability to combat incipient harmful invasive species.

SEC. 3. 100TH MERIDIAN INVASIVE SPECIES STATE REVOLVING FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term ''ecosystem'' means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term ''eligible State'' means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term ''Fund'' means the 100th Meridian Invasive Species State Revolving Fund established by subsection (b).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term ''introduction'', with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term ''invasive species'' means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term ''qualified organization'' means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem.

(B) INCLUSIONS.—The term ''qualified organization'' includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and

(vi) other organizations, as the Secretary determines to be appropriate.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STAKEHOLDER.—The term ''stakeholder'' includes—

(A) State, tribal, and local governmental agencies;

(B) the scientific community; and

(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''100th Meridian Invasive Species State Revolving Fund'', consisting of—

(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and

(2) interest earned on investments of amounts in the Fund under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—

(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section; and

(B) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(f) USE OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to Governors of eligible States for distribution to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as the Governor may require.

(ii) CRITERIA FOR APPROVAL.—The Governor of an eligible State may approve an application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—

(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;

(II) that seeks to prevent—

(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or

(bb) the spread of an established invasive species into an eligible State;

(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;

(IV) in rare or unique habitats, such as—

(aa) desert terminal lakes;

(bb) rivers that feed desert terminal lakes;

(cc) desert springs; and

(dd) alpine lakes;

(V) that is likely to prevent or resolve a problem relating to invasive species;

(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);

(VII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;

(VIII) to assess and reduce invasive species-related changes in wildlife habitat;

(IX) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;

(X) to improve the overall capacity of the United States to address invasive species; or

(XI) to promote cooperation and participation between States that have common interests regarding invasive species.

(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—

(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;

(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and

(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).

(D) PETITIONS.—

(i) ACTION BY GOVERNOR.—On approval of an application of a qualified organization under subparagraph (B)(ii), not less frequently than once every 90 days, the Governor of an eligible State shall submit to the Secretary, on behalf of the qualified organization, petitions, together with copies of the applications, to receive a loan under this paragraph.

(ii) APPROVAL.—The Secretary, at the sole discretion of the Secretary, may approve a petition submitted under clause (i) as soon as practicable after the date of submission of the petition.

(iii) ACTION ON APPROVAL.—

(I) ACTION BY SECRETARY.—Not later than 30 days after the date of approval of a petition under clause (ii), the Secretary shall provide to the applicable Governor a loan under this paragraph.

(II) ACTION BY GOVERNOR.—Not later than 30 days after the date of receipt of a loan under subclause (I), a Governor shall transmit to the appropriate qualified organization an amount equal to the amount of the loan.

(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).

(2) REQUIREMENTS.—

(A) LOAN REPAYMENT.—

(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—

(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and

(II) such other services as the Secretary considers to be appropriate.

(ii) REPAYMENT.—Subject to clause (iv), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization or the eligible State in which the qualified organization is located shall repay to the Secretary of the Treasury an amount equal to not less than 5 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iii) REPAYMENT BY STATE.—Subject to clause (iv), not later than 10 years after the date on which the qualified organization receives a loan under paragraph (1), the State in which the project is carried out shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iv) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) through (iii) with respect to 1 qualified organization (including the State in which the project of the qualified organization is carried out, with respect to the requirement under clause (iii)).

(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.

(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.

(g) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.

(2) REPORT TO CONGRESS.—Not later than September 30, 2008, and annually thereafter through September 30, 2012, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during

that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) $75,000,000 for fiscal year 2008;

(2) $80,000,000 for fiscal year 2009;

(3) $82,500,000 for fiscal year 2010;

(4) $85,000,000 for fiscal year 2011; and

(5) $87,500,000 for fiscal year 2012.

By Mr. FEINGOLD:

S. 1953. A bill to amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I would like to discuss legislation I am introducing with the Senior Senator from Wisconsin, Mr. KOHL, which would protect ginseng farmers and consumers by ensuring that ginseng is labeled accurately with where the root was harvested. The Ginseng Harvest Labeling Act of 2007 is similar to bills that I introduced in previous Congresses and developed after hearing suggestions from ginseng growers and the Ginseng Board of Wisconsin.

I would like to take the opportunity to discuss American ginseng and the problems facing Wisconsin's ginseng growers so that my colleagues understand the need for this legislation. Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes. As a dietary supplement, American ginseng is widely touted for its ability to improve energy and vitality, particularly in fighting fatigue or stress.

In the U.S., ginseng is experiencing increasing popularity as a dietary supplement, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence. Wisconsin produces over 90 percent of the ginseng grown in the U.S., with the vast majority of that ginseng grown in just one Wisconsin county, Marathon County. Ginseng is also grown in a number of other states such as Maine, Maryland, New York, North Carolina, Oregon, South Carolina, and West Virginia.

For Wisconsin, ginseng has been an economic boon. Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a low pesticide and chemical content. In 2002, U.S. exports of ginseng totaled nearly $45 million, much of which was grown in Wisconsin. With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem, smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as ''Wisconsin-grown.''

Here is how the switch takes place: Wisconsin ginseng is shipped to China to be sorted into various grades. While the sorting process is itself a legitimate part of distributing ginseng, smugglers too often use it as a ruse to switch Wisconsin ginseng with Asian or Canadian-grown ginseng considered inferior by consumers. The lower quality ginseng is then shipped back to the U.S. for sale to American consumers who think they are buying the Wisconsin-grown product.

There is good reason consumers should want to know that the ginseng they buy is American-grown considering that the only accurate way of testing ginseng to determine where it was grown is to test for pesticides that are banned in the U.S. The Ginseng Board of Wisconsin has been testing some ginseng found on store shelves, and in many of the products, residues of chemicals such as DDT, lead, arsenic, and quintozine, PCNB, have been detected. Since the majority of ginseng sold in the U.S. originates from countries with less stringent pesticide standards, it is vitally important that consumers know which ginseng is really grown in the U.S.

To capitalize on their product's preeminence, the Ginseng Board of Wisconsin has developed a voluntary labeling program, stating that the ginseng is ''Grown in Wisconsin, U.S.A.'' However, Wisconsin ginseng is so valuable that counterfeit labels and ginseng smuggling have become widespread around the world. As a result, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation, the Ginseng Harvest Labeling Act of 2007, proposes some common sense steps to address some of the challenges facing the ginseng industry. My legislation requires that ginseng, as a raw agricultural commodity, be clearly labeled with the country of harvest at the point of importation or when it is sold at wholesale or retail. ''Harvest'' is important because some Canadian and Chinese growers have ginseng plants that originated in the U.S., but because these plants were cultivated in a foreign country, they may have been treated with chemicals not allowed for use in the U.S. This label would also allow buyers of ginseng to more easily prevent foreign companies from mixing foreign-produced ginseng with ginseng harvested in the U.S. The country of harvest labeling is a simple but effective way to enable consumers to make an informed decision.

I have also made sure that these straight-forward labeling provisions are reasonable for the legitimate importers, wholesalers and retailers of ginseng. My bill only covers ginseng as a raw root, the form in which the majority of the high quality Wisconsin ginseng is sold. I have also clarified the legislation to make it clear that retailers are only responsible for transmitting the country of harvest label that they received from the importer or wholesaler to the consumer. So if the retailer never received the country of harvest label, it is only the wholesaler or importer that is liable. Moreover, I added a provision that requires the USDA to conduct outreach to the wholesalers, importers, retailers, trade associations and other interested parties during the 180 days provided before the labeling requirement takes effect.

Besides the support from the ginseng growers of the Ginseng Board of Wisconsin, I am glad to have the support of the American Herbal Products Association and the United Natural Products Alliance. The support of both the growers of ginseng and these trade associations focused on herbal and natural products are further testament to the broad support for the legislation Senator KOHL and I introduce today.

These commonsense reforms would give ginseng growers the support they deserve and help consumers make informed choices about the ginseng that they consume. We must ensure that when ginseng consumers seek out a high-quality ginseng root—such as Wisconsin-grown ginseng, they are getting the real thing, not a knock-off.

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. 1953

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 ''Ginseng Harvest Labeling Act of 2007''.

SEC. 2. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—Ginseng

''SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

''(a) DEFINITIONS.—In this section:

''(1) GINSENG.—The term 'ginseng' means an herb or herbal ingredient that is derived from a plant classified within the genus Panax.

''(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) DISCLOSURE.—

''(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity shall disclose to a potential purchaser the country of harvest of the ginseng.

''(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested .

''(c) MANNER OF DISCLOSURE.—

''(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

''(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

''(A) retain the means of disclosure provided under subsection (b); and

''(B) provide the received means of disclosure to a retail purchaser of the ginseng.

''(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

''(d) FAILURE TO DISCLOSE.—The Secretary may impose on a person that fails to comply with subsection (b) a civil penalty in an amount of not more than—

''(1) $1,000 for the first day on which the failure to disclose occurs; and

''(2) $250 for each subsequent day on which the failure to disclose continues.

''(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. ROBERTS, Mr. CONRAD, Mr. ENZI, Mr. SCHUMER, Mr. COCHRAN, Mr. SALAZAR, Mr. SMITH, Mr. BINGAMAN, and Ms. SNOWE):

S. 1954. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2007. This is an updated version of a bill I introduced last year, and I am proud to bring it back.

I am excited that this year's bill is bipartisan. I am happy that Senator GRASSLEY has joined me in introducing this bill. Given all of our work together on the Medicare prescription drug benefit, I am glad he is a cosponsor. I also am pleased to have our Senate colleagues join us on this important piece of legislation.

The Medicare prescription drug benefit got off to a bumpy start last year. A lot of the problems have been fixed, and the benefit is providing millions of seniors with access to affordable prescription drugs. Unfortunately, a number of the problems facing pharmacists remain. We need to help them.

The Medicare drug benefit brought about big changes to the pharmacy business. Dual eligible beneficiaries switched from Medicaid to Medicare drug coverage. Many more seniors have drug coverage. Dozens of new private drug plans are available.

I have heard from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit depends on the pharmacists who deliver the drugs. So we have to help them. We must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies serve the most vulnerable patients and should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delays in receiving payment from drug plans have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks. And the bill would impose a monetary penalty on plans that pay late.

One of the most common complaints from beneficiaries has been how confusing the practice of co-branding is. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. That is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that plans provide pharmacists with more accurate and updated information about reimbursement rates. Currently, some plans do not divulge to pharmacists how much a particular prescription will be reimbursed prior to dispensing. This bill would require disclosure before a pharmacist dispenses. It would require regular updating and disclosure of pricing standards.

The problems that pharmacists are facing are real. And they are not going away. We must act on the Pharmacy Access Improvement Act before it is too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. My cosponsors and I urge our colleagues to support it.

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend and colleague Senator BAUCUS, as well as Senators LINCOLN, ROBERTS, CONRAD, ENZI, SCHUMER, COCHRAN, SALAZAR, SMITH, BINGAMAN, and SNOWE, to introduce the Pharmacy Access Improvement Act.

I am pleased with how well the Medicare Part D program is working. It has demonstrated how effectively private sector competition can work in delivering an entitlement benefit. The program has defied official predictions and come in under budget by $113 billion compared to the baseline projected in 2006. Premiums, initially estimated at $37 for 2006, in fact averaged $23; in 2007 they fell to an average of $22. We understand that this year's bids are even lower and that premiums are expected to fall again next year. The vast majority of Medicare beneficiaries have enrolled in the program, and while there were some troubling start-up problems initially, beneficiaries are very pleased with their plans.

At the same time, the first years of implementation of the Part D program have revealed some areas in which the program can be improved. One is related to pharmacy participation in the program. Changes are needed to ensure that Part D treats pharmacies as Congress intended and to make the program friendlier to pharmacists and independent pharmacies.

As Senator BAUCUS, Senator LINCOLN, and my other colleagues and I talked to beneficiaries, pharmacists, pharmacy owners and prescription drug plans about changes that would make Medicare Part D work better, many of our discussions centered around how to make sure that Part D works not just

for the beneficiaries, the chain drugstores, and the plans, but also for the local, independent pharmacies, the long-term care pharmacies, and the safety net pharmacies that many beneficiaries rely on. That is exactly what this bill is intended to do.

My colleagues and I hope with this bill to improve contracting for pharmacies, increase CMS's and prescription drug plans' customer service, and give beneficiaries better access to pharmacies. Let me give you some of the specifics of the bill.

First, the Pharmacy Access Improvement Act would strengthen standards for ensuring convenient beneficiary access to pharmacies. During the first two years of implementation, CMS has permitted some plans to meet the pharmacy access requirements in the law by counting non-preferred and out-of-network pharmacies. The plans charge higher cost-sharing at these pharmacies to discourage their use and drive utilization to preferred pharmacies. Counting non-preferred and out-of-network pharmacies to meet the access requirements is clearly not what Congress had in mind in establishing the beneficiary access guarantees in the law. To correct this problem, this bill would require that plans, with certain exceptions, count only ''open'' pharmacies, those that are accessible to the general public, in meeting the Medicare pharmacy access standard.

It also would require plans to count only their preferred in-network pharmacies, not the non-preferred pharmacies, in determining whether they meet the access standard.

The bill would allow pharmacies to initiate negotiations with plans under the ''any willing pharmacy'' provision regardless of whether they had already rejected, or failed to act on, previous offers from the plan.

The bill also would help ensure the inclusion of safety-net pharmacies in a prescription drug plan's network by preventing plans from specifically excluding 340B entities in the terms of their contracts. 340B entities include federally qualified health centers, migrant health centers, health centers for residents of public housing, school health centers, as well as black lung clinics, entities receiving grants for early intervention for HIV under the Ryan White Act, disproportionate share hospitals, and others. They serve more than ten million people.

Many of these entities operate their own pharmacies, which operate under different constraints than other retail pharmacies. They may have abbreviated hours or be available only to patients of the 340B entity. If 340B entities' pharmacies are not available as in-network pharmacies in Part D, these patients may have difficulty getting their prescription drugs.

The Model Safety Net Pharmacy Addendum was developed by the Centers for Medicare and Medicaid Services and the Health Research and Services Administration to facilitate 340B entities' participation in Medicare Part D. Because it takes the 340B entities' special circumstances into account, it has appropriate contract language for Part D plans to use when contracting with safety net pharmacies. Under the bill, plans would have to apply the Model Safety Net Pharmacy Addendum to their contracts if a 340B entity so requests.

The bill also would require plans to include a contract provision to allow these safety net pharmacies to waive cost-sharing if the entity so requests. Many safety-net pharmacies waive cost-sharing for their patients, but the Part D plan contracts typically prohibit this. Given that 340B entities serve low-income and poor populations, we believe those entities should be able to waive cost sharing for drugs, and our bill would facilitate that.

We have found that long-term care pharmacies similarly operate under conditions different from those of retail pharmacies serving the general population. For institutionalized populations, each resident's daily drugs must be specially packaged to help ensure that each gets the drugs meant for her, not for other residents. Long-term care pharmacies specialize in this, but the Part D rules to date do not adequately reflect how long-term care pharmacies work with long-term care facilities, which affects residents' access to these pharmacies. Our bill would require the Secretary to establish rules that include pharmacy access standards for long-term care residents.

Another problem that has arisen in the implementation of Part D concerns the ability of beneficiaries to obtain extended supplies of their drugs from a local pharmacy. Our bill therefore would ask the Secretary to establish standards for access to pharmacies that dispense extended supplies of covered drugs.

We have also heard from our local independent pharmacies that many, despite contract terms, face delayed payments from prescription drug plans. Given that the pharmacies must pay for their drugs on a more abbreviated schedule, these delays have created cash-flow crises for some pharmacies and put some at risk of closing. As much as I hate to legislate contract terms, I would hate more for the independent pharmacies in my State to close and my beneficiaries to be left without a pharmacy. In our bill, we would require plans to pay most pharmacies within 14 days upon receipt of an electronically submitted clean claim. For paper claims, they would have 30 days. If they were late, the prescription drug plans would have to pay the pharmacies interest. If a pharmacy submitted claims electronically and requested electronic payment, the plan would have to pay electronically.

Because long-term care pharmacies operate under unusual circumstances compared with retail pharmacies, our bill would allow pharmacies in long-term care facilities, or that contract with long-term care facilities, at least 30 days but no more than 90 days to submit their claims for reimbursement to the plans.

Another problem involves how plans use maximum allowable prices as the upper limit of what they will pay a retail pharmacy for the cost of a drug. What has come to light is that some plans will not disclose to the contracting pharmacies exactly what the maximum allowable prices are either when the contract is proposed to them or even after they sign the contract.

It seems unconscionable to me that a pharmacy would be expected to sign a contract where the price term is hidden and not disclosed. In the Medicare program, no other health care providers are subject to signing a contract in which they don't know what they will get paid.

Another abusive practice by some plans occurs when they do not update their maximum allowable prices in a timely manner. When a pharmaceutical company raises its price for a drug the pharmacy has to pay that new higher price right away. But the plan might not update what it pays for weeks. That leaves the pharmacy to absorb the difference. The plans that do this know exactly what they are doing. They know they are making the pharmacies eat the higher cost while they delay updating their payment rates. To address these concerns, the bill would require plans to disclose to pharmacies their ''maximum allowable cost'' pricing, and also to update those prices as they change, through an Internet website and a toll-free phone number.

Similarly, the bill would require plans to update their prescription drug pricing standard at least every seven days. The drug pricing standard changes frequently, and the price the pharmacy is paid is based on that standard, and so it seemed fair to us that the prescription drug plans' payments should reflect recent changes.

Our bill is intended to improve CMS's and prescription drug plans' service to pharmacies. It would require the HHS Secretary to establish a pharmacists' toll-free hotline. Prescription drug plans would have to establish separate pharmacists' and physicians' toll-free hotlines, and would have to comply with customer service standards established by the Secretary. We hope this will prevent pharmacists being placed on long holds when they have customers standing at the counter waiting for their drugs.

We have some questions about pharmacists' average dispensing fees, and under the bill the HHS Inspector General would conduct a study of dispensing fees, including studying whether the pharmacist is dispensing a standard prescription or an extended one; whether the pharmacist is in a chain store or an independent pharmacy; whether the pharmacy dispenses specialty pharmacy products, or is a

long-term care pharmacy. The Inspector General's report would be due October 1, 2008.

I believe that with these changes, the Medicare Part D program will work even better for beneficiaries and for the pharmacies that serve them. As we refine the Medicare Part D program, we want to build on its success even as we hope to make it fairer to all the stakeholders involved, the beneficiaries, the pharmacies, the PDP plans, and the manufacturers. I believe this bill does just that.

By Mr. CONRAD (for himself and Ms. STABENOW): S. 1955. A bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty; to the Committee on Homeland Security and Governmental Affairs.

Mr. CONRAD. Mr. President, our Nation's first responders are vital to protecting our citizens from everyday crime, and to keeping our citizens safe from fire and health-related emergencies. Our first responders are also vital in the event of disaster, whether man-made or natural.

But these same men and women that keep us safe and healthy at home are often called upon to fight for our country abroad with the National Guard and Reserves; or sometimes they are called to active duty within the U.S. The demands on the Guard and Reserves have become extremely heavy during the wars in Iraq and Afghanistan.

However, the demands on first responders here at home do not decrease and local fire, police and ambulance services are forced to manage without key employees.

That is why I am introducing the Reinforce First Responders and Emergency Employees Deployed Overseas in the Military, or Reinforce FREEDOM Act today. My bill will reinforce local first responder agencies whose employees are fighting for our freedom overseas. It establishes a grant program through the Department of Homeland Security for first responder agencies that have employees deployed with the National Guard or Reserves.

The grants are available to law enforcement and fire departments, as well as public and private ambulance services. Agencies are eligible to receive up to $15,000 for each 3 month period they are without employees serving with the military. Primarily volunteer organizations are eligible if they are missing a substantial part of their workforce. The funds from these grants can be used to hire replacement employees or for overtime salary expenses. The funds can also be used for non-salary costs that were created by the employees' deployment with the Guard or Reserves, or which would alleviate the impact of their absence.

Extra funding perhaps cannot fully make up for the loss of crucial employees. But this bill will help ensure that first responder agencies can continue to keep the American people safe when their Guardsmen and Reservist employees are called to defend the United States of America.

By Mr. BAUCUS (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Ms. STABENOW, Mr. MCCAIN, Ms. CANTWELL, and Mr. LEVIN):

S. 1956. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I want to begin my remarks by commending the thousands of case workers, foster families, neighbors and friends across the country that work to provide safety, stability, and love for the more than half a million children in the Nation's foster care system. More than a third of foster children in Montana are Native American. Across America, most of the Native American children in foster care are under the jurisdiction of tribal courts. But Native American tribes that want to administer their own child welfare systems are not eligible for Title IV–E funds to run their own foster care and adoption programs.

Today I am proud to introduce with Senators DOMENICI, BINGAMAN, SMITH, STABENOW, MCCAIN, and CANTWELL the Tribal Foster Care and Adoption Act of 2007. This legislation is a demonstration of the commitment on both sides of the aisle to provide tribes with the opportunity to care for their own children. Children that need foster care and adoption services because of the abuse and neglect that they have already suffered. This bill provides tribes with the ability to serve their children directly with culturally appropriate care and understanding. The legislation also recognizes the good work of states and their collaborative efforts with tribes on behalf of tribal children.

This legislation has had a long history in the Senate and I am pleased to have been a part of that history since the 107th congress. It has been introduced in every Congress since then always with bipartisan support. This bill's time has come.

We have worked very hard to fine tune this legislation in away that is fair to states and finally gives Tribes direct access to the child welfare system. We want a system set up to protect those that need our protection the most not to exclude the most vulnerable members of our society from direct participation.

The child welfare system is languishing because of inadequate funding. And the system also suffers from a lack of culturally-appropriate approaches to help tribal children to find loving, permanent homes. I am further committed to working on behalf of our child welfare system with Chairman GRASSLEY and with Senator ROCKEFELLER who have always been dedicated to child welfare issues. The Tribal Foster Care and Adoption Act provides a pivotal opportunity to ensure that tribes across our country have the ability to access the child welfare system. I see this as a first step in making much needed improvements to the country's child welfare system, without significant costs or new federal programs.

We owe the first inhabitants of this great Nation and their children a child welfare system that works for them. We must do all we can to provide help.

By Mr. SCHUMER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. HATCH, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mrs. CLINTON, and Ms. SNOWE):

S. 1957. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my support for S. 1957, the Design Piracy Prohibition Act. As one who has been involved in national intellectual property, patent, copyright and trademark policy development for many years, I can tell you first-hand how difficult it can be to legislate in these areas. The Constitution expressly tasks Congress with the duty to protect the rights of property owners, including intellectual property owners. And we spend a good bit of time here legislating in the areas of music, art, movies, television, radio, books, and so many other things that exist solely because of intellectual property rights.

However, one area of our economy that has been overlooked and not benefited from the legal framework associated with intellectual property law is the area of fashion design. And yet fashion design is one area where America enjoys a trade surplus and has clear leaders in the world market. In fact, much of the world apparel and accessory industry takes follows the lead of our world renowned fashion experts. However, the protections of their designs are not taken as seriously as we take other forms of property rights, thereby, hurting a thriving American industry around the world.

In an effort to bring some balance to the property rights of designers, Senators SCHUMER, HUTCHISON, FEINSTEIN, WHITEHOUSE, GRAHAM, KOHL, CLINTON, SNOWE, and I are introducing this legislation. The goal of S. 1957 is to ensure that those who spend their time and money developing new and innovative fashion designs are able to secure and enforce adequate copyright protections for their hard work. And I support that goal.

As I stated earlier, this is a difficult area of law in which to legislate and the balancing of the rights of property owners and consumers is often difficult. In fact, the U.S. has been changing and refining intellectual property laws for over 200 years and in some areas we still have not gotten it right.

It must be recognized that this bill is not perfect and there are several legitimate concerns with the way this bill attempts to protect designs. I will be working with my colleagues to make improvements to this bill as it goes through the Senate process. Some areas of the bill that need to be improved are: the standard for liability, the definition of designs in the public domain, and the secondary liability provisions. However, I am certain we will be able to work through these issues and move this bill forward.

I want to thank my colleague, Senator SCHUMER, for introducing this bill. It takes a strong will, and a strong stomach, to take on the job of moving intellectual property-related legislation through Congress. I'm sure Senator SCHUMER is up to the task and I look forward to helping him.

By Ms. COLLINS (for herself and Mr. COLEMAN):

S. 1959. A bill to establish the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

Foreign-based terrorism has weighed heavily in the news and in our thoughts for more than a decade. Since the first bombing of the World Trade Center in 1993, we have seen foreign-based terrorists attack our embassies in Tanzania and Kenya, a Navy destroyer in Yemen, the World Trade Center again, and the Pentagon. Timely arrests prevented foreign-based terrorists from carrying out a bombing plot directed at the Los Angeles airport and, more recently, attacks targeting U.S.-bound flights originating in England.

This long-standing and still-deadly threat requires continued surveillance and aggressive action, and will for years to come. But we cannot confine our counter-terrorism efforts to attacks organized in and launched from other countries. As demonstrated by the bloody bombing of the Oklahoma City Federal office building in 1995 and by this year's arrests of suspects in plots directed at JFK International Airport and Fort Dix, NJ, domestic radicalization and violent extremism are also threats to American lives and American society.

The most effective border security will not prevent ''home-grown'' terrorists from attacking our citizens. We need to better understand the triggers for radicalization and violence in order to counter the threat of terrorists on American soil.

For nearly a year now, Senator LIEBERMAN and I have conducted an investigation and held a series of hearings in the Senate Homeland Security Committee probing different aspects of this domestic danger by examining radicalization in prisons, radicalization trends, the Internet and violent extremism, lessons from the European experience, and the adequacy of government counter-measures.

The harvest of information and insights from these hearings has helped alert us to dangers, guide our oversight activities, and formulate ideas for legislative action. The testimony and evidence we have seen persuade me that we need to undertake an even more in-depth examination of the threats of domestic radicalization and violent extremism.

The Violent Radicalization and Homegrown Terrorism Prevention Act would provide such an examination. It is a companion measure to the bill introduced by Representatives JANE HARMAN of California and DAVE REICHERT of Washington in the House of Representatives. Congresswoman HARMAN has been extraordinarily perceptive in understanding the threat of violent radicalization, and her bill's unanimous approval by the House Homeland Security Committee is a tribute to her leadership.

My bill, like the House measure, includes two key initiatives.

First, it would create a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

Second, it would establish a university-based Center of Excellence for the Study of Radicalization and Homegrown Terrorism in the U.S.

The Commission would devote itself to a survey of what we know, and what we need to learn, about the social and psychological breeding grounds of extremism, the process of radicalization, the factors that cause people to turn to violence, the processes of recruitment and coordination, and the phenomenon of self-radicalization and ''lone wolf'' terrorism.

To ensure a broad range of input for the commission, members would be selected for their qualifications by the President, the majority and minority leaders of the House and Senate, and the chairman and ranking member of the Homeland Security Committees of the House and Senate.

The commission's final report, to be delivered within 18 months of its initial meeting, would provide a solid base of information and a guide for further research and action against the dangers that we face.

A ''final report,'' however useful, cannot be the last word in the fight against a threat that has been growing for years and may persist for decades. That is why the bill takes the important second step of establishing a university-based Center of Excellence focused on homegrown terrorism, violent radicalization, and ideologically based violence.

The Department of Homeland Security currently has 8 Centers for Excellence focusing on various aspects of homeland security, such as risk-analysis, food protection, and catastrophic-event preparedness and response.

My bill would empower the Secretary of Homeland Security to designate a new center or to expand the mission of an existing center. In either case, such a center will provide an institution dedicated to researching and understanding violent radicalization and homegrown terrorism, and to developing findings that can assist Federal, State, local, and tribal governments in dealing with these threats.

It is vital, that our homeland-security efforts extend to a systematic and comprehensive understanding of the radicalization process that turns people living in our midst to ideologically based violence and terrorism. It is also vital that we create an academically based center to sustain high-quality research efforts on this threat to augment federal initiatives and to expand and supplement Government thinking.

This bill, which closely parallels legislation now moving through the House of Representatives, meets those vital needs. I urge my colleagues to support the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 1960. A bill amend the Small Business Investment Act of 1958 to improve surety bond guarantees, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today o join Senator KERRY in introducing the Surety Bond Improvement Act, a bill which would reinvigorate the Small Business Administration's Surety Bond Guarantee program. I appreciate Senator KERRY's leadership on small business issues and his bipartisan work with me on this bill. Together, our primary purpose is to improve the Surety Bond Guarantee SBG program and ensure that more small businesses are able to secure the surety bonds they require to compete and grow.

Many surety bond companies refuse to bond small businesses because of the greater risks associated with underwriting new, unproven firms. Countless new businesses lack the stable credit histories and assets necessary to obtain a surety bond. Without bonding, small firms cannot secure the contracts they need to survive. For many small businesses, their inability to obtain surety bonds creates a barrier to entry which prevents them from competing in defense contracting, construction, services, and other markets.

In order to reduce the risk to the surety firms issuing the bonds, the SBA promises to cover between 70 and 90 percent of any possible claims on bonds underwritten through the SBG program. Many small contractors are only able to obtain surety bonds through the SBG program and establish a bonding history. Over time, these businesses will out-grow the SBG program and will be able to obtain bonds in the regular, competitive marketplace.

It is critical to understand that the number of participating sureties in the

SBG program directly affects the number of small companies that can receive surety bonds. In fiscal year 2000, the SBG program had 28 participating surety bonding companies and issued 7,034 bonds to small businesses. As of fiscal year 2006, there were only 10 participating surety companies that issued 4,709 surety bonds. This downturn represents a 64 percent decline in the number of participating sureties and a decrease of 33 percent in the total number of bonds issued to small businesses. The sureties argue that SBA's outdated fee structure and other actions, such as unwinding bond guarantees and recent fee increases, make it impossible for them to earn a profit and continue participating in the program.

Our bill strives to address the reason behind the program's diminishing participation and increasing inability to help small businesses. To achieve that goal, our measure would 1. prohibit the SBA from underwriting a surety bond guarantee after the agency has already underwritten and approved the bond, 2. direct the SBA to promulgate regulations to allow surety companies to go to non-binding mediation with the SBA in order to resolve disputes over denied claims or other issues, 3. eliminate existing price controls, 4. require the SBA to be transparent in its fee structure, 5. clarify that Congress does not require the Surety Bond Guarantee program to be entirely self-funding or self-sufficient, and 6. raise the principal guarantee amount to $3 million.

We are collaborating with the SBA to reverse the downward trend regarding participating sureties and boost the number of small businesses receiving surety bonding. To accomplish this goal, the SBG program is working to reduce approval times by bolstering the capacity of companies to submit underwriting applications and claim requests online. The program also plans to restructure its field offices and conduct outreach to new sureties and small businesses needing surety bonding. These reforms, along with the necessary legislative changes Senator KERRY and I have proposed today, will help the program attract new sureties and increase the overall number of small companies able to secure sureties underwriting through the program.

I encourage my colleagues to strongly support the Surety Bond Improvement Act which we wrote after consulting with small business owners and surety bonding companies on how best to revitalize this pivotal program. Without these remedies, the number of sureties in the program will continue to fall as will the capability of small businesses to secure surety bonds. For new companies, obtaining a surety bond will become a onerous barrier to entry and competition that they will be unable to overcome. I urge my colleges to work with Senator KERRY and me to assist small businesses by passing this crucial legislation.

By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Ms. STABENOW, and Mr. CARPER):

S. 1963. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—Clause (i) of section 149(b)(3)(A) of the Internal Revenue Code of 1986 (relating to exceptions for certain insurance programs) is amended—

(1) by striking ''or'' after ''Corporation,'', and

(2) by inserting at the end the following: ''or any Federal home loan bank,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 1964. A bill to amend title XVIII of the Social Security Act to establish new separate fee schedule areas for physicians' services in States with multiple fee schedule areas to improve Medicare physician geographic payment accuracy, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will allow counties that are underpaid by at least 5 percent to be reclassified into a payment locality that reflects their own geographic costs.

It holds harmless the counties, predominately rural ones, whose locality average would otherwise drop as other counties are reclassified.

Finally, this legislation is fully offset by requiring that independent diagnostic laboratories comply with state and federal regulations. This will allow the Centers for Medicare and Medicaid services, CMS, to take action against unscrupulous operators, predominately in California, that seek Medicare reimbursements for inaccurate and unnecessary diagnostic testing.

This legislation would benefit physicians who are currently underpaid in 10 States: California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, Texas, and Washington.

Congressman SAM FARR has introduced companion legislation, H.R. 2484, in the House of Representatives, which now has 12 cosponsors.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying costs of rent, malpractice insurance, and other expenses necessary to operate a medical process. Counties are assigned to ''payment localities'' that are supposed to accurately capture these costs.

Here is the problem: some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 5.5 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives a 10.2 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a rate that is at least 22 percent higher. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 4.6 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 8 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NEW SEPARATE MEDICARE PHYSICIAN FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE MEDICARE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) ESTABLISHMENT OF SEPARATE FEE SCHEDULE AREAS IN STATES WITH MULTIPLE FEE SCHEDULE AREAS TO IMPROVE PHYSICIAN GEOGRAPHIC PAYMENT ACCURACY.—For purposes of computing and applying the geographic adjustment factor under subsection (b)(1)(C) and this subsection in the case of a State that includes more than one fee schedule area—

''(A) the Secretary shall establish as a separate fee schedule area each county or equivalent fee schedule area the geographic adjustment factor for which would (if such separate areas are established and before taking into account the adjustment under this subparagraph) be 5 percent or more above the geographic adjustment factor for such revised locality; and

''(B) for such a locality from which a separate fee schedule area is established under subparagraph (A), the geographic adjustment factor indices shall in no case be less than the geographic adjustment factor otherwise computed if this paragraph did not apply.

The Secretary shall first apply the previous sentence to services furnished during 2008 and shall again apply it each third year thereafter.''.

(b) OFFSETTING FUNDING THROUGH REQUIREMENT FOR ANNUAL CERTIFICATION OF COMPLIANCE WITH STATE LICENSURE REQUIREMENTS FOR INDEPENDENT DIAGNOSTIC TESTING FACILITIES (IDTF).—

(1) IN GENERAL.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(A) by striking ''or'' at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(C) by inserting after paragraph (22) the following new paragraph:

''(23) where such expenses are for a diagnostic laboratory test under section 1861(s)(3) performed in an independent diagnostic testing facility in a State or locality described in section 1861(s)(16) unless within the previous 12 months the State or locality (whichever is or are applicable) has certified that the facility is in compliance with all applicable State (or local) licensure requirements.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to tests performed on or after January 1, 2008.

By Mr. LUGAR:

S. 1966. A bill to reauthorize HIV/AIDS assistance; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, known as the Leadership Act, the largest international health initiative in history dedicated to a single disease.

Five years ago, there was little hope in Africa and the developing world of an effective response to HIV/AIDS. Tragically, many of the nations hardest hit by this disease are among those with the fewest resources to draw on for a response. There appeared to be little basis for hope.

Today, the pandemic continues. Yet there has been a change, and the American people have led that change.

The original Leadership Act authorized $15 billion in appropriations over 5 years. And in a significant departure from earlier approaches to development, it linked that funding to accountability for goals: support for treatment of 2 million people, prevention of 7 million new infections, care for 10 million people, including orphans and vulnerable children.

As many Senators will recall, when this legislation was first enacted in 2003, it was done with a certain amount of haste and after a request from the President for quick action. The G–8 summit was fast approaching, but even more importantly, rapid Senate action meant that the program could be established quickly, so that money could start to flow quickly to the fight. Given this, the Senate acted swiftly, passing the bill almost without amendment.

Now we are approaching the expiration of that 5-year authorization at the end of fiscal year 2008. Whatever our misgivings about the Leadership Act as we enacted it in 2003, at this point we need to judge it by the results it has enabled us to deliver. Those results are simply remarkable.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Yet through March of this year, the act has supported treatment for over 1.1 million men, women and children, over a million of them are in Africa, in those 15 countries where AIDS was on the verge of wiping out whole generations. In addition to these focus countries, we are working with one hundred other countries as well touching millions of other lives. Five years ago, HIV was a death sentence. Now there is hope.

During the first 3½ years of the act, U.S. bilateral programs have supported services for pregnant women to avoid transmission of HIV to their babies during more than 6 million pregnancies. In over 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral prophylaxis, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of the Leadership Act, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment and care all depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The U.S. has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Across the act's programs, the majority of services have been provided to women and girls, and a growing number of services are reaching children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate over 94 percent of its available $12.3 billion appropriated through this fiscal year.

In addition to support for the U.S. bilateral programs, the Leadership Act has also authorized support for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The Global Fund provides an important avenue for the rest of the world to substantially increase its commitment, as we have done. The U.S. is the largest supporter of the Global Fund, having provided some $2 billion so far. It is important for the American people to understand and for the rest of the world to remember, that the American people are responsible for approximately ⅓ of all the funding received by the fund.

As we survey the results achieved by this legislation, it is apparent that our efforts have been exceptionally successful. But to build on that success, we must reauthorize the legislation for another 5 years. As we consider how to accomplish that reauthorization task, it is important to note that the vast majority of the authorities needed for the next phase of our effort are already contained in the current Leadership Act.

The necessity for new authorities is in the eye of the beholder. Many Senators may wish to enhance issues such as TB/HIV, gender, nutrition, human capacity, infrastructure and health systems, and education. But the current law already articulates and authorizes activities in these very same areas, as evidenced by the many activities in these areas that the act has undertaken under existing authorities.

In this case, I believe we should follow the old adage, ''If it ain't broke, don't fix it.'' We have a good, if not perfect, law that is succeeding. In lieu of drafting an entirely new bill, today I introduce a reauthorization which preserves the bulk of the authorities that have enabled the program succeed and makes only minor modifications.

The U.S. Global AIDS Coordinator has interpreted the existing authorities well and has listened to the Congress and many stakeholders. As the Institute of Medicine recently said, the Global Leadership Act is a ''learning organization.'' The Coordinator is the first to admit, as he has before Congressional committees, that we can do better in every area of implementation. But new authorities are not needed; these are issues of implementation. In short, rather than absorbing the time of Congress, the coordinator, as well as stakeholders in drafting an entirely new bill, we should empower them to continue the work they are doing to improve upon program implementation utilizing the experience of these past 3½ years.

Let me highlight the basic changes I am suggesting to the existing legislation. First, it would increase to $30 billion the authorization for the next five fiscal years 2009–2013, a doubling of the initial commitment. I recognize that Senators may wish to revisit that funding level, and I trust that there will be opportunities for them to do so, in committee and on the floor.

Second, as the Institute of Medicine and others have argued, I believe we need to keep the bill as free of funding directives as possible in order to ensure maximum flexibility for implementation. I am proposing that only two funding directives be included, one modified from its current form, the other maintained as is.

The first modification would seek to address the abstinence directive in current law. The current Leadership Act requires that 33 percent of all prevention funding be spent on abstinence-until-marriage programs. The problem with this directive is that some countries need to focus their efforts not on abstinence per se but on, for example, mother-to-child transmission, an activity which is considered to be nonsexual transmission of HIV/AIDS. The original directive thus forced theses countries to either spend money in areas where they did not necessarily need to spend it or to divert funds from areas where they truly needed to.

The administration had interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the 'AB' of 'ABC,' which stands for Abstinence, Be faithful, and the correct and consistent use of condoms. The directive has been helpful in ensuring an evidence-based, comprehensive approach to prevention. The ABC paradigm for prevention was developed in Africa by Africans, in order to address the wide range of risks faced by people within their nations, particularly in the context of generalized epidemics where HIV is widespread throughout the population. Recent evidence from a growing number of African countries shows a correlation between the adoption of all three of the ABC behaviors, and a clear association with declining HIV prevalence.

Before the creation of the U.S. Global Aids Coordinator, the U.S. Government had relatively little experience implementing behavior change programs for global HIV/AIDS that included the whole array of ABC behavior change. This was the rationale for the directive, and I believe it has served a useful purpose. However, I agree with many others that we can improve upon it as we look to the future.

The language I propose would provide that 50 percent of funding for prevention of sexual transmission of HIV, a sub-set all prevention funding, be dedicated to abstinence and faithfulness. This will enable greater flexibility to countries whose situation mirrors the one just described.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. I think this compromise approach is the right one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention.

There are a number of other directives in the current law that need no longer be maintained and the new bill does not contain them. The one other directive that I believe must be maintained is that 10 percent of funding be devoted to programs for orphans and vulnerable children, or ''OVCs''. As I have noted, there were few programs focused on the needs of these children before the Leadership Act of 2005 and we remain in the early stages of the essential effort to serve them. This is one of the aspects of our effort that is most strongly supported by the American people, the maintenance of this directive will help to ensure that this effort remains focused on those who need our support the most. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, one cosponsored by eleven of my Senate colleagues, and which the Congress passed in October 2005.

Finally, let me describe some new language proposed for the inclusion regarding the Global Fund, an organization that enjoys wide support here in Congress. The Global Fund is a critically important partner of the U.S. in our fight against HIV/AIDS. Our contributions are not only financial, we are also active on its board, and our U.S. personnel overseas provide the technical assistance needed for the Global Fund's grants to work.

However, the fund is subject to pressures from many donors and in many directions. It has become clear that it would benefit from greater transparency and accountability. In keeping with my concerns with transparency and accountability of international organizations that receive U.S. funding, including the World Bank and International Monetary Fund, my proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I don't believe any of these proposed benchmarks will be controversial, but if Senators have concerns about any of them, I look forward to working with them to address them.

It is also worth noting that the bill would maintain the limitation in the existing Leadership Act that U.S. contributions to the fund may never exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, such as other governments, and I believe there is wide agreement that this provision should be maintained as we move forward.

In closing, let me turn to the issue of legislative timing. It is critical to the contents of my approach to reauthorization. It is critically important to reauthorize this bill during 2007, as opposed to awaiting its expiration September 2008.

The US Global Aids Coordinator depends on his implementing partners, including host governments and nongovernmental organizations, including faith- and community-based organizations, to scale up programs rapidly to reach as many people as possible. They have been a critical part of programs success to date.

But HIV and AIDS are different from many diseases: once HIV-positive persons are provided treatment or orphans enrolled in care programs, their treatment and care become ongoing commitments for program partners. Thus, for partners to continue to scale up programs in 2008, they need assurances of a continued U.S. commitment beyond 2008. These partners recognize that at this point, they have only a Presidential proposal, not actual reauthorization.

In fact, some of my staff on the Foreign Relations Committee have recently returned from countries receiving our assistance and verified this concern. Various ministries of health are refusing to expand the number of patients currently receiving antiretroviral medication for fear that they will not receive enough money in the years to come to purchase next year's doses for these new patients.

Without reauthorization in 2007, partners have indicated that they will be unable to scale up programs in 2008, and as my staff have confirmed, there is already evidence that some have begun to slow enrollment in programs. Without continued rapid scale-up this year and next, we may not achieve the ambitious goals for the first phase of PEFPAR, treatment for 2 million, prevention of 7 million new infections, care for 10 million, including orphans and vulnerable children. However, time will be needed to develop sustainable programs with commitments from our partner countries as we move into the next 5-year commitment from the American people.

Thus it is essential that we act before we go out of session this year. I recognize that we face a crowded calendar. But we can do it if we will take the most direct path to passage, a clean bill.

This body can be proud of its contribution to the remarkable turnaround on the issue of global HIV/AIDS, from concern to action. We have represented well the compassion and generosity of the American people and the demand for accountability by the American taxpayer. I call on my colleagues to join me in sponsoring this bill to reauthorize the Leadership Act in 2007, and to extend the authorities that have enabled the American people to make such a difference in the lives of others.

I have no pride of authorship. But we need to start the reauthorization process now. I welcome the involvement

and inputs of my colleagues. We should let the mark-up and amendment process work. Secondly, I would welcome the assistance of other Committees and their memberships. Thirdly, I look for strong support and guidance from the NGO and faith-based communities. These organizations will be key to the reauthorization effort. We will require the constructive engagement of the administration in this reauthorization effort.

If we pull together and display the spirit of compromise necessary for good legislation, we can complete the job in 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. 1966

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 ''HIV/AIDS Assistance Reauthorization Act of 2007''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) (in this Act referred to as the ''Act'') is amended by inserting after ''2008'' the following: '', $30,000,000,000 for fiscal years 2009 through 2013, and such sums as may be necessary for each fiscal year thereafter''.

SEC. 3. MODIFICATIONS TO ALLOCATION OF FUNDS.

(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Section 403(a) of the Act (22 U.S.C. 7673(a)) is amended to read as follows:

''(a) PROMOTION OF ABSTINENCE, FIDELITY, AND OTHER PREVENTATIVE MEASURES.—Not less than 50 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 and available for programs and activities that include a priority emphasis on public health measures to prevent the sexual transmission of HIV shall be dedicated to abstinence and fidelity as components of a comprehensive approach including abstinence, fidelity, and the correct and consistent use of condoms, consistent with other provisions of law and the epidemiology of HIV infection in a given country. Programs and activities that implement or purchase new prevention technologies or modalities such as medical male circumcision, pre-exposure prophylaxis, or microbicides shall not be included in determining compliance with this subsection.''.

(b) EXTENSION OF ORPHANS AND VULNERABLE CHILDREN FUNDING REQUIREMENT.—Section 403(b) of the Act (22 U.S.C. 7673(b)) is amended by striking ''2008'' and inserting ''2013''.

SEC. 4. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 30, 2007, President George W. Bush announced his intent to double the commitment of the United States to fight global HIV/AIDS with a new $30,000,000,000, 5-year proposal to reauthorize the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

(2) With the enactment of the President's fiscal year 2008 budget, the United States Government will have committed $18,000,000,000 to the President's Emergency Plan for AIDS Relief (PEPFAR), which exceeds the original 5-year, $15,000,000,000 commitment.

(3) After 3 years of PEPFAR implementation, the American people have supported treatment of 1,100,000 people in the 15 focus countries, including more than 1,000,000 people in Africa.

(4) PEPFAR is on track to meet its 5-year goals to support treatment for 2,000,000 people, prevention of 7,000,000 new infections, and care for 10,000,000 people, including orphans and vulnerable children.

(5) The success of PEPFAR is rooted in support for country-owned strategies and programs with commitment of resources and dedication to results, achieved through the power of partnerships with governments, with nongovernmental, faith-based, and community-based organizations, and with the private sector.

(6) United States efforts to address global HIV/AIDS will be multiplied by engaging in partnerships with countries dedicating to fighting their HIV epidemics and with multilateral partners, such as the Global Fund, which can help leverage international resources and build upon the efforts of the United States to combat global HIV/AIDS. In his announcement of his intent to double the commitment of the United States to fight global HIV/AIDS, President Bush reiterated his call for developed and developing countries, in particular middle-income countries where projections suggest many new infections will occur, to increase their contributions to fighting AIDS. HIV/AIDS is a global crisis that requires a global response. The United States currently provides as many resources for global HIV/AIDS as all other developed country governments combined. But only together can we turn the tide against the global epidemic.

(b) PURPOSE.—It is the purpose of this Act to expand PEPFAR, including the expansion of life-saving treatment, comprehensive prevention programs, and care for those in need, including orphans and vulnerable children, in the next 5-year period as a signal of the commitment of the United States to support, strengthen, and expand United States and global efforts to address these health crises in partnership with others.

SEC. 5. UNITED STATES FINANCIAL PARTICIPATION IN THE GLOBAL FUND.

(a) AUTHORITY TO INCREASE PROPORTIONAL SUPPORT.—Section 202(d) of the Act (22 U.S.C. 7622(d)) is amended by adding at the end the following new paragraph:

''(5) AUTHORITY TO INCREASE PROPORTIONAL SUPPORT.—

''(A) FINDINGS.—Congress makes the following findings:

''(i) The Global Fund to Fight AIDS, Tuberculosis and Malaria is an innovative financing mechanism to combat the three diseases, and it has made progress in many areas.

''(ii) The United States Government is the largest supporter of the Fund, both in terms of resources and technical support.

''(iii) The United States made the founding contribution to the Funds, remains committed to the original vision for the Fund, and is fully committed to its success.

''(B) AUTHORITY.—The President may increase proportional support for the Fund, within the amount authorized to be appropriated by this Act, if benchmarks for performance, accountability, and transparency are satisfactorily met, and if the Fund remains committed to its founding principles. The United States Global AIDS Coordinator should consider the benchmarks set forth in subparagraphs (C) and (D) in assessing whether to make the annual contribution of the United States Government to the Fund.

''(C) BENCHMARKS RELATED TO TRANSPARENCY AND ACCOUNTABILITY.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to transparency and accountability:

''(i) As recommended by the Government Accountability Office, the Fund Secretariat has established standardized expectations for the performance of Local Fund Agents (LFAs), is undertaking a systematic assessment of the performance of LFAs, and is making available for public review, according to the Fund Board's policies and practices on disclosure of information, a regular collection and analysis of performance data of Fund grants, which shall cover both Principal Recipients and sub-recipients.

''(ii) A well-staffed, independent Office of the Inspector General reports directly to the Board and is responsible for regular, publicly published audits of both financial and programmatic and reporting aspects of the Fund, its grantees, and LFAs.

''(iii) The Fund Secretariat has established and is reporting publicly on standard indicators for all program areas.

''(iv) The Fund Secretariat has established a database that tracks all sub-recipients and the amounts of funds disbursed to each, as well as the distribution of resources, by grant and Principal Recipient, for prevention, care, treatment, the purchases of drugs and commodities, and other purposes.

''(v) The Fund Board has established a penalty to offset tariffs imposed by national governments on all goods and services provided by the Fund.

''(vi) The Fund Board has successfully terminated its Administrative Services Agreement with the World Health Organization and completed the Fund Secretariat's transition to a fully independent status under the Headquarters Agreement the Fund has established with the Government of Switzerland.

''(D) BENCHMARKS RELATED TO PRINCIPLES OF FUND.—Increased proportional support for the Fund should be based upon achievement of the following benchmarks related to the founding principles of the Fund:

''(i) The Fund must maintain its status as a financing institution.

''(ii) The Fund must remain focused on programs directly related to HIV/AIDS, malaria, and tuberculosis.

''(iii) The Fund Board must maintain its Comprehensive Funding Policy, which requires confirmed pledges to cover the full amount of new grants before the Board approves them.

''(iv) The Fund must maintain and make progress on sustaining its multi-sectoral approach, through Country Coordinating Mechanisms (CCMs) and in the implementation of grants, as reflected in percent and resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations.''.

(b) EXTENSION OF AUTHORIZATION.—Section 202(d) of such Act is further amended by striking ''2008'' each place it appears and inserting ''2013''.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. HARKIN, and Mr. CRAPO):

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other

purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Alexander Hamilton Boyhood Home Act of 2007, a bill to study the suitability and feasibility of bringing resources related to Alexander Hamilton's boyhood on the island of St. Croix under the National Park System. I would like to thank Senators ROCKEFELLER, BAYH, BILL NELSON, BROWNBACK, HARKIN, and CRAPO for lending early support to this legislation as original cosponsors. I especially note the strong support of Senator ROCKEFELLER, who along with his family, has a special interest in this part of the U.S.

Too little is known about Hamilton's childhood on the islands. We know he was born as a British subject on the island of Nevis in 1755. By the age of 10 he and his brother James found themselves under Danish rule on the island of St. Croix. Alexander's father had abandoned them, so his mother Rachel Faucett was the primary care giver and bread winner. It is believed they initially spent their days on a sugar plantation at Estate Grange, which was owned by Rachel's sister, Ann, and her husband, James Lytton. The Lyttons generously supported Rachel and her two boys for a short time. When the plantation was sold, the Lyttons helped Rachel to set up a store with an apartment on the upper floor in the nearby town of Christiansted.

They had been there less than a year and Alexander, as an 11-year-old boy, had already taken a job as a clerk at the Beekman and Cruger trading post. This connection would serve him well after his mother died in 1769 and he was left to fend for himself. His early years with Beekman and Cruger not only supported him financially, but they introduced him to business, economics, and trade.

Hamilton learned a great deal from his surroundings on St. Croix, and his political ideologies as an adult were clearly influenced by his boyhood in the West Indies. His mother was known to have the largest library on the island, consisting of 34 classical books of various topics. Everyday life and culture must have left an impression on him, as well. He was constantly exposed to the brutality of slavery, which drove the plantation economy on St. Croix. His distaste for it as a boy would grow into political opposition to it in America. Historians also note that maturing in the West Indies made him unique among other American politicians of the day because he never had any loyalty to a specific State or region. He perceived the U.S. as one unified Nation with a strong central Government. To advocate that belief, Hamilton would later found the Federalist Party in America.

Through his work, Alexander made several connections with influential people in the town. As he grew older, they began to recognize his talent and intellect and they decided to send him to New York with the funds to obtain an education. He left St. Croix at age 17, never to return, and the rest is now a central aspect of our Nation's history.

Hamilton went on to be one of the great statesmen of our history, a Founding Father who was influential in all of the stages of our blossoming Nation. He fought with the colonies during the American Revolution and served as General Washington's personal secretary. After the Revolution he was elected to the Continental Congress. He authored the Federalist Papers to advocate ratification of the Constitution, which he would pen his own name to as a delegate from New York. Of course, he may be remembered most for his appointment as the first Secretary of the Treasury under President George Washington. His visage is perpetuated in history on the $10 bill as one of only two non-presidential faces appearing on U.S. currency.

Alexander Hamilton's immeasurable influence on the progress of our Nation deserves to be remembered and recognized. The remaining links to his boyhood on the island of St. Croix should be preserved and recognized for the benefit of the people. The Great House at Estate Grange is still there today along with a memorial marking the site where Alexander's mother was laid to rest. I urge my colleagues to support this legislation which would establish and fund a study to determine the feasability and suitability of a heritage area on St. Croix in honor of one of our Founding Fathers, Alexander Hamilton.

By Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN):

S. 1975. A bill to expand family and medical leave in support of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, 14 years ago, the Family and Medical Leave Act, FMLA, declared the principle that workers should never be forced to choose between the jobs they need and the families they love. In the years since its passage, more than 50 million Americans have taken advantage of its provisions to care for a sick love one, or recover from illness themselves, or welcome a new baby into the family. If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries, but most of all, they deserve the care of their closest loved ones.

That is exactly what is offered in the Support for Injured Servicemembers Act, a bill I am proud to have authored along with Senator CLINTON. The FMLA was the very first bill that President Clinton signed into law, and I am grateful that his wife, Senator CLINTON, continues to support the principles that I have been fighting for over 20 years. Now, I am also pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this new legislation today.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort as well, through their thoughtfulness and work on the President's Commission on Care for America's Returning Wounded Warriors.

It is unsurprising that the commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring: according to the commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help in their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. To quote from the commission's moving report:

> In virtually every case [of a wounded servicemember], a wife, husband, parent, brother, or sister has received the heart-stopping telephone call telling them that their loved one is sick or injured, halfway around the world.

These loved ones bear a burden almost as sharp as the wound itself. The very least we can give them is the assurance that their jobs will be there when they return.

It is for these reasons that the commission recommend that the FMLA be expanded to provide family members of combat-injured servicemembers up to 6 months of leave to care for their loved ones.

The Support for Injured Servicemembers Act does just that. FMLA currently allows 3 months of unpaid leave. Given the severity of their injuries, and our debt of gratitude, our servicemembers need more.

For the first time, this bill offers FMLA leave not just to parents, spouses, and children, but to next-of-kin, including siblings. Families, not the government, should decide for themselves who takes on the work of caring for their injured loved ones. This bill recognizes that fact, and it is a major accomplishment.

Our troops are laying their bodies on the line for us in Iraq and Afghanistan, every day. Our full debt to them is unpayable. But perhaps the best thing we can do for them is to get out of the way, to make it possible for the love of family to heal their wounds. With their jobs protected, more family members will be able to do just that. What this

bill does, then, is break down a barrier, between our troops and the care they need the most.

I urge my colleagues to support this bill.

By Mr. TESTER (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. 1976. A bill to amend the Food Security Act of 1985 to include a provision on organic conversion in the environmental quality incentives program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise today with Senators LEAHY and BAUCUS to introduce the Organic Conversion Assistance Act to help provide needed technical and conservation assistance to farmers and ranchers converting to organic agriculture. I wanted to thank Senator LEAHY for his leadership on organic agricultural issues and Senator BAUCUS for his long-time support for Montana's farmers and ranchers.

My wife and I have spent our careers farming organically on our farm near Big Sandy, MT. Nearly 20 years ago we were struggling to get ahead and trying to decide if we could really make it farming while so many of our neighbors were packing up and moving away. We knew at that time that if we didn't make some changes to our business we would end up like so many of our neighbors leaving rural Montana for jobs in town.

In 1988, we took what was then a risk and converted our farm to organic production. Our motivations were mostly economic but partly for health reasons. We wanted to farm on our own terms and to make more money. When I farmed conventionally I felt beholden to one big company after another from buying fertilizers, herbicides, pesticides, fuel, to selling my grain to a corporation and shipping it by rail at high prices and we rarely came out ahead. Every season after I would spray for weeds and bugs, I would feel sick for a week afterwards.

Organic agriculture let us take control of our farm and our livelihood. More and more farmers are converting to organics as consumer demand soars. Organics is now the fastest growing sector of the food industry expanding at a rate of over 20 percent a year. In Montana, we lead the Nation in organic wheat production and are a close second in the production of organic barley, peas and lentils. Consumer demand for organic products is growing so fast that we are now importing a significant portion of the organic food that is found in our grocery stores.

In the U.S. we grow the highest quality and safest food in the world. I believe that increased production of domestically produced organic foods will help meet consumer demand, help keep farmers on the land, and because organic agriculture needs fewer inputs it helps conserve our land, and clean up our air and water. But if the U.S. is going to keep pace with imported organic products we need to get more acreage under organic production here at home.

The legislation I am introducing today will provide conversion assistance to farmers making the transition from conventional to organic agriculture. Currently it takes 3 to 4 years to become certified organic, but during that period of time producers cannot receive the higher price that organics fetch in the market place. Furthermore, the shift towards a new way of farming and ranching creates technical challenges for many producers as they change the way they do things. Offering technical and educational assistance as well as cost-share funds for conservation initiatives under a certified organic plan will provide a needed helping hand to farmers. Making the conversion will help keep farmers on the land by putting a bit more money in their pockets and help our rural communities be viable. Many States have already adopted similar assistance programs and agricultural producers nationwide would benefit from having a consistent and available program in years to come.

I would appreciate the support of my colleagues as this legislation moves forward.

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

S. 1977. A bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, the spread of nuclear weapons and related technology and the possibility that a nuclear weapon could fall into the hands of terrorists constitute the most urgent threat to our national security. As experts on this issue such as Henry Kissinger, George Shultz, Bill Perry, and Sam Nunn have all warned, our current policies to deal with the threat posed by nuclear weapons are simply not adequate.

We know al-Qaida has made it a goal to acquire a nuclear weapon. At the same time, significant quantities of the material necessary to make one remain vulnerable to theft in various parts of the world. And, to make matters worse, the world may be on the brink of a new and dangerous era with a growing number of nuclear-armed states, as illustrated by North Korea's nuclear test last year and Iran's refusal to halt its uranium enrichment program.

So today, along with Senator HAGEL, I am introducing the Nuclear Weapons Threat Reduction Act, which provides for sustained U.S. leadership in a global effort to prevent nuclear terrorism, reduce global nuclear arsenals, and stop the spread of nuclear weapons around the world.

Securing nuclear weapons and weapons-usable material at their source is the most direct and reliable way to prevent nuclear terrorism. Thanks to the leadership of Senators NUNN and LUGAR in creating the Cooperative Threat Reduction program at the Department of Defense, there is no question that we have made significant progress in securing nuclear stockpiles. But there are still significant quantities of weapons-usable nuclear material that remain vulnerable to theft. In the civilian sector alone, there are an estimated 60 tons of highly enriched uranium, enough to make over 1,000 nuclear bombs, spread out at facilities in over 40 countries around the world. Many of these facilities do not have adequate physical security, leaving the material vulnerable to theft.

The insecure storage of nuclear stockpiles has already led to an alarming number of attempted exchanges of small quantities of dangerous nuclear materials. The International Atomic Energy Agency, IAEA, confirmed 16 incidents between 1993 and 2005 that involved trafficking in relatively small amounts of highly enriched uranium and plutonium. That is 16 incidents too many, in my opinion, and 16 incidents that should not have been allowed to happen.

Experts believe that a sophisticated terrorist group could potentially construct a crude nuclear bomb if it obtained the necessary amount of plutonium or highly enriched uranium. The 9/11 Commission concluded that a trained nuclear engineer with an amount of highly enriched uranium or plutonium about the size of a grapefruit or an orange could make a nuclear device that would level Lower Manhattan. Simply put, our ability to secure nuclear stockpiles around the world is what stands between the safety of the American people and a terrorism incident of almost unimaginable horror.

It is imperative that we build and lead a truly global effort to secure all stockpiles of nuclear weapons and weapons-usable material to the highest standards to prevent them from falling into the wrong hands. It is also essential that we make preventing nuclear terrorism a top presidential priority—with the resources, diplomatic effort and funding to match the threat. We need to work with other countries to ensure effective and sustainable security of nuclear stockpiles and to ensure that the highest priority is placed on security of those weapons and materials that pose the greatest risk.

The Nuclear Weapons Threat Reduction Act requires the President to submit to Congress a comprehensive threat reduction plan for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012. The plan must clearly designate agency responsibility and accountability, specify program goals and metrics for measuring progress, and outline estimated schedules and budget requirements.

To meet this ambitious goal, the bill calls for accelerating U.S. programs to secure, consolidate, and reduce stocks of nuclear weapons and weapons-usable material, including highly enriched uranium at civilian nuclear facilities worldwide. Additional funding is authorized for the Department of Energy's Global Threat Reduction Initiative, an important program that secures and removes high-risk nuclear materials from vulnerable locations around the world.

The bill calls for the United States to work cooperatively with other countries and the International Atomic Energy Agency, IAEA, to develop and implement a comprehensive set of standards and best practices to provide effective physical protection and accounting for all stockpiles of nuclear weapons and weapons-usable material.

The bill also authorizes additional funding to improve our ability to trace the origin of nuclear material that might be transferred or used in a terrorist attack so that responsible parties can be held accountable.

Given the nature of the threat we face from nuclear terrorism, we can't succeed if we act alone. Indeed, the danger of nuclear proliferation and nuclear terrorism reminds us of how critical global cooperation will be to U.S. security in the 21st century. America must lead in rebuilding the alliances and partnerships necessary to meet common challenges and confront common threats. And this legislation seeks to provide the tools to do just that.

While nuclear terrorism remains a dire threat to our security, it is only one part of the overall threat posed by nuclear weapons. The Nuclear Weapons Threat Reduction Act also addresses the need to reduce global arsenals and prevent the emergence of additional nuclear-armed nations. In all too many respects, the essential bargain that stands at the core of the nuclear nonproliferation regime is unraveling. Countries like North Korea and Iran are demonstrating that nuclear technology acquired for ostensibly civilian purposes can provide the basis for producing nuclear weapons. At the same time, established nuclear powers retain large arsenals and are reemphasizing the importance of nuclear weapons to their security.

At the end of the Cold War, many had hoped and believed that the world was moving in the right direction to reduce the threat of nuclear weapons. America and Russia agreed to significant reductions in their massive nuclear arsenals. Belarus, Kazakhstan, and Ukraine were persuaded to give up their post-Soviet nuclear arsenals. The U.S.-Russian Cooperative Threat Reduction or Nunn-Lugar program was established. In 1994, North Korea agreed to halt its plutonium production program. And in 1995, over 180 nations agreed to take further steps to strengthen the Nuclear Nonproliferation Treaty, NPT, and agreed to extend the treaty indefinitely.

In the last 6 years, however, these positive trends have stalled—and in some cases regressed. While promising to leave the Cold War behind, President Bush abandoned the very policies his successors had pursued to bring the Cold War weapons competition to a peaceful and successful end. He unilaterally withdrew the U.S. from the Anti-Ballistic Missile Treaty. He refused to support ratification of the 1996 Comprehensive Nuclear Test Ban Treaty. He opted for an arms reduction agreement with Russia in 2002 that does not include new verification provisions, does not require the dismantling of warheads or missiles, and allows each side to stockpile thousands of nondeployed weapons. And after ignoring the findings of U.N. weapons inspectors on the ground and launching a preemptive war against Iraq, President Bush lost much of the international goodwill that is required to mobilize global support to strengthen the beleaguered nuclear nonproliferation regime.

The Nuclear Weapons Threat Reduction Act calls for a balanced and comprehensive set of initiatives that would strengthen the global nonproliferation regime. The bill authorizes $50 million to support the creation of a low enriched uranium reserve administered by the IAEA that would help guarantee the availability of fuel for commercial nuclear reactors. This international fuel bank can play an important role in dissuading countries from building their own uranium enrichment facilities. Additional funding is also authorized for the IAEA's Department of Safeguards to improve its ability to conduct effective inspections.

To win the struggle against nuclear proliferation, we must also have the courage to lead by example. The bill calls for talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in Russian and U.S stockpiles in a transparent and verifiable fashion, and in a manner consistent with the security of the United States. It also calls for considering changes in the alert status of U.S. and Russian forces to reduce the risk of an accidental, unauthorized, or mistaken launch of nuclear weapons.

Other initiatives called for in the bill include reaffirming support for and strengthening the Nuclear Non-Proliferation Treaty, taking steps to reconsider and ratify a global ban on nuclear testing, pursuing a long-overdue global agreement to verifiably halt the production of fissile material for weapons, and fully implementing the Lugar-Obama initiative that strengthens the ability of friendly foreign countries to stop the transfer of weapons of mass destruction and related material.

With a bold, comprehensive approach and strong U.S. leadership, we can—and must—make significant strides in reducing the threat posed by nuclear weapons. America must lead the way again by marshalling a global effort to meet the challenge that rises above all others in urgency securing, destroying, and stopping the spread of weapons of mass destruction. This bill, I believe, makes a significant contribution toward that goal, and I urge my colleagues to support this legislation.

By Mr. REED:

S. 1978. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to implement a co-teaching model for educating students with disabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Co-Teaching Educator Professional Development Act of 2007 to help improve the education of children with disabilities.

A result of the enactment of the No Child Left Behind Act, NCLB, and the 2004 reauthorization of the Individuals with Disabilities Education Act, IDEA, is that States, districts, and schools in Rhode Island and nationwide have increasingly begun utilizing a ''co-teaching'' model to make sure that students with disabilities have the highest quality teachers. Co-teaching is a term that describes a general education teacher and a special education teacher jointly teaching students with and without disabilities in the same classroom. Co-teaching ensures that students with disabilities receive not only the special instruction, supports, and services they are entitled to under IDEA, but also are taught the same rigorous academic content as any other students.

However, achieving this is no easy task. Successful co-teaching requires that educators truly work together so their knowledge and skills truly complement one another. At the end of the day that requires that specialized professional development is provided to these teachers.

As such, the Co-Teaching Educator Professional Development Act of 2007 would amend Title II of the No Child Left Behind Act to award competitive grants to school districts to provide high-quality professional development opportunities for general education teachers, special education teachers, principals, and administrators to ensure that these educators have the necessary pedagogical, collaborative, planning, and interpersonal skills to successfully implement a co-teaching model and increase the achievement of students with disabilities. Such professional development training would help teachers, principals, and administrators address diverse learning and student needs; clearly define classroom, teaching, and decision-making responsibilities; develop effective communication, problem-solving, classroom management, and conflict resolution skills; and jointly develop and plan a student's IEP and overall classroom curriculum.

In short, this bill provides teachers, principals, and administrators with the skills and tools to help ensure that children with disabilities receive the

educational assistance and support they need and deserve. I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education 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. 1978

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 ''Co-Teaching Educator Professional Development Act of 2007''.

SEC. 2. CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.

Section 2151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651 et seq.) is amended by adding at the end the following:

''(g) CO-TEACHING EDUCATOR PROFESSIONAL DEVELOPMENT.—

''(1) PURPOSES.—The purposes of this subsection are to ensure that—

''(A) students with disabilities are educated with their peers in the least restrictive environment;

''(B) students with disabilities have access, with appropriate supports and services, to the same academic content as other students;

''(C) the requirements of section 1119(a) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act are met; and

''(D) general education teachers, special education teachers, principals, and administrators who implement a co-teaching model for instructing students with disabilities are provided with the necessary and effective professional development and support to enhance their pedagogical, collaborative, planning, and interpersonal skills and increase the achievement of such students.

''(2) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(i) one or more local educational agencies; or

''(ii) one or more local educational agencies in collaboration with an institution of higher education, a teacher organization, or a State educational agency.

''(B) CO-TEACHING.—The term 'co-teaching' means an instructional delivery option, offered either full-time or part-time, based on a collaborative professional relationship between a teacher with expertise in delivering instruction to students with disabilities and a teacher with expertise in a specific core content area or a team of such teachers, such as a grade level team or a middle school team, for the purpose of jointly delivering substantive instruction to a diverse, blended group of students in a single general education classroom and ensuring that students with disabilities receive the special instruction, supports, and services to which they are entitled while ensuring that they can access a rigorous general curriculum in the least restrictive environment.

''(3) PROGRAM AUTHORIZED.—

''(A) IN GENERAL.—The Secretary shall award, on a competitive basis, grants to eligible entities to enable such entities to provide professional development opportunities and high-quality support for general education teachers and special education teachers, principals, and administrators that implement a co-teaching model. Such professional development opportunities and support shall assist teachers, principals, and administrators in—

''(i) clearly defining classroom, teaching, and decision-making roles and responsibilities, shared instructional and educational goals and expectations, and shared accountability for student outcomes;

''(ii) utilizing research-based co-teaching strategies and approaches for differentiated instruction, including accommodations, modifications, and positive behavioral supports to facilitate learning and address diverse learning and student needs;

''(iii) improving the participation and engagement of all students in classes that use co-teaching while meeting the individualized needs of students with disabilities;

''(iv) improving collaboration skills for fostering a constructive professional co-teaching partnership, including development of effective communication, problem-solving, and conflict resolution skills;

''(v) enhancing time, resource, and classroom management skills;

''(vi) effectively scheduling and lesson planning for co-teaching instruction, including common planning time for such purpose;

''(vii) effectively involving parents and families of students with disabilities in co-teaching program development, implementation, and evaluation;

''(viii) jointly developing and planning a student's IEP and overall classroom curriculum for co-teaching instruction;

''(ix) implementing strategies in a class that uses co-teaching for improving student learning gains on required State assessments, including alternate assessments;

''(x) providing constructive feedback and coaching on a regular basis to improve instructional and classroom practices; and

''(xi) developing clear and tailored instructional strategies, plans, procedures, practices, and assessment tools for remediation or developmental specialized instruction designed to meet, in a class that uses co-teaching, the goals and objectives in a student's IEP.

''(4) APPLICATION.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(5) EVALUATION.—Each program receiving a grant under this subsection shall report on the effectiveness of the professional development being provided based on not less than the following criteria:

''(A) Student academic learning gains.

''(B) Teacher retention.

''(C) Meeting IEP goals and objectives.

''(D) The increase in the amount of time spent by students with disabilities on general education curriculum in a general education setting.

''(E) Student behavior.

''(F) Evaluation of school professionals.

''(G) Parent, family, and community involvement.

''(H) The support and commitment of principals and administrators.

''(I) Teacher satisfaction.''.

By Mr. REED (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. BROWN):

S. 1979. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement, comprehensive, high-quality multi-year induction and mentoring for new teachers, and professional development for experienced teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the School Improvement through Teacher Quality Act of 2007, to foster the development of a highly skilled and effective teacher workforce capable of improving student achievement in this country.

We are slated to reauthorize the Elementary and Secondary Education Act this Congress for the first time since 2001. The key to this reauthorization will be ensuring that states, districts, and schools are given the resources, tools, and support to improve student learning, including targeted, high-quality efforts to improve a school when it is identified as in need of improvement under the law.

Improving teacher quality is the single most effective step we can take to increase student achievement and turnaround failing schools. Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality. Unfortunately, new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

However, research has shown that offering new teachers comprehensive, multi-year mentoring and guidance cuts attrition rates in half, and helps these teachers become high-quality professionals who improve student achievement. At the same time, we know that experienced teachers also need effective, sustained professional development to maintain and improve their teaching skills.

For these reasons, I am introducing the School Improvement through Teacher Quality Act of 2007, cosponsored by Senators MURRAY, OBAMA, and BROWN. This legislation amends Title II of the No Child Left Behind Act to create a new $500 million formula-based program for school districts to provide targeted assistance so teachers in low-performing, high-poverty schools get comprehensive, high-quality multi-year guidance and mentoring for new teachers and systematic, sustained professional development for experienced teachers.

First, this legislation would direct funding to districts with failing schools to help implement a high-quality induction program for teachers throughout at least their first two years of full-time teaching. This intensive support for beginning teachers would incorporate proven strategies such as: rigorous mentor selection; ongoing mentoring with school-protected release time; research-based professional development for mentors and school leaders; and research-based teaching practices, formative assessments, and teacher portfolios. Research has demonstrated that such mentoring for beginning teachers at institutions like the New Teacher Center at University of California, Santa Cruz provides a return on investment, $1.66 for every $1

spent; increases the new teacher retention rate, to 88 percent after 6 years in some California districts; and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

Second, the School Improvement through Teacher Quality Act of 2007 would offer funding for struggling schools to provide their veteran teachers with ongoing professional development and training, including helping such schools develop and implement rigorous curricula aligned to State standards and student needs; design and evaluate assessments; implement strategies to improve student achievement and teacher effectiveness; train teachers, principals, and administrators in effective coaching strategies, analyzing school and student data, and strategies for teaching students with disabilities and English Language Learners; and utilize teacher leaders, coaches, or content experts to support learning and model effective collaboration skills.

This assistance would be tied to a modified definition of professional development based on successful nationwide models such as the National Staff Development Council, with an increased focus on collaboration among teachers, including engaging established teams of teachers to plan and develop instruction across grade level and content area and to evaluate and analyze data on student achievement and learning goals. This professional development would occur multiple times per week during the regular work day, and be supported by school principals through school-based coaches, mentors, or lead teachers who allocate time, resources, and structured facilitation to the learning teams or cohorts.

Lastly, this legislation requires that an external evaluation be conducted of the mentoring and professional development programs authorized and supported under this act. Outcomes would be based on measures such as teacher retention, student learning gains, teacher instructional practice, and parent, family, and community involvement.

We must act on this bill and continue to push for increased Federal investment in improving schools through enhanced teacher quality and professional development. The stakes are too high, not just in terms of meeting the current highly qualified requirements of the No Child Left Behind Act, but to take the next step and ensure that each and every classroom in America is taught by an effective teacher. Teachers are the key to student success and student success will in turn keep our country competitive in today's global economy.

I urge my colleagues to cosponsor this legislation and work for its inclusion in the reauthorization of the Elementary and Secondary Education 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. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important factor influencing student learning and achievement.

(2) Studies have found that 40 to 90 percent of the difference in student test scores can be attributed to teacher quality.

(3) New teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly half leave the profession within their first 5 years, ⅓ leave within their first 3 years, and 14 percent leave by the end of their first year.

(4) The rate of attrition is roughly 50 percent higher in poor schools than in wealthier ones.

(5) A report by the Alliance for Excellent Education estimated that the cost of replacing public school teachers who have dropped out of the profession is $2,600,000,000 per year.

(6) Comprehensive induction cuts attrition rates in half, and helps to develop novice teachers into high-quality professionals who improve student achievement.

(7) Research has demonstrated that comprehensive, multi-year induction—such as that provided by the New Teacher Center at University of California, Santa Cruz—provides a return on investment ($1.66 for every $1 spent); increases the new teacher retention rate (to 88 percent after 6 years in some California districts); and strengthens beginning teacher effectiveness to such an extent that their students demonstrate learning gains similar to those students of their more veteran counterparts.

(b) PURPOSES.—The purposes of this Act are to build capacity and grow effective teachers and principals in our Nation's schools through—

(1) comprehensive, high-quality, rigorous multi-year induction and mentoring programs for beginning teachers; and

(2) systematic, sustained, coherent team-based, job-embedded professional development for experienced teachers.

SEC. 3. SCHOOL IMPROVEMENT.

Section 1003(g)(5) (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2501.''.

SEC. 4. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING

''SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.

''(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—The Secretary shall award grants to States to enable the States to award subgrants to local educational agencies under this part.

''(2) RESERVATION.—A State that receives a grant under this part shall—

''(A) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies; and

''(B) use the remainder of the funds for administrative activities in carrying out this part.

''(b) FIRST AWARD.—In awarding subgrants under this part, a State shall first award grants to local educational agencies—

''(1) that serve the lowest achieving schools;

''(2) that demonstrate the greatest need for subgrant funds; and

''(3) in which children counted under section 1124(c) constitute not less than 20 percent of the total population of children aged 5 to 17 served by the agency.

''(c) LOCAL EDUCATIONAL AGENCY APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

''(A) a description of how the local educational agency will assist schools identified under section 1116(b) in implementing induction programs pursuant to subsection (d)(1);

''(B) a description of how the local educational agency will assist, pursuant to subsection (d)(2)(A), schools identified under section 1116(b) in implementing high-impact professional development;

''(C) a description of how the local education agency will select mentors pursuant to the requirements of subsection (d)(1)(A);

''(D) a description of how the local educational agency will assist schools identified under section 1116(b) in providing high-quality mentoring and mentor-teacher interactions pursuant to subsection (d)(1)(B);

''(E) a description of how the local educational agency will ensure schools identified under section 1116(b) provide protected release time for high-quality mentoring that occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

''(F) a description of how the local educational agency will assist schools identified under section 1116(b) in providing ongoing, evidence-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

''(G) a description of how the local educational agency will assist schools identified under section 1116(b) in using evidence-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols during the induction process pursuant to subsection (d)(1)(E);

''(H) a description of how the local educational agency will evaluate the effectiveness of the programs and assistance provided under paragraphs (1) and (2) of subsection (d) and pursuant to subsection (e);

''(I) a description of how the local educational agency will train teachers, principals, and administrators pursuant to subsection (d)(2)(B);

''(J) a description of how the local educational agency will utilize internal teacher leaders, coaches, or content experts pursuant to subsection (d)(2)(C);

''(K) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1)

and the high-impact professional development required under subsection (d)(2) are integrated and aligned;

''(L) where applicable, a description of procedures that the local educational agency will use to ensure flexibility for agency and school leaders to facilitate placement of graduates of teaching residency programs in cohorts that facilitate professional collaboration among graduates of the teaching residency program, as well as between such graduates and mentor teachers in the receiving school;

''(M) a description of how the local education agency will target funds to schools identified under section 1116(b) and within its jurisdiction—

''(i) that serve the lowest achieving schools;

''(ii) that demonstrate the greatest need for subgrant funds; and

''(iii) in which not less than 40 percent of the students served by the school receive or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(N) a description of how the local educational agency will ensure that the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(O) a description of how the local educational agency will include experienced administrators and educators, including teacher organizations, in the design and ongoing development, implementation, and evaluation of the induction program required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2).

''(3) JOINT DEVELOPMENT AND SUBMISSION.—To the extent practicable, a local educational agency shall jointly develop and submit such application with local teacher organizations.

''(d) USE OF FUNDS.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teacher and principal quality through a comprehensive system of induction and professional development that is developed, implemented, and evaluated in collaboration with local teacher organizations and that addresses the needs of beginning and experienced teachers by providing assistance, which may be provided through the formation of induction and professional development support teams, to each school identified by such agency pursuant to subsection (c)(2)(M) to—

''(1) implement a comprehensive, coherent, high-quality induction program for teachers in not less than their first 2 years of full-time teaching that shall include—

''(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, and which shall include requirements that the mentor demonstrate—

''(i) mastery of pedagogical and subject matter skills;

''(ii) strong interpersonal skills;

''(iii) exemplary classroom teacher skills;

''(iv) expertise in designing and implementing standards-based instruction;

''(v) exemplary knowledge about content, materials, and methods that support high standards in various curriculum areas;

''(vi) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

''(vii) experience in relating to adult learners;

''(viii) a record of engaging in cooperative and collaborative projects with staff, adults, and administration;

''(ix) skill in collaboration and group dynamics;

''(x) knowledge of staff development practices and in-service education;

''(xi) excellent oral and written communication skills;

''(xii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

''(xiii) a willingness to engage in formative assessment processes, including non-evaluative, reflective conversations with beginning teachers using evidence of classroom practice and student learning;

''(B) high-quality, intensive, ongoing mentoring and mentor-teacher interactions that—

''(i) establish and maintain a trustful, confidential, non-evaluative relationship with beginning teachers;

''(ii) matches mentors, to the extent applicable and practicable, with beginning teachers by grade level and content area;

''(iii) assist teachers in reflecting on and analyzing their practice and reviewing student work to inform instruction and enhance student achievement;

''(iv) provide opportunities for observation of exemplary practice, model lessons, and conferences with beginning teachers on-site, during, and after school hours;

''(v) model, as appropriate, innovative teaching methodologies through techniques such as team teaching, demonstrations, simulations, and consultations;

''(vi) act as a vehicle for beginning teachers to establish short- and long-term planning goals, and identify instructional resources and support throughout the entire school community; and

''(vii) provide a ratio of not more than 12 teachers per mentor;

''(C) school protected release time for high-quality mentoring and mentor-teacher interactions that occurs not less than 1.5 hours per week;

''(D) ongoing, research-based professional development for mentors, principals, and administrators that—

''(i) supports mentors in responding to each new teacher's developmental and contextual needs and promotes the ongoing examination of classroom practice;

''(ii) assists mentors in the collection and sharing of observation data with professional teaching standards to help new teachers improve their practice;

''(iii) provides mentors with strategies for helping beginning teachers identify student needs, plan for differentiated instruction, and ensure equitable learning outcomes;

''(iv) supports the mentor in coaching strategically and finding solutions to challenging situations;

''(v) helps mentors bring teachers together for meaningful and responsive learning experiences;

''(vi) demonstrates models that create a collaborative learning environment in which mentors can develop skills, gain knowledge, and problem-solve issues of mentoring; and

''(vii) as applicable, supports principals and administrators in identifying beginning teacher developmental needs, selecting high-quality mentors, determining effective strategies to conduct teacher observations, and providing feedback in ways that support new teacher instructional growth; and

''(E) use of research-based teaching standards, formative assessments, teacher portfolio processes, such as the National Board for Professional Teaching Standards certification process, and teacher development protocols that—

''(i) guide beginning teachers in developing and reflecting on student learning and their teaching and classroom practice, including structured self-assessment and examining and analyzing student work;

''(ii) prepare beginning teachers to examine, analyze, and reflect on—

''(I) student learning needs, including tailoring instruction to individual and special learning needs;

''(II) student and classroom academic progress, including effective methods for monitoring and managing such progress;

''(III) achieving the goals of the school, district, and statewide curriculum;

''(IV) effective methods for classroom management;

''(V) representations of student work and curriculum-based diagnostic and performance assessments;

''(VI) instructional methods, the effectiveness of such methods, and ways to improve upon instructional techniques for future lessons;

''(VII) the effectiveness, and ways to improve, lesson planning; and

''(VIII) interaction with students, parents, and administrators, and ways to improve such interactions in order to enhance student learning;

''(iii) formulate professional goals to improve teaching practice, which may include developing an individualized induction plan;

''(iv) guide, monitor, and assess the progress of a teacher's practice toward such professional goals;

''(v) assist teachers in connecting students' prior knowledge, life experience, and interests with learning goals;

''(vi) promote self-directed, reflective learning for all students;

''(vii) engage students in problem solving, critical thinking, and other activities within and across subject matter areas and in ways that encourage students to apply them in real-life contexts that make the subject matter meaningful;

''(viii) use a variety of instructional strategies and resources to respond to students' diverse needs;

''(ix) facilitate learning experiences that promote autonomy, interaction, and choice so students are able to demonstrate, articulate, and evaluate what they learn;

''(x) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(xi) employ strategies grounded in the disciplines of teaching and learning on—

''(I) effectively managing a classroom; and

''(II) communicating and working with parents and guardians, and involving parents and guardians in their children's education;

''(xii) involve an ongoing process of data collection and data analysis to inform teaching practice; and

''(xiii) is used to guide professional development, and not for the purpose of teacher evaluation or employment decisions; and

''(2) implement high-impact, professional development that is ongoing and sustained by—

''(A) assisting the school to—

''(i) develop and implement strong curriculum plans aligned to State standards and student needs;

''(ii) clarify school improvement goals;

''(iii) select and implement strategies and interventions to improve student achievement and teacher effectiveness;

''(iv) design, create, and evaluate the results of curriculum-based diagnostic and performance assessments;

''(v) develop and implement professional development plans aligned with student achievement needs and priority learning goals;

''(vi) allocate teacher and principal professional development resources and help develop the revised plan as related to the professional development required under section 1116(b); and

''(vii) make available opportunities for individual and team learning activities that focus on increasing pedagogical and content knowledge in academic subjects that are aligned to student learning goals;

''(B) training teachers, principals, and administrators in—

''(i) analyzing school, teacher, and student data and developing instructional supports to respond to such data;

''(ii) effective coaching strategies;

''(iii) effective strategies for improving and identifying the learning needs of students with disabilities and English language learners;

''(iv) managing the change process, implementing high-impact professional development, and leadership and interpersonal skills, including conflict management and consensus building;

''(v) effectively communicating with, working with, and involving parents in their children's education; and

''(vi) effective classroom management skills; and

''(C) utilizing internal teacher leaders, coaches, or content experts to—

''(i) support classroom learning; and

''(ii) model effective collaboration skills across learning communities and access knowledge from peers teaching and leading at high-performing schools.

''(e) EVALUATION.—

''(1) IN GENERAL.—Both the induction program required under subsection (d)(1) and the professional development program required under subsection (d)(2) shall include a formal evaluation system to determine the effectiveness of the program on not less than—

''(A) teacher retention;

''(B) student learning gains;

''(C) teacher instructional practice;

''(D) student graduation rates, as applicable;

''(E) parent, family, and community involvement;

''(F) student attendance rates;

''(G) teacher satisfaction; and

''(H) student behavior.

''(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in paragraph (1) shall also measure the local educational agency's and school's effectiveness in—

''(A) implementing the rigorous mentor selection process described in subsection (d)(1)(A);

''(B) ensuring that school protected release time for high-quality mentoring and mentor-teacher interactions occurs not less than 1.5 hours per week pursuant to subsection (d)(1)(C);

''(C) implementing on-going, research-based professional development for mentors, principals, and administrators pursuant to subsection (d)(1)(D);

''(D) ensuring that mentors, teachers, and schools are using data to inform instructional practices;

''(E) ensuring that the comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(F) ensuring that research-based teaching standards, formative assessments, teacher portfolio processes, and teacher development protocols are used during the induction process pursuant to subsection (d)(1)(E).

''(3) CONDUCT OF EVALUATION.—The evaluation described in subsection (e)(1) shall be conducted by the State, institutions of higher education, or an external agency that is experienced in conducting qualitative research, and shall be developed in collaboration with groups such as—

''(A) experienced educators with track records of success in the classroom;

''(B) institutions of higher education involved with teacher induction and professional development located within the State; and

''(C) local teacher organizations.

''(f) INTEGRATION AND ALIGNMENT.—The comprehensive induction and high-quality mentoring required under subsection (d)(1) and the high-impact professional development required under subsection (d)(2) shall be—

''(1) integrated and aligned; and

''(2) aligned with the State's school improvement efforts under sections 1116 and 1117.

''(g) ELIGIBLE ENTITIES.—The assistance required to be provided under subsection (d) may be provided—

''(1) by the local educational agency; or

''(2) by the local educational agency, in collaboration with the State educational agency, an institution of higher education, a nonprofit organization, a teacher organization, an educational service agency, a teaching residency program, or another entity with experience in helping schools improve student achievement.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 5. HIGH IMPACT PROFESSIONAL DEVELOPMENT.

Section 9101(34) (20 U.S.C. 7801(34)) is amended to read as follows:

''(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means a systematic school improvement strategy that—

''(A) is designed to—

''(i) improve teachers' and principals' effectiveness in improving student learning;

''(ii) accomplish other important school goals;

''(iii) foster collective responsibility for improved student achievement; and

''(iv) engage established teams of teachers, principals, and other instructional staff in ongoing professional development designed to support and improve their professional practice multiple times per week during the regular work day and to the extent applicable and practicable, by grade level and content area to—

''(I) evaluate student, teacher, and school learning needs through a thorough review of data on student achievement;

''(II) define a clear set of educator learning goals based on the rigorous analysis of the data;

''(III) achieve educator learning goals by implementing coherent, sustained, evidenced-based, and content area specific learning strategies, including lesson study, developing formative assessments, and peer observations;

''(IV) regularly assess the effectiveness in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State student academic achievement standards or other measures of student achievement; and

''(V) inform ongoing improvements in teaching practice and student learning;

''(B) is sustained, high-quality, intensive, and comprehensive;

''(C) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by evidence-based research, and aligned with and designed to help students meet challenging State academic content standards and challenging State student academic achievement standards;

''(D) includes sustained in-service activities to improve and promote strong teaching skills—

''(i) in the core academic subjects;

''(ii) to integrate technology into the curriculum;

''(iii) to improve understanding and the use of student assessments;

''(iv) to improve classroom management;

''(v) to address the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(vi) to apply empirical knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students; and

''(vii) to provide instruction on how to work with, communicate with, and involve parents to foster academic achievement;

''(E) includes sustained training and mentoring opportunities that provide active learning and observational opportunities for teachers to model effective practice, review student work, deliver presentations, and improve lesson planning;

''(F) is supported by school principals, including school-based coaches, mentors, or lead teachers when available, who allocate time, resources, and structured facilitation to the learning teams;

''(G) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

''(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

''(ii) to enhance learning by students with specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels; and

''(iii) to improve the ability of teachers and administrators to communicate with, work with, and involve parents in their children's education;

''(H) is focused on content that is aligned with challenging State student academic achievement standards, curricula or curriculum materials, and assessments, as well as related local educational agency and school improvement and instructional goals; and

''(I) improves the academic content knowledge, as well as knowledge to assess the student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are considered highly qualified.''.

By Mr. SMITH (for himself, Mrs. LINCOLN, and Ms. COLLINS):

S. 1980. A bill to improve the quality of, and access to, long-term care; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce The Long-Term Care Quality and Modernization Act of 2007. I am pleased to be joined by my

colleague Senator BLANCHE LINCOLN of Arkansas.

As Ranking Member of the Senate Special Committee on Aging, I am committed to improving the financing and delivery of long-term care. The Centers for Medicare and Medicaid Services estimate that national spending for long-term care was almost $160 billion in 2002, representing about 12 percent of all personal health care expenditures. While those numbers are already staggering, we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care services are over age 65, with this number expected to double by 2030.

Providing quality long-term care services for America's frail, elderly and disabled is the priority of nursing homes and assisted living facilities. I applaud their work, but recognize we must do more to improve care and contain costs. When you consider that eight of ten nursing home residents rely on Medicare and Medicaid for their long-term care needs, it is apparent that Congress has a responsibility to improve these programs so they are sustainable for years to come.

That is why I am introducing The Long-Term Care Quality and Modernization Act of 2007 with Senator Lincoln. This bill will address several problems nursing homes are experiencing with federal regulations, workforce shortages and taxes related to building depreciation. The issue of long-term care expenditures need not be an insurmountable task. It will require action and cooperation by public officials and private providers as we work to find ways to help Americans become better prepared for their long-term care needs.

However, we cannot do it alone. Individuals must take responsibility and begin planning for their long-term care needs. With our national savings rate in steady decline, I fear the American middle class is woefully unprepared to meet this coming challenges. As we move forward in our effort to help individuals stay financially stable in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services.

Today, millions of Americans are receiving or are in need of long-term care services and supports. Surprisingly, more than 40 percent of persons receiving long-term care are between the ages of 18 and 64. Some were born with disabilities; others came to be disabled through accident or illness. No one can predict their future long-term health care needs. Therefore, everyone needs to be prepared.

Included in the bill I am introducing today is The Long-Term Care Trust Account Act of 2007. My legislation will create a new type of savings vehicle for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to $5,000 per year to their account and receive a refundable 10 percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds can be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. The bill also will allow an individual to make contributions to another family members' Long-Term Care Trust Account. This will help many people in our country who want to help their parents or a loved one prepare for their health care needs.

It is my hope that this legislation will help all Americans save for their long-term care needs. I urge my colleagues on both sides of the aisle to support this important bill.

By Mr. REED:

S. 1981. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the No Child Left Inside Act of 2007, which will provide new support for environmental education in our Nation's classrooms. Given the major environmental challenges we face today, teaching our young people about their natural world should be a priority, and this legislation is an important first step.

For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education. Mr. President, 30 million students and 1.2 million teachers annually are involved in these programs.

Yet, environmental education is facing a significant challenge. Many schools are being forced to scale back or eliminate environmental programs. Fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or popular. State and local administrators, teachers, and environmental educators point to two factors behind this recent and disturbing shift: the unintended consequences of the No Child Left Behind Act and a lack of funding for these critical programs.

The legislation that I am introducing today would address these two causes. It would provide funding to States to train their teachers in the field of environmental education, and it would provide support for outdoor environmental education programs for children and a model environmental education curriculum. The bill would also create incentives, through new funding, for states to develop environmental literacy plans to make sure students have a solid understanding of our planet and its precious natural resources. Finally, the legislation would reestablish the Office of Environmental Education within the U.S. Department of Education to oversee critical environmental education activities. This legislation has broad support among national and state environmental groups and educational groups.

The American public recognizes that the environment is already one of the dominant issues of the 21st century. In 2003, a National Science Foundation panel noted that ''in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systemic approach to environmental education ...'' In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Climate change, conservation of precious natural resources, maintaining clean air and water, and other environmental challenges are pressing and complex issues that influence human health, economic development and national security. Finding widespread agreement about the specific steps we need to take to solve these problems is difficult. Environmental education will help ensure that our Nation's children have the knowledge and skills necessary to address these critical issues. In short, the environment should be an important part of the curriculum in our schools.

I know my constituents in Rhode Island, as well as the residents of other States, want their children to be environmentally literate and have a connection with the natural world. I am proud to sponsor this important legislation. I look forward to working with my colleagues to enact the No Child Left Inside Act of 2007. I ask unanimous consent that the text of the bill and a letter of support be printed in the Record.

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

S. 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''No Child Left Inside Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authorization of appropriations.

TITLE I—ENVIRONMENTAL LITERACY PLANS

Sec. 101. Development, approval, and implementation of State environmental literacy plans.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

Sec. 201. Environmental education.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

Sec. 301. Environmental education grant program to help build national capacity.

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

Sec. 401. Promotion of field-based learning.

Sec. 402. Environmental education as an authorized program in the fund for the improvement of education.

TITLE V—AMENDMENTS TO OTHER LAWS

Sec. 501. Department of Education Organization Act.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out section 5622(g) and part E of title II of the Elementary and Secondary Education Act of 1965, $100,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

(b) DISTRIBUTION.—With respect to any amount appropriated under subsection (a) for a fiscal year—

(1) not more than 70 percent of such amount shall be used to carry out section 5622(g) of the Elementary and Secondary Education Act of 1965 for such fiscal year; and

(2) not less than 30 percent of such amount shall be used to carry out part E of title II of such Act for such fiscal year.

TITLE I—ENVIRONMENTAL LITERACY PLANS

SEC. 101. DEVELOPMENT, APPROVAL, AND IMPLEMENTATION OF STATE ENVIRONMENTAL LITERACY PLANS.

Part D of title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"Subpart 22—Environmental Literacy Plans

"SEC. 5621. ENVIRONMENTAL LITERACY PLAN REQUIREMENTS.

''In order for any State educational agency or a local educational agency served by a State educational agency to receive grant funds, either directly or through participation in a partnership with a recipient of grant funds, under this subpart or part E of title II, the State educational agency shall meet the requirements regarding an environmental literacy plan under section 5622.

"SEC. 5622. STATE ENVIRONMENTAL LITERACY PLANS.

''(a) SUBMISSION OF PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, a State educational agency subject to the requirements of section 5621 shall, in consultation with State environmental agencies, State natural resource agencies, and with input from the public—

''(A) submit an environmental literacy plan for kindergarten through grade 12 to the Secretary for peer review and approval that will ensure that elementary and secondary school students in the State are environmentally literate; and

''(B) begin the implementation of such plan in the State.

''(2) EXISTING PLANS.—A State may satisfy the requirement of paragraph (1)(A) by submitting to the Secretary for peer review an existing State plan that has been developed by or in cooperation with State environmental organizations, if such plan complies with this section.

''(b) PLAN OBJECTIVES.—A State environmental literacy plan shall meet the following objectives:

''(1) Prepare students to understand, analyze, and address the major environmental challenges facing the United States.

''(2) Provide field experiences as part of the regular school curriculum and create programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition.

''(3) Create opportunities for enhanced and ongoing professional development for teachers that improves the teachers' environmental content knowledge, skill in teaching about environmental issues, and field-based pedagogical skill base.

''(c) CONTENTS OF PLAN.—A State environmental literacy plan shall include each of the following:

''(1) A description of how the State educational agency will measure the environmental literacy of students, including—

''(A) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will take place; and

''(B) a description of the relationship of the plan to the secondary school graduation requirements of the State.

''(2) A description of programs for professional development for teachers to improve the teachers'—

''(A) environmental content knowledge;

''(B) skill in teaching about environmental issues; and

''(C) field-based pedagogical skills.

''(3) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

''(d) PLAN UPDATE.—The State environmental literacy plan shall be revised or updated by the State educational agency and submitted to the Secretary not less often than every 5 years or as appropriate to reflect plan modifications.

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

''(1) establish a peer review process to assist in the review of State environmental literacy plans;

''(2) appoint individuals to the peer review process who—

''(A) are representative of parents, teachers, State educational agencies, State environmental agencies, State natural resource agencies, local educational agencies, and non-governmental organizations; and

''(B) are familiar with national environmental issues and the health and educational needs of students;

''(3) approve a State environmental literacy plan within 120 days of the plan's submission unless the Secretary determines that the State environmental literacy plan does not meet the requirements of this section;

''(4) immediately notify the State if the Secretary determines that the State environmental literacy plan does not meet the requirements of this section, and state the reasons for such determination;

''(5) not decline to approve a State environmental literacy plan before—

''(A) offering the State an opportunity to revise the State environmental literacy plan;

''(B) providing technical assistance in order to assist the State to meet the requirements of this section; and

''(C) providing notice and an opportunity for a hearing; and

''(6) have the authority to decline to approve a State environmental literacy plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State environmental literacy plan, to—

''(A) include in, or delete from, such State environmental literacy plan 1 or more specific elements of the State academic content standards under section 1111(b)(1); or

''(B) use specific academic assessment instruments or items.

''(f) STATE REVISIONS.—The State educational agency shall have the opportunity to revise a State environmental literacy plan if such revision is necessary to satisfy the requirements of this section.

''(g) GRANTS FOR IMPLEMENTATION.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants, on a competitive basis, to local educational agencies and eligible partnerships (as such term is defined in section 2502) to support the implementation of the State environmental literacy plan.

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(h) REPORTING.—

''(1) IN GENERAL.—Not later than 2 years after approval of a State environmental literacy plan, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report on the implementation of the State plan.

''(2) REPORT REQUIREMENTS.—The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's ongoing evaluation activities; and

''(C) made readily available to the public.''.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

SEC. 201. ENVIRONMENTAL EDUCATION.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAM

"SEC. 2501. PURPOSE.

''The purpose of this part is to ensure the academic achievement of students in environmental literacy through the professional development of teachers and educators.

"SEC. 2502. GRANTS FOR ENHANCING EDUCATION THROUGH ENVIRONMENTAL EDUCATION.

''(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include a local educational agency; and

''(2) may include—

''(A) the teacher training department of an institution of higher education;

''(B) the environmental department of an institution of higher education;

''(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

''(D) a State environmental or natural resource management agency or a local environmental or natural resource management agency; or

''(E) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of environmental education teachers.

''(b) GRANTS AUTHORIZED.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants under subsection (c).

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(c) SUBGRANTS AUTHORIZED.—

''(1) SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—From amounts made available to a State educational agency under subsection (b)(1), the State educational agency shall award subgrants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the authorized activities described in subsection (d) consistent with the approved State environmental literacy plan.

''(2) DURATION.—The State educational agency shall award each subgrant under this part for a period of not more than 3 years beginning on the date of approval of the State's environmental literacy plan under section 5622.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds provided to an eligible partnership under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

''(d) APPLICATION REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership desiring a subgrant under this part shall submit an application to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) the results of a comprehensive assessment of the teacher quality and professional development needs, with respect to the teaching and learning of environmental content;

''(B) a description of how the activities to be carried out by the eligible partnership—

''(i) where applicable, will be aligned with challenging State academic content standards and student academic achievement standards in environmental education; and

''(ii) will advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components in which students have the opportunity to directly experience nature;

''(C) an explanation of how the activities to be carried out by the eligible partnership are expected to improve student academic achievement and strengthen the quality of environmental instruction;

''(D) a description of how the activities to be carried out by the eligible partnership will ensure that teachers are trained in the use of field-based and service learning to enable the teachers—

''(i) to use the local environment and community as a resource; and

''(ii) to enhance student understanding of the environment and academic achievement;

''(E) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (d); and

''(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

''(F) a description of how the eligible partnership will continue the activities funded under this part after the grant period has expired.

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the subgrant funds provided under this part for 1 or more of the following activities related to elementary schools or secondary schools:

''(1) Improving the environmental content knowledge of teachers.

''(2) Improving teachers' skills in teaching about environmental issues.

''(3) Improving the field-based pedagogical skill base of all teachers.

''(4) Providing professional development for teachers that encourages the utilization of outdoor facilities.

''(5) Establishing and operating programs to bring teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues.

''(6) Creating initiatives that seek to incorporate environmental education within teacher training programs or accreditation standards consistent with the State environmental literacy plan under section 5622.

''(7) Conducting and operating model environmental education programs that utilize outdoor field investigations for students to directly experience nature.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Each eligible partnership receiving a subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of the activities.

''(2) CONTENTS.—The plan developed under paragraph (1) shall include measurable objectives to increase the number of teachers who participate in environmental education content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a subgrant under this part shall report annually to the State educational agency regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the eligible partnership under subsection (f).''.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

SEC. 301. ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY.

Part D of title V (20 U.S.C. 7201 et seq.) (as amended by section 101) is further amended by adding at the end the following:

''Subpart 23—Environmental Education Grant Program

''SEC. 5631. PURPOSE.

''The purpose of this subpart is to prepare children to understand and address major environmental challenges facing the United States and strengthen environmental education as an integral part of the elementary school and secondary school curriculum.

''SEC. 5632. GRANT PROGRAM AUTHORIZED.

''(a) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means a nonprofit organization, State educational agency, local educational agency, or institution of higher education, that has demonstrated expertise and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, acting through the Director of Environmental Education, is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the activities under this section.

''(2) DURATION.—The Secretary shall award each grant under this subpart for a period of not less than 1 year and not more than 3 years.

''SEC. 5633. APPLICATIONS.

''Each eligible entity desiring a grant under this subpart shall submit to the Secretary an application that contains—

''(1) a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning; and

''(2) an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

''SEC. 5634. USE OF FUNDS.

''Grant funds made available under this subpart shall be used for 1 or more of the following:

''(1) Developing and implementing challenging State environmental education academic content standards, student academic achievement standards, and State curriculum frameworks.

''(2) Replicating or disseminating information about proven and tested model environmental education programs that—

''(A) use the environment as an integrating theme or content throughout the curriculum; or

''(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students' overall academic performance, personal health (including addressing child obesity issues), or their understanding of nature.

''(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

''(4) Conducting studies of national significance that—

''(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

''(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

''(C) evaluate the effectiveness of using environmental education in helping students improve their assessment scores in mathematics, reading or language arts, and the other core academic subjects.

''(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

''(6) Planning and initiating new national or State sources of environmental education funding.

''SEC. 5635. REPORTS.

''(a) ELIGIBLE ENTITY REPORT.—In order to continue receiving grant funds under this subpart after the first year of a multiyear

grant under this subpart, the eligible entity shall submit to the Secretary an annual report that—

''(1) describes the activities assisted under this subpart that were conducted during the preceding year;

''(2) demonstrates that progress has been made in helping schools to meet State standards for environmental education; and

''(3) describes the results of the eligible entity's evaluation and accountability plan.

''(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2007, the Secretary shall submit a report to Congress that—

''(1) describes the programs assisted under this subpart;

''(2) documents the success of such programs in improving national and State environmental education capacity; and

''(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

''SEC. 5636. ADMINISTRATIVE PROVISIONS.

''(a) FEDERAL SHARE.—The Federal share under this subpart shall not exceed—

''(1) 90 percent of the total cost of a program assisted under this subpart for the first year for which the program receives assistance under this subpart; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the grant funds made available to a nonprofit organization, State educational agency, local educational agency, or institution of higher education under this subpart for any fiscal year may be used for administrative expenses.

''(c) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

''SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.''.

TITLE IV—ELIGIBILITY OF ENVIRONMENTAL EDUCATION AND FIELD-BASED LEARNING ACTIVITIES UNDER EXISTING GRANT AND FUNDING PROGRAMS

SEC. 401. PROMOTION OF FIELD-BASED LEARNING.

(a) STATE USE OF FUNDS.—Section 2113(c) (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (10), by inserting ''field-based learning, service learning, outdoor experiential learning,'' after ''peer networks,''; and

(2) by adding at the end the following:

''(19) Encouraging and supporting the training of teachers and administrators to incorporate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.''.

(b) LOCAL USE OF FUNDS.—Section 2123(a)(3)(B) (20 U.S.C. 6623(a)(3)(B)) is amended—

(1) in clause (iv), by striking ''and'' after the semicolon;

(2) in clause (v), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(vi) provide training on how to integrate field-based learning, service learning, and outdoor experiential learning into the curricula and instruction.''.

SEC. 402. ENVIRONMENTAL EDUCATION AS AN AUTHORIZED PROGRAM IN THE FUND FOR THE IMPROVEMENT OF EDUCATION.

Section 5411(b) (20 U.S.C. 7243(b)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

''(9) Activities and programs that advance environmental education, including interdisciplinary courses that integrate the study of natural, social, and economic systems and the use of the environment as an integrating theme for a school curriculum, as well as field-based learning, service learning, and outdoor experiential learning.''.

TITLE V—AMENDMENTS TO OTHER LAWS

SEC. 501. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) OFFICE OF ENVIRONMENTAL EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

''SEC. 221. OFFICE OF ENVIRONMENTAL EDUCATION.

''(a) OFFICE OF ENVIRONMENTAL EDUCATION.—There shall be in the Department an Office of Environmental Education (referred to in this section as 'the Office').

''(b) DIRECTOR.—

''(1) APPOINTMENT AND REPORTING.—The Office shall be headed by a Director of Environmental Education (in this section referred to as the 'Director'), who shall be appointed by the Secretary.

''(2) DUTIES.—The Director shall—

''(A) develop a national plan for kindergarten through grade 12 environmental education and coordinate the resulting implementation process for the plan;

''(B) coordinate the development of voluntary national standards and a national model curriculum;

''(C) administer the environmental education grant program under subpart 23 of part D of title V of the Elementary and Secondary Education Act of 1965;

''(D) administer the environmental education professional development grant program under part E of title II of the Elementary and Secondary Education Act of 1965; and

''(E) work in partnership with education activities at the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Department of the Interior, and the National Science Foundation to advance kindergarten through grade 12 environmental education.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by inserting after the item relating to section 220 the following new item:

''Sec. 221. Office of Environmental Education.''.

NO CHILD LEFT INSIDE,
August 1, 2007.

Hon. JACK REED,
Committee on Health, Education, Labor, and Pensions, U.S. Senate,
Hart Senate Office Building, Washington, DC. 20510–3903

DEAR SENATOR REED: As members of the No Child Left Inside Coalition, we are writing to commend you for introducing the No Child Left Inside Act of 2007, and we offer our support for environmental education in the reauthorization of the No Child Left Behind Act. While we applaud the thrust of the No Child Left Behind Act, we believe adjustments are needed to improve environmental consciousness in schools across the country.

Our coalition comprises over two dozen national and regional education and environmental organizations. Together we represent more than 7 million citizens who are passionate about the inclusion of environmental education in students' learning.

The country is facing a host of complicated environmental challenges, but we are not providing an adequate environmental education to our young people. Indeed, over the past few years many schools have cut back on instruction related to the environment, canceling field trips and meaningful outdoor explorations. Three decades of growth in environmental education has been hampered by No Child Left Behind, even as the nation's environmental issues have grown increasingly complex.

We believe it is critical to reverse this trend and provide children with a solid understanding of the planet and the problems it faces. As they will be called upon throughout their lives to sort out various environmental claims and issues impacting their jobs, health, security and transportation, our children need to have the tools to be able to make wise decisions and choices.

To that end, we support several changes to the No Child Left Behind Act that would emphasize the importance of environmental education:

New funding should be available to help states develop rigorous environmental education standards and improve teacher training.

To be eligible for new environmental education funding, states would be required to develop plans to ensure that their students are environmentally literate.

These changes will provide the incentives and support school systems need to offer more and better environmental instruction. The rewards are likely to be great. We know from past research that students who take part in environmental education programs become more engaged with school and do better on standardized tests.

Our coalition urges that the reauthorization of the No Child Left Behind Act not only improve educational offerings but provide new support for environmental education.

Once again, we thank you for your leadership on this important issue.

If you would like additional information, please contact Don Baugh, representing the No Child Left Inside Coalition.

Sincerely,

Pam Gluck, Executive Director, American Trails; Andrew J. Falender, Executive Director, Appalachian Mountain Club; Jen Levy, Executive Director, Association of Nature Center Administrators; Steve Olson, Director of Government Affairs, Association of Zoos and Aquariums; Lori Whalen, Director of Education, Back to Natives Restoration; William C. Baker, President, Chesapeake Bay Foundation; Martin Blank, Staff Director, Coalition for Community Schools; Josetta Hawthorne, Executive Director, Council for Environmental Education; Kathleen Rogers, President, Earth Day Network; Vince Meldrum, President, Earth Force, Inc.; Mark Gold, President, Heal the Bay; Ed Pembleton, Director, Leopold Education Project; Laura A. Johnson, President, Mass Audubon; Tim Merriman, Ph.D., Executive Director, National Association of Interpretation; Judy Braus, Senior Vice President for Education and Centers, National Audubon Society; Joel Packer, Director, Education Policy and Practice, National Education Association; Lori Arguelles, President and CEO, National Marine Sanctuary Foundation; John Thorner, Executive Director, National Recreation and Park Association; Jodi Peterson, Assistant Executive Director, National Science Teachers Association; Nelda Brown, Executive Director, National Service-Learning Partnership; Larry Schweiger, President & CEO, National Wildlife

Federation; Brian Day, Executive Director, North American Association for Environmental Education; Howard K. Vincent, President and CEO, Pheasants Forever and Quail Forever; Kathy McGlauflin, Senior Vice President of Education and Director, Project Learning Tree; Shareen Knowlton, President, Rhode Island Environmental Education Association; Jack Mulvena, Executive Director, Rhode Island Zoological Society Roger Williams Park Zoo; David Lewis, Executive Director, Save San Francisco Bay Association (Save The Bay); H. Curtis Spalding, Executive Director, Save The Bay; Anthony D. Cortese, President, Second Nature; Martin LeBlanc, National Youth Education Director, Sierra Club; Lawrence A. Selzer, President & CEO, The Conservation Fund; Bill Mott, Director, The Ocean Project; Maribeth Oakes, Director, The Wilderness Society National Wildlife Refuge Program; John F. Calvelli, Senior Vice President of Public Affairs, Wildlife Conservation Society; Steven A. Culbertson, President & CEO, Youth Service America.

BY Mr. SANDERS (for himself and Mr. LEAHY):

S. 1982. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANDERS. Mr. President, I am introducing today with Senator LEAHY the U.S. Employee Ownership Bank Act.

At a time when the U.S. has lost over 3 million manufacturing jobs; at a time when we are on the cusp of losing millions of high-paying information technology jobs, this legislation would begin to reverse that trend by providing employees with the resources they need to purchase their own businesses through Employee Stock Ownership Plans and Eligible Worker Owned Cooperatives.

Specifically, this legislation would authorize $100 million to create a U.S. Employee Ownership Bank within the Department of Treasury to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout the country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is simple: employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage.

This legislation has the strong support of the ESOP Association, a nonprofit organization representing approximately 2,500 Employee Stock Ownership Plans throughout the country. Let me quote from a letter they recently sent to my office:

Your legislation is a modest first step in awakening our Government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your legislation, and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee owned companies, and our American economy.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low wage countries. Since a number of these factories were making profits, shutting them down was unnecessary and could have been avoided by selling these factories to their employees through ESOPs or worker-owned cooperatives.

Since 2000, the U.S. manufacturing sector has lost 3.2 million decent-paying jobs. Put another way, since George W. Bush has been elected President, this country has seen one out of every six factory jobs disappear.

In addition, the Associated Press recently reported about a study by Moody's which found that ''16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing.''

In other words, about 16 percent of the biggest cities in this country are experiencing a recession, largely due to the loss of decent-paying manufacturing jobs. I suspect that this problem is even worse in rural areas. In my small State of Vermont, we have lost about 20 percent of our manufacturing jobs over the past 6 years representing over 10,000 jobs.

Let me just give you an example of some of the jobs that have been lost. From 2001–2006 the United States of America experienced the loss of 42 percent of our communication equipment jobs; 37 percent of our semiconductor and electronic component manufacturing jobs; 43 percent of our textile jobs; and about half of our apparel jobs.

Not only are we losing decent-paying manufacturing jobs, we are also losing high-paying information technology jobs as well.

While the loss of manufacturing jobs has been well-documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the U.S. economy lost over 640,000 jobs or more than 17 percent of its workforce.

Unfortunately, the worst may be yet to come. Alan Blinder, an economist at Princeton and the former Vice Chairman of the Federal Reserve has recently concluded that between 30 and 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years.

Would expanding employee ownership be a cure-all for what ails the manufacturing and information technology sectors? Of course it wouldn't. But I strongly believe that employee ownership can and should be one of the central strategies in combating the outsourcing of American jobs. Simply put, workers who are also owners will not move their own jobs to China.

Today, there are some 11,000 Employee Stock Ownership Plans, hundreds of worker owned cooperatives, and thousands of other companies with some form of employee ownership, and most of them are thriving.

In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. According to a Rutgers University study, broad based employee ownership boosts company productivity by 4 percent shareholder return by 2 percent and profits by 14 percent. Similar studies have shown that ESOP companies paid their hourly workers between 5 to 12 percent better than non-ESOP companies.

Yet, despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this legislation is so important.

When I was the Ranking Member of the Financial Institutions and Consumer Credit Subcommittee in the House of Representatives, I was able to hold a hearing on this issue nearly 4 years ago.

During the hearing, a number of witnesses told the Subcommittee that if Federal loans, loan guarantees, technical assistance and grants were made available for the expansion of employee ownership, factories that are now closed and abandoned would be open for business today.

For example, the Subcommittee heard from Larry Owenby who worked at the RFS Ecusta mill in North Carolina for 30 years until one day, the company decided to shut down.

Other witnesses talked about factories that were closed in Mississippi, Alabama and Ohio. All of the witnesses testified in support of Federal loans, loan guarantees and technical assistance for the expansion of employee ownership. In fact, if this assistance had been around before the plants had closed, many of them would still be employed today as employee owners.

The final point that I want to make is that the Federal Government, through the U.S. Export-Import Bank, is already providing billions of dollars in loans, loan guarantees and other assistance to large, multi-national companies, such as Boeing, General Electric, and Halliburton. Many of these companies happen to be some of the largest job cutters in America, as they have moved hundreds of thousands of jobs to China, India, and Mexico.

In my opinion, instead of providing corporate welfare to large corporations that are throwing American workers out on the street as they move overseas, we should be providing employees with the tools they need to create and retain jobs right here in the United States through the expansion of employee ownership.

I urge my colleagues to support this important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING SEPTEMBER 9, 2007, AS ''NATIONAL ASSISTED LIVING WEEK''

Mr. CRAPO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2007 is ''Legacies of Love''; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 9, 2007, as ''National Assisted Living Week''; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

SENATE RESOLUTION 293—COMMENDING THE FOUNDER AND MEMBERS OF PROJECT COMPASSION

Mr. HATCH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 293

Whereas it is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice;

Whereas, in the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member;

Whereas, to date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States; and

Whereas Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the members of the Armed Forces who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to the members of Project Compassion; and

(3) the Senate, on behalf of the people of the United States, commends Project Compassion volunteer professional portrait artists and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

Mr. HATCH. Mr. President, I rise today to pay tribute to Project Compassion. Project Compassion was founded by Ms. Kaziah Hancock in my home State of Utah. She and the other members of Project Compassion volunteer their time to create gallery-quality portraits of soldiers, airmen, sailors, and Marines who have fallen in combat and send them to the families of these troops. These wonderful patriots receive no compensation for their efforts to honor the service and sacrifice of the members of our military.

This gift offers comfort and consolation to the family members of those troops who fall in battle. To date, Ms. Hancock and the other volunteers of Project Compassion have presented over 700 paintings to the families of America's fallen heroes. These portraits provide a real sense of closure and remembrance to the family members of our fallen heroes. Even though the portraits created by Project Compassion members are extremely well done by talented artists, they accept no compensation for their efforts, they merely do it out of love.

It is my belief that Ms. Hancock and the other members of Project Compassion demonstrate extraordinary patriotism and support for our service men and women, and do so without expectation of financial gain or recognition. We owe these wonderful people our heartfelt thanks and deepest respect. I hope my colleagues will support this resolution, and offer their gratitude for the work performed by these remarkable individuals.

SENATE RESOLUTION 294—DESIGNATING SEPTEMBER 2007 AS ''NATIONAL BOURBON HERITAGE MONTH''

Mr. BUNNING submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas Congress declared bourbon as ''America's Native Spirit'' in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''National Bourbon Heritage Month'';

(2) recognizes bourbon as ''America's Native Spirit'' and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

SENATE RESOLUTION 295—DESIGNATING SEPTEMBER 19, 2007, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

Ms. CANTWELL submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and

the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 19, 2007, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 296—DESIGNATING SEPTEMBER 2007 AS ''NATIONAL YOUTH COURT MONTH''

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, Mr. BENNETT, Mr. FEINGOLD, Mr. CASEY, Mr. THUNE, Mr. INOUYE, Mr. INHOFE, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas the United States is built on strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the sixth National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country;

Whereas in 2006, more than 120,000 youths volunteered to hear more than 130,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and reduce caseloads for the juvenile justice system;

Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong community involvement;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2007 as ''National Youth Court Month''.

SENATE RESOLUTION 297—RECOGNIZING THE 100TH ANNIVERSARY OF THE UTAH LEAGUE OF CITIES AND TOWNS

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas the Utah League of Cities and Towns was created in 1907 as the Utah Municipal League to protect the interests of the municipalities of the State of Utah and to promote an active interest in municipal affairs;

Whereas the Utah League of Cities and Towns was the 9th such State league created in the United States and was one of the earliest members of the National League of Cities;

Whereas one of the primary functions of the Utah League of Cities and Towns during its early years was to organize and facilitate an annual convention, which remains a key function of the Utah League of Cities and Towns;

Whereas nearly 1,000 elected officials and staff from municipalities across the State of Utah attend the Utah League of Cities and Towns Convention each year;

Whereas when the Utah League of Cities and Towns was formed, there were 375,000 residents of Utah and 83 municipalities;

Whereas nearly 2,500,000 people now call Utah home, and the large majority of these people live in the 243 cities and towns across the State;

Whereas, in 1937, the Utah League of Cities and Towns reorganized, employed a full-time staff, expanded its legislative activity, and launched training and other service programs;

Whereas the Utah League of Cities and Towns strives to maintain a strong unity among all Utah municipalities, promoting common interests among municipalities while recognizing each city's unique differences;

Whereas the Utah League of Cities and Towns helped to secure the bid, organize, and host the successful XIX Olympic Winter Games in 2002, and also helped promote a vision of the Olympic Games throughout the region; and

Whereas, as the Utah League of Cities and Towns enters its 2nd century of service, it remains committed to representing the interests of municipal governments with a strong, unified voice at the State and Federal levels and providing information, training, and technical assistance to the leaders of the cities and towns of Utah as they try to make life better for all Utahns: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 100th anniversary of the founding of the Utah League of Cities and Towns; and

(2) expresses its appreciation for the efforts of the Utah League of Cities and Towns to promote civic responsibility and community interest during the past 100 years.

SENATE RESOLUTION 298—COMMENDING THE CITY OF FAYETTEVILLE, NORTH CAROLINA FOR HOLDING A 3-DAY CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF THE MARQUIS DE LAFAYETTE, AND RECOGNIZING THAT THE CITY OF FAYETTEVILLE IS WHERE NORTH CAROLINA CELEBRATES THE BIRTHDAY OF THE MARQUIS DE LAFAYETTE

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas the Marquis de Lafayette, born on September 6, 1757, is considered a national hero in both France and the United States for his participation in the American and French revolutions, and is 1 of only 6 Honorary Citizens of the United States;

Whereas the Marquis de Lafayette served heroically and with distinction during the American Revolution, both as a general and as a diplomat, offering his services as an unpaid volunteer;

Whereas the first battle the Marquis de Lafayette fought in the American Revolution was at Brandywine, where he fought courageously and was wounded;

Whereas the Marquis de Lafayette also served with distinction in various other engagements, including the surrender of the British army at Yorktown;

Whereas, in 1783, the 2 colonial villages of Cross Creek and Campbellton were merged by the legislature of North Carolina and named Fayetteville, North Carolina;

Whereas Fayetteville, North Carolina was the first city in the United States named for the Marquis de Lafayette, and the only city named for him that he actually visited;

Whereas, in 1789, the General Assembly and constitutional convention met in Fayetteville, North Carolina, where delegates ratified the United States Constitution, chartered the University of North Carolina, and ceded the western lands of the State to form the State of Tennessee;

Whereas during the tour of the United States taken by the Marquis de Lafayette as ''The Guest of the Nation,'' the Marquis was entertained in Fayetteville on March 4 and 5, 1825, by leading citizens of the State and community of Fayetteville, including Governor Hutchins G. Burton;

Whereas, on the death of the Marquis de Lafayette in 1834, the City of Fayetteville held a large memorial service with an eloquent eulogium on his character and services;

Whereas, in 1983, on the bicentennial of the naming of Fayetteville, the Lafayette Society and the great-great grandson of the Marquis de Lafayette, Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District; and

Whereas the city of Fayetteville, North Carolina, will hold 3 days of celebration from September 6 through 8, 2007 to honor the 250th anniversary of the birth of the Marquis de Lafayette: Now, therefore, be it

Resolved, That the Senate—

(1) commends the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette; and

(2) recognizes that the great City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2624. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 2625. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2626. Ms. SNOWE (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2627. Mr. COBURN (for himself, Mr. DEMINT, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2628. Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. CARDIN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2629. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2630. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2631. Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. ROBERTS) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2632. Mrs. CLINTON (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. MENENDEZ, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, Mr. KENNEDY, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. REID, Mr. LAUTENBERG, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2633. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2634. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2635. Mr. CARDIN (for himself, Mr. BINGAMAN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2638. Ms. LANDRIEU (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2639. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2640. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2641. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2642. Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2604 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 2643. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2644. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 2645. Mr. BAUCUS proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, supra.

SA 2646. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 976, supra.

SA 2647. Mr. DODD (for himself, Mrs. CLINTON, Mr. NELSON, of Nebraska, Mrs. DOLE, Mr. GRAHAM, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. SALAZAR, Mr. MENENDEZ, Mr. REED, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2648. Mr. PRYOR (for Mrs. BOXER) proposed an amendment to the bill S. 775, to establish a National Commission on the Infrastructure of the United States.

TEXT OF AMENDMENTS

SA 2624. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEMONSTRATION PROJECT TO PROVIDE NURSE HOME VISITATION SERVICES UNDER MEDICAID AND CHIP.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Medicaid and CHIP have collectively provided health insurance coverage to over 38,000,000 low-income pregnant women and children.

(B) Evidence-based nurse home visitation programs can improve the health status of low-income pregnant women and children enrolled in Medicaid and CHIP by promoting access to prenatal and well-baby care, reducing pre-term births, reducing high-risk pregnancies, increasing time intervals between first and subsequent births, and improving child cognitive, social, and behavioral skills, and development.

(C) In addition to health benefits, evidence-based nurse home visitation programs have been proven to increase maternal employment and economic self-sufficiency and significantly reduce child abuse and neglect, child arrests, maternal arrests, and involvement in the criminal justice system.

(D) Evidence-based nurse home visitation programs are cost effective, yielding a 5-to-1 return on investment for every dollar spent on services, and producing a net benefit to society of $34,000 per high risk family served.

(2) PURPOSE.—The purpose of this section is to establish a demonstration project to evaluate the cost-effectiveness and impact on the health and well-being of low-income pregnant mothers and children of providing evidence-based nurse home visitation services for low-income pregnant mothers and children under Medicaid and CHIP, particularly with respect to the impact of such services on—

(A) improving the prenatal health of children;

(B) improving pregnancy outcomes;

(C) improving child health and development;

(D) improving child development and mental health related to elementary school readiness;

(E) improving family stability and economic self-sufficiency;

(F) reducing the incidence of child abuse and neglect; and

(G) increasing birth intervals between pregnancies.

(b) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide, in accordance with the provisions of this section, medical assistance under the State plan under title XIX of the Social Security Act, child health assistance under the State child health plan under title XXI of such Act, or both for evidence-based nurse home visitation services to children and pregnant women who are eligible for such assistance under such plans.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance or child health assistance in accordance with this section as will not exceed the limitation on aggregate payments under subsection (d)(2)(A).

(3) AUTHORITY TO WAIVE RESTRICTIONS ON PAYMENTS TO TERRITORIES.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance, child health assistance, or both in accordance with this section.

(c) LENGTH OF PERIOD FOR PROVISION OF ASSISTANCE.—A State shall not be approved to provide medical assistance or child health assistance for evidence-based nurse home visitation services in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $25,000,000 for the period of fiscal years 2008 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $25,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2012.

(3) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) PAYMENTS TO STATES.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to 100 percent of the expenditures in the quarter for medical assistance or child health assistance (as applicable) for evidence-based nurse home visitation services provided to low-income pregnant mothers and children who are eligible for such assistance under a State plan under title XIX or XXI of such Act in accordance with the demonstration project established under this section.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the programs on Medicaid and CHIP. For purposes of conducting such evaluation, the Secretary shall require a State that submits an application to participate in the demonstration project established under this section to agree, as a condition of approval of such application, to maintain data related to, and be subject to, periodic evaluations based on performance outcomes regarding the following:

(A) Substance abuse during pregnancy.

(B) Prematurity.

(C) Immunizations.

(D) Developmental delay.

(E) Language development.

(F) Emergency room visits and hospitalizations for injury.

(G) Interval between pregnancies.

(H) Workforce participation.

(I) Government assistance use.

(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) DEFINITION.—In this section, the term ''evidence-based nurse home visitation services'' means services (such as services related to improving prenatal health, pregnancy outcomes, child health and development, school readiness, family stability and economic self-sufficiency, reducing child abuse, neglect, and injury, reducing maternal and child involvement in the criminal justice system, and increasing birth intervals between pregnancies) on behalf of a targeted low-income child who has not attained age 2 and is born to a first-time pregnant mother, but only if such services are provided in accordance with outcome standards that have been replicated in multiple, rigorous, randomized controlled trials in multiple sites, with outcomes that improve prenatal health of children, pregnancy outcomes, child health and development, child development, and mental health related to elementary school readiness, reduce child abuse, neglect, and injury, increase birth intervals between pregnancies, and improve maternal employment.

(g) RULE OF CONSTRUCTION.—Nothing in the demonstration project established under this section shall be construed as affecting the ability of a State under Medicaid or CHIP to provide nurse home visitation services as part of medical assistance, child health assistance, or an administrative expense, for which any State received payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a), 1397ee(a)) for the provision of such services before, on, or after the date of enactment of this Act.

SA 2625. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102 and insert the following:

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

''(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

''(1) COMPUTATION OF ALLOTMENT.—

''(A) IN GENERAL.—The Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment for such fiscal year an amount which bears the same ratio to such available national allotment as the sales of cigarettes in such State bears to total sales of cigarettes in all subsection (b) States (based on the most current data available to the Secretary from the Centers for Disease Control).

''(B) AVAILABLE NATIONAL ALLOTMENT.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). The available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

''(2) SUBSECTION (b) STATE.—In this subsection, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)'';

(2) in subsection (b)(1), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)''; and

(3) in subsection (c)(1), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)''.

SA 2626. Ms. SNOWE (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes, which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.

(a) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.——Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

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

''(5) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in section 2105(c)(12), in order to provide—

''(A) dental services; or

''(B) cost-sharing protection for dental services consistent with section 2103(e)(3)(B).

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''.

(2) CONDITIONS DESCRIBED.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602(a)(1), is amended by adding at the end the following new paragraph:

''(12) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this title)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2007;

''(ii) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental-only supplemental coverage to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(3) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 107(b)(2), is amended—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting ''; and''; and

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

''(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(12).''.

(4) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or (u)(4)'' and inserting ''(u)(4), or (u)(5)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

''(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

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

(ii) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

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

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return

under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2627. Mr. COBURN (for himself, Mr. DEMINT, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976 to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

Beginning on page 133, strike line 4 and all that follows through page 165, line 2, and insert the following:

SEC. 401. PREMIUM ASSISTANCE FOR HIGHER INCOME CHILDREN AND PREGNANT WOMEN WITH ACCESS TO EMPLOYER-SPONSORED COVERAGE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c) is amended by adding at the end the following:

''(10) PREMIUM ASSISTANCE.—

''(A) IN GENERAL.—Beginning with fiscal year 2008, a State may only provide child health assistance for a targeted low-income child or a pregnant woman whose family income exceeds 200 percent of the poverty line and who has access to qualified employer sponsored coverage (as defined in subparagraph (B)) through the provision of a premium assistance subsidy in accordance with the requirements of this paragraph.

''(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

''(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

''(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

''(II) for which the employer contribution toward any premium for such coverage is at least 50 percent (75 percent, in the case of an employer with more than 50 employees);

''(III) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

''(IV) cost-effective, as determined under clause (ii).

''(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

''(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

''(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

''(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

''(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

''(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

''(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

''(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

''(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

''(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

''(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

''(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

''(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

''(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

''(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting

the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007, for targeted low-income children or pregnant women whose family income does not exceed 200 percent of the poverty line.

''(I) NOTICE OF AVAILABILITY.—A State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage and the requirement to provide such subsidies to the individuals described in subparagraph (A);

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy, or if required, to obtain such subsidies; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.''.

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

''(d) The provisions of section 2105(c)(10) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.''.

SA 2628. Ms. SNOWE (for herself and Mr. BINGAMAN, Mr. CARDIN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 13 and all that follows through page 216, line 6 and insert the following:

SEC. 608. STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.

(a) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.——Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

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

''(5) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in section 2105(c)(12), in order to provide—

''(A) dental services; or

''(B) cost-sharing protection for dental services consistent with section 2103(e)(3)(B). In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''.

(2) CONDITIONS DESCRIBED.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 602(a)(1), is amended by adding at the end the following new paragraph:

''(12) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this title)—

''(i) has the highest income eligibility standard permitted under this title as of January 1, 2007;

''(ii) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental-only supplemental coverage to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(3) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 107(b)(2), is amended—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting ''; and''; and

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

''(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(12).''.

(4) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or (u)(4)'' and inserting ''(u)(4), or (u)(5)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

''(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(b) DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) DISALLOWANCE OF DEDUCTION.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

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

(ii) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

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

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred on or after the date of the enactment of this Act.

(c) DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.—

(1) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises

self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(2) REPORTING OF DEDUCTIBLE AMOUNTS.—

(A) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(B) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SA 2629. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REAUTHORIZATION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIAN.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) $200,000,000 for each of fiscal years 2009 through 2013.''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) $200,000,000 for each of fiscal years 2009 through 2013.''.

SA 2630. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SA 2631. Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. CHAMBLISS, Mr. BROWN, Mr. CARDIN, Mr. MENENDEZ, Mr. SALAZAR, Mr. KENNEDY, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. ROBERTS) proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 610. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(II) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: ''An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SA 2632. Mrs. CLINTON (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. MENENDEZ, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, Mr. KENNEDY, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. LAUTENBERG, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

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

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 609, is

amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(C) Section 1903(v)(4) (relating to optional coverage of categories of lawfully residing immigrant children), but only if the State has elected to apply such section to the category of children under title XIX.''.

SA 2633. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. TO MAKE DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—The Secretary shall work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in a State plan under Medicaid or a State child health plan under CHIP.

(b) TIMEFRAME AND UPDATED LIST.—The Secretary shall ensure that—

(1) the list described in subsection (a) is available on such website and hotline by not later than 1 year after the date of enactment of this Act;

(2) such list is updated quarterly; and

(3) such website and hotline use the most up-to-date list.

SA 2634. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2567 submitted by Mr. CARDIN and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. _____. TO MAKE DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—The Secretary shall work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in a State plan under Medicaid or a State child health plan under CHIP.

(b) TIMEFRAME AND UPDATED LIST.—The Secretary shall ensure that—

(1) the list described in subsection (a) is available on such website and hotline by not later than 1 year after the date of enactment of this Act;

(2) such list is updated quarterly; and

(3) such website and hotline use the most up-to-date list.

SA 2635. Mr. CARDIN (for himself, Mr. BINGAMAN, Ms. COLLINS, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 12 and 13, insert the following:

''(j) DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDESERVED AREAS.—

''(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and school-based health centers to conduct demonstration projects to evaluate promising ideas for improving access to quality dental health services for children in undeserved areas under title XIX or XXI.''.

SA 2636. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, add the following:

SEC. ___. GAO REPORT REGARDING THE FINANCIAL IMPACT OF HURRICANE KATRINA AND HURRICANE RITA ON LOUISIANA HEALTH CARE FACILITIES.

(a) REPORT.—Not later than 6 months after enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the financial impact of Hurricane Katrina and Hurricane Rita on health care facilities located in Louisiana.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of the continued financial impact on health care facilities located in Louisiana as a direct or indirect result of Hurricane Katrina and Hurricane Rita, including financial losses.

(2) POTENTIAL ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress and the Louisiana State government in mitigating the losses determined under paragraph (1).

SA 2637. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 9, add at the end the following: ''Notwithstanding the preceding sentence, the Secretary may waive the requirements of section 1902(a)(46)(B) of such Act for any State affected by Hurricane Katrina or Hurricane Rita in order to allow the State to conditionally enroll individuals who are working in good faith to secure satisfactory documentation.''.

SA 2638. Ms. LANDRIEU (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2530, proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, after line 25, insert the following:

SEC. ___. COVERAGE OF MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER UNDER GROUP AND INDIVIDUAL HEALTH INSURANCE COVERAGE AND GROUP HEALTH PLANS .

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.''.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking ''section 2704'' and inserting ''sections 2704 and 2707''.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.''.

(3) INTERNAL REVENUE CODE AMENDMENTS.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9812 the following:

''Sec. 9813. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.'';

and

(B) by inserting after section 9812 the following:

"SEC. 9813. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.''.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD'S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.

''(a) REQUIREMENTS FOR RECONSTRUCTIVE SURGERY.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

''(2) REQUIREMENTS.—Any coverage provided under paragraph (1) shall be subject to pre-authorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

''(3) TREATMENT DEFINED.—

''(A) IN GENERAL.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

''(i) procedures that do not materially affect the function of the body part being treated; and

''(ii) procedures for secondary conditions and follow-up treatment.

''(B) EXCEPTION.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.''.

(2) CONFORMING AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH COVERAGE.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2008.

(2) INDIVIDUAL HEALTH COVERAGE.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(d) COORDINATED REGULATIONS.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note) is amended by striking ''this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 100 of the Internal Revenue Code of 1986''.

SA 2639. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 3, insert ''(or, in the case of Louisiana, the average monthly enrollment of low-income children enrolled in the such plan for the second quarter of fiscal year 2007, as determined over a 3-month period on such basis)''after ''(MSIS)''.

SA 2640. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE CONCERNING THE HEALTH CARE OF CHILDREN DISPLACED DURING A CATASTROPHIC DISASTER.

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

(1) Hurricanes Katrina and Rita of 2005 displaced more that 1,300,000 Louisianans, of those 372,000 were children displaced from schools.

(2) Before the Hurricanes, 48 percent of Louisiana children belonged to low income families.

(3) In New Orleans alone, 28 percent of children lived below the poverty line.

(4) In August of 2006, there were more than 251,000 evacuees still living in Texas, according to a study by the Texas Department of Health and Human Services. The study found that 54 percent of the evacuee households received Federal housing subsidies, 39 percent received food stamps, 32 percent received unemployment benefits, and about half of the households included children covered by Medicaid or the Children's Health Insurance Program. Thirty-nine percent of the evacuees in Texas are children, and 60 percent of the adult evacuees are women.

(5) Disasters of the magnitude of Hurricanes Katrina and Rita will occur again in the future.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the conferees for this bill should review issues concerning the health care of displaced children during a manmade or natural disaster of a catastrophic nature and should consider solutions to the following concerns to prevent future evacuated children from being denied health insurance coverage:

(1) Lack of transferability of health insurance for children who are evacuated from one State to another.

(2) Length of eligibility review processes.

(3) Burdensome eligibility and enrollment requirements.

(4) Sources of funding for services provided by host States that receive evacuees.

SA 2641. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. UNIFORM STANDARDS FOR INTERROGATION TECHNIQUES APPLICABLE TO INDIVIDUALS UNDER CONTROL OR CUSTODY OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the effective control of the United States Government or any agency or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by sections 5–50 through 5–99 of the United States Army Field Manual on Human Intelligence Collector Operations.

(b) PROHIBITED ACTIONS.—The treatment or techniques of interrogation prohibited under subsection (a) include, but are not limited to, the following:

(1) Forcing an individual to be naked, perform sexual acts, or pose in a sexual manner.

(2) Placing a hood or sack over the head of an individual, or using or placing duct tape over the eyes of an individual.

(3) Applying a beating, electric shock, burns, or other forms of physical pain to an individual.

(4) Subjecting an individual to the procedure known as ''waterboarding''.

(5) Subjecting an individual to threats or attack from a military working dog.

(6) Inducing hypothermia or heat injury in an individual.

(7) Conducting a mock execution of an individual.

(8) Depriving an individual of necessary food, water, or medical care.

(c) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the United States Government pursuant to a criminal law or immigration law of the United States.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any individual in the custody or under the effective control of the United States Government.

SA 2642. Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 2604 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, between lines 8 and 9, insert the following:

''(ii) limiting the authority a State described in clause (i), or any other State that provides premium assistance under the authority of this paragraph or otherwise, to provide dental coverage to children who would be targeted low-income children but for the application of paragraph (1)(C) of section 2110(b) and who do not otherwise have dental coverage; or''.

SA 2643. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

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

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial

or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subparagraphs (B) through (D) of subsection (a)(2) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

SA 2644. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. EXPRESSING THE SENSE OF THE SENATE REGARDING THE MEDICARE NATIONAL COVERAGE DETERMINATION ON THE TREATMENT OF ANEMIA IN CANCER PATIENTS.

(a) FINDINGS.—The Senate finds the following:

(1) The Centers for Medicare & Medicaid Services issued a final Medicare National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N) on July 30, 2007.

(2) Fifty-two United States Senators and 235 Members of the House of Representatives, representing bipartisan majorities in both chambers, have written to the Centers for Medicare & Medicaid Services expressing significant concerns with the proposed National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions, issued on May 14, 2007, regarding the use of erythropoiesis stimulating agent therapy for Medicare cancer patients.

(3) Although some improvements have been incorporated into such final National Coverage Determination, the policy continues to raise significant concerns among physicians and patients about the potential impact on the treatment of cancer patients in the United States.

(4) The American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, is specifically concerned about a provision in such final National Coverage Determination that restricts coverage whenever a patient's hemoglobin goes above 10 g/dL.

(5) The American Society of Clinical Oncology has written to the Centers for Medicare & Medicaid Services—

(A) to note that such a ''restriction is inconsistent with both the FDA-approved labeling and national guidelines'';

(B) to express deep concerns about such final National Coverage Determination; and

(C) to urge that the Centers for Medicare & Medicaid Services reconsider such restriction.

(6) Such restriction could increase blood transfusions and severely compromise the high quality of cancer care delivered by physicians in United States.

(7) The Centers for Medicare & Medicaid Services has noted that the agency did not address the impact on the blood supply in such final National Coverage Determination and has specifically stated, ''[t]he concern about the adequacy of the nation's blood supply is not a relevant factor for consideration in this national coverage determination''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Centers for Medicare & Medicaid Services should begin an immediate reconsideration of the final National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG–000383N);

(2) the Centers for Medicare & Medicaid Services should consult with members of the clinical oncology community to determine appropriate revisions to such final National Coverage Determination; and

(3) the Centers for Medicare & Medicaid Services should implement appropriate revisions to such final National Coverage Determination as soon as feasible and provide a briefing to Congress in advance of announcing such changes.

SA 2645. Mr. BAUCUS proposed an amendment to amendment SA 2530 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, AND MR. HATCH) to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

On page 22, lines 3 and 4, strike ''paragraph'' and insert ''subsection''.

Beginning on page 53, strike line 15 and all that follows through page 54, line 4 and insert the following:

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

On page 56, line 5, insert ''clause (ii) or (iii) of'' after ''under''.

On page 74, lines 15 and 16, strike ''13–consecutive week period'' and insert ''3-month period''.

On page 118, strike lines 17 through 21.

Page 120, line 5, strike ''section 1902(a)(46)(B)(ii)'' and insert ''subsection (a)(46)(B)(ii)''.

Beginning on page 120, strike line 22 and all that follows through page 121, line 4, and insert the following:

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

On page 130, strike lines 9 and 10, and insert the following:

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

On page 142, lines 14 and 15, strike ''PREVIOUSLY APPROVED PREMIUM ASSISTANCE'' and insert ''PREMIUM ASSISTANCE WAIVER''.

On page 150, beginning on line 3, strike ''issued'' and all that follows through line 9 and insert ''developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).''.

On page 151, line 14, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 157, line 1, strike ''411(b)(2)(C)'' and insert ''411(b)(1)(C)''.

On page 161, between lines 14 and 15, insert the following:

(VII) health insurance issuers;

On page 165, between lines 2 and 3, insert the following:

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

On page 205, line 11, strike ''2112(b)(2)(A)(i)'' and insert ''2111(b)(2)(B)(i)''.

SA 2646. Mr. BAUCUS (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

Amend the title to read:

A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

SA 2647. Mr. DODD (for himself, Mrs. CLINTON, Mr. NELSON of Nebraska, Mrs. DOLE, Mr. GRAHAM, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. SALAZAR, Mr. MENENDEZ, Mr. REED, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(II) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: ''An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SA 2648. Mr. PRYOR (for Mrs. BOXER) proposed an amendment to the bill S. 775, to establish a National Commission on the Infrastructure of the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Infrastructure Improvement Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACQUISITION.—The term ''acquisition'' includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) CONSTRUCTION.—The term ''construction'' means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term ''infrastructure'' means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term ''infrastructure'' includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term ''nonstructural elements'' includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term ''maintenance'' means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term ''rehabilitation'' means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Infrastructure of the United States'' to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2009, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this Act.

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. 8. FUNDING.

For each of fiscal years 2008 through 2010, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this Act;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this Act; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this Act.

SEC. 9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2010.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, August 2, 2007, at 11:30 a.m. in closed session to receive a briefing on drawdown planning for U.S. forces in Iraq.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 2, 2007, at 9:30 a.m. in order to conduct a Hearing on the nominations of the Honorable Randall S. Kroszner, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; Ms. Elizabeth A. Duke, of Virginia, to be a member of the Board of Governors of the Federal Reserve System; and Mr. Larry A. Klane, of the District of Columbia, to be a member of the Board of Governors of the Federal Reserve System.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, August 2, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. During the Executive Session, Committee members will mark up the following agenda items:

1. S. 781, to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007;

2. S. 602, Child Safe Viewing Act of 2007;

3. S. 1578, Ballast Water Management Act of 2007;

4. S. 1892, Coast Guard Authorization Act of 2007; and

5. Nominations subject to July 31, 2007 Confirmation Hearing. (PN 571) Mr. Ronald Spoehel, to be Chief Financial Officer, National Aeronautics and Space Administration, (PN 522) Mr. William G. Sutton, to be Assistant Secretary of Commerce, U.S. Department of Commerce. (PN 645) Vice Admiral Thomas J. Barrett, to be Deputy Secretary, U.S. Department of Transportation. (PN 656) Mr. Paul R. Brubaker, to be Administrator of the Research and Innovative Technology Administration, U.S. Department of Transportation. (PN 781) Nomination for Promotion in the United States Coast Guard.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part VII'' on Thursday, August 2, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Witness list

Karl Rove, The White House; J. Scott Jennings, The White House.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, August 2, 2007, at 11:30 a.m. in Dirksen room 226.

Agenda

I. Bills: S____, School Safety and Law Enforcement Improvements Act, (Chairman's mark); S. 1060, Recidivism Reduction & Second Chance Act of 2007, (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin); S. 453, Deceptive Practices and Voter Intimidation Prevention Act of 2007; (Obama, Schumer, Leahy, Cardin, Feingold, Feinstein, Kennedy, Whitehouse); S. 1692, A bill to grant a Federal Charter to Korean War Veterans Association, (Cardin, Isakson,

Kennedy); S. 1845, A bill to provide for limitations in certain communications between the Department of Justice and the White House; (Whitehouse).

II. Nomination: Rosa Emilia Rodriguez-Velez to be United States Attorney for the District of Puerto Rico.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 2, 2007, at 2:30 p.m. in order to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet during the session of the Senate on Thursday, August 2, 2007, at 10 a.m. in order to conduct a hearing entitled ''Service Standards at the Postal Service: Are Customers Getting What They Paid For?''

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, August 2, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 1253, a bill to establish a fund for the National Park Centennial Challenge, and for other purposes.

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

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on August 2, 2007, at 2:30 p.m., in order to conduct a hearing entitled ''Reforming Key International Financial Institutions for the 21st Century.''

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Senator DODD, I ask unanimous consent that Dr. Carmen Green, a fellow in his office, be granted floor privileges. I ask unanimous consent that Ben Miller of the Finance Committee be granted floor privileges, both for the remainder of debate on this legislation.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Alaska (Mr. STEVENS), from the Committee on Commerce, Science and Transportation and the Senator from Maine (Ms. COLLINS), At Large.

DESIGNATING SEPTEMBER 2007 AS ''NATIONAL BOURBON HERITAGE MONTH''

DESIGNATING SEPTEMBER 19, 2007, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

DESIGNATING SEPTEMBER 2007 AS ''NATIONAL YOUTH COURT MONTH''

RECOGNIZING THE 100TH ANNIVERSARY OF THE UTAH LEAGUE OF CITIES AND TOWNS

COMMENDING FAYETTEVILLE, NORTH CAROLINA, FOR HOLDING A CELEBRATION OF THE 250TH ANNIVERSARY OF THE BIRTH OF THE MARQUIS DE LAFAYETTE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the consideration of the following Senate resolutions which were submitted earlier today: S. Res. 294, S. Res. 295, S. Res. 296, S. Res. 297, and S. Res. 298.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. HATCH. Mr. President, I rise today to speak in honor of an organization that has, over the last century, worked so amazingly hard to serve the people and communities of my home State of Utah. This year, the Utah League of Cities and Towns celebrates its 100th Anniversary.

The Utah League of Cities and Towns, ULCT, has done a wonderful job of representing hundreds of cities and towns throughout a large and growing State for 100 years now. Senator BENNETT and I are very proud of the way it has advocated for the success of each city and town throughout Utah and we would like to honor its wonderful accomplishment by introducing this resolution to celebrate its 100th anniversary. I urge my colleagues to join with me in supporting this resolution and in wishing the members of the ULCT another 100 years of success in the century to come.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

The resolutions (S. Res. 294, S. Res. 295, S. Res. 296, S. Res. 297, and S. Res. 298) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 294

Whereas Congress declared bourbon as ''America's Native Spirit'' in 1964, making it the only spirit distinctive to the United States;

Whereas the history of bourbon-making is interwoven with the history of the United States, from the first settlers of Kentucky in the 1700s, who began the bourbon-making process, to the 2,000 families and farmers distilling bourbon in Kentucky by the 1800s;

Whereas bourbon has been used as a form of currency;

Whereas generations have continued the heritage and tradition of the bourbon-making process, unchanged from the process used by their ancestors centuries before;

Whereas individual recipes for bourbon call for natural ingredients, utilizing the local Kentucky farming community and leading to continued economic development for the Commonwealth of Kentucky;

Whereas generations of people in the United States have traveled to Kentucky to experience the family heritage, tradition, and deep-rooted legacy that the Commonwealth contributes to the United States;

Whereas each year during September visitors from over 13 countries attend a Kentucky-inspired commemoration to celebrate the history of the Commonwealth, the distilleries, and bourbon;

Whereas people who enjoy bourbon should do so responsibly and in moderation; and

Whereas members of the beverage alcohol industry should continue efforts to promote responsible consumption and to eliminate drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''National Bourbon Heritage Month'';

(2) recognizes bourbon as ''America's Native Spirit'' and reinforces its heritage and tradition and its place in the history of the United States; and

(3) recognizes the contributions of the Commonwealth of Kentucky to the culture of the United States.

S. RES. 295

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with

ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 19, 2007, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

S. RES. 296

Whereas the United States is built on strong communities in which all citizens play an active role and invest in the success and future of the youth of the United States;

Whereas the sixth National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country;

Whereas in 2006, more than 120,000 youths volunteered to hear more than 130,000 juvenile cases, and more than 20,000 adults volunteered to facilitate peer justice in youth court programs;

Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States;

Whereas youth courts address offenses that might otherwise go unaddressed until the offending behavior escalates and reduce caseloads for the juvenile justice system;

Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families;

Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth of the United States;

Whereas a fundamental correlation exists between youth service and lifelong community involvement;

Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and

Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it

Resolved, That the Senate designates September 2007 as ''National Youth Court Month''.

S. RES. 297

Whereas the Utah League of Cities and Towns was created in 1907 as the Utah Municipal League to protect the interests of the municipalities of the State of Utah and to promote an active interest in municipal affairs;

Whereas the Utah League of Cities and Towns was the 9th such State league created in the United States and was one of the earliest members of the National League of Cities;

Whereas one of the primary functions of the Utah League of Cities and Towns during its early years was to organize and facilitate an annual convention, which remains a key function of the Utah League of Cities and Towns;

Whereas nearly 1,000 elected officials and staff from municipalities across the State of Utah attend the Utah League of Cities and Towns Convention each year;

Whereas when the Utah League of Cities and Towns was formed, there were 375,000 residents of Utah and 83 municipalities;

Whereas nearly 2,500,000 people now call Utah home, and the large majority of these people live in the 243 cities and towns across the State;

Whereas, in 1937, the Utah League of Cities and Towns reorganized, employed a full-time staff, expanded its legislative activity, and launched training and other service programs;

Whereas the Utah League of Cities and Towns strives to maintain a strong unity among all Utah municipalities, promoting common interests among municipalities while recognizing each city's unique differences;

Whereas the Utah League of Cities and Towns helped to secure the bid, organize, and host the successful XIX Olympic Winter Games in 2002, and also helped promote a vision of the Olympic Games throughout the region; and

Whereas, as the Utah League of Cities and Towns enters its 2nd century of service, it remains committed to representing the interests of municipal governments with a strong, unified voice at the State and Federal levels and providing information, training, and technical assistance to the leaders of the cities and towns of Utah as they try to make life better for all Utahns: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 100th anniversary of the founding of the Utah League of Cities and Towns; and

(2) expresses its appreciation for the efforts of the Utah League of Cities and Towns to promote civic responsibility and community interest during the past 100 years.

S. RES. 298

Whereas the Marquis de Lafayette, born on September 6, 1757, is considered a national hero in both France and the United States for his participation in the American and French revolutions, and is 1 of only 6 Honorary Citizens of the United States;

Whereas the Marquis de Lafayette served heroically and with distinction during the American Revolution, both as a general and as a diplomat, offering his services as an unpaid volunteer;

Whereas the first battle the Marquis de Lafayette fought in the American Revolution was at Brandywine, where he fought courageously and was wounded;

Whereas the Marquis de Lafayette also served with distinction in various other engagements, including the surrender of the British army at Yorktown;

Whereas, in 1783, the 2 colonial villages of Cross Creek and Campbellton were merged by the legislature of North Carolina and named Fayetteville, North Carolina;

Whereas Fayetteville, North Carolina was the first city in the United States named for the Marquis de Lafayette, and the only city named for him that he actually visited;

Whereas, in 1789, the General Assembly and constitutional convention met in Fayetteville, North Carolina, where delegates ratified the United States Constitution, chartered the University of North Carolina, and ceded the western lands of the State to form the State of Tennessee;

Whereas during the tour of the United States taken by the Marquis de Lafayette as ''The Guest of the Nation,'' the Marquis was entertained in Fayetteville on March 4 and 5, 1825, by leading citizens of the State and community of Fayetteville, including Governor Hutchins G. Burton;

Whereas, on the death of the Marquis de Lafayette in 1834, the City of Fayetteville held a large memorial service with an eloquent eulogium on his character and services;

Whereas, in 1983, on the bicentennial of the naming of Fayetteville, the Lafayette Society and the great-great grandson of the Marquis de Lafayette, Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District; and

Whereas the city of Fayetteville, North Carolina, will hold 3 days of celebration from September 6 through 8, 2007 to honor the 250th anniversary of the birth of the Marquis de Lafayette: Now, therefore, be it

Resolved, That the Senate—

(1) commends the City of Fayetteville, North Carolina for holding a 3-day celebration of the 250th anniversary of the birth of the Marquis de Lafayette; and

(2) recognizes that the great City of Fayetteville is where North Carolina celebrates the birthday of the Marquis de Lafayette.

URGING THE PRESIDENT TO DECLARE LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 87, and that the Senate then proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 87) expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

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

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 87

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent;

Whereas the 5-year survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer cases are now diagnosed in nonsmokers or former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as Black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the baby boomer generation are entering their sixties, the most common age at which people develop cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'';

Whereas the Report of the Lung Cancer Progress Review Group identified as its ''highest priority'' the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the lung cancer mortality rate by 50 percent by 2015;

(2) direct the Secretary of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs as part of a coordinated strategy with defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state-of-the-art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint a Lung Cancer Scientific and Medical Advisory Committee, comprised of medical, scientific, pharmaceutical, and patient advocacy representatives, to—

(A) work with the National Lung Cancer Public Health Policy Board described in paragraph (5); and

(B) report to the President and Congress on the progress toward and the obstacles to achieving the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015; and

(5) convene a National Lung Cancer Public Health Policy Board, comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, to oversee and coordinate all efforts to accomplish the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015.

PESTICIDE REGISTRATION IMPROVEMENT RENEWAL ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1983, introduced earlier today by Senators HARKIN and CHAMBLISS.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1983) to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I am pleased to join with my colleague and committee ranking member, Senator CHAMBLISS, to offer the Pesticide Registration Improvement Renewal Act.

This legislation will reauthorize and amend the Pesticide Registration Improvement Act we enacted in 2003 to control the collection and disbursement of fees collected in the pesticide registration process. This legislation extends the authority for the Environmental Protection Agency to collect maintenance fees for the reregistration of pesticides.

This legislation is agreed upon by a broad array of stakeholders, including the manufacturers, environmental groups and agricultural producers. This legislation ensures that these chemicals are reevaluated in a timely manner, while covering the costs of the EPA workers who carry out this important work. This bill has no budgetary impact and should not be controversial. I ask my colleagues to support this important measure.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1983) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1983

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 ''Pesticide Registration Improvement Renewal Act''.

SEC. 2. REVIEW OF APPLICATIONS.

Section 3(c)(3)(B)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(3)(B)(ii)) is amended—

(1) in subparagraph (I), by striking ''within 45 days'' and all that follows through ''and,'' and inserting ''review the application in accordance with section 33(f)(4)(B) and,''; and

(2) in subparagraph (II), by striking ''within'' and inserting ''not later than the applicable decision review time established pursuant to section 33(f)(4)(B), or, if no review time is established, not later than''.

SEC. 3. REGISTRATION REVIEW.

Section 3(g)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by striking ''The registrations'' and inserting the following:

''(i) IN GENERAL.—The registrations'';

(B) in the second sentence, by striking ''The Administrator'' and inserting the following:

''(ii) REGULATIONS.—In accordance with this subparagraph, the Administrator''; and

(C) by striking ''The goal'' and all that follows through ''No registration'' and inserting the following:

''(iii) INITIAL REGISTRATION REVIEW.—The Administrator shall complete the registration review of each pesticide or pesticide case, which may be composed of 1 or more active ingredients and the products associated with the active ingredients, not later than the later of—

''(I) October 1, 2022; or

''(II) the date that is 15 years after the date on which the first pesticide containing a new active ingredient is registered.

''(iv) SUBSEQUENT REGISTRATION REVIEW.—Not later than 15 years after the date on which the initial registration review is completed under clause (iii) and each 15 years thereafter, the Administrator shall complete a subsequent registration review for each pesticide or pesticide case.

''(v) CANCELLATION.—No registration'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) DOCKETING.—

''(i) IN GENERAL.—Subject to clause (ii), after meeting with 1 or more individuals that are not government employees to discuss matters relating to a registration review, the Administrator shall place in the docket minutes of the meeting, a list of attendees, and any documents exchanged at the meeting, not later than the earlier of—

''(I) the date that is 45 days after the meeting; or

''(II) the date of issuance of the registration review decision.

''(ii) PROTECTED INFORMATION.—The Administrator shall identify, but not include in the docket, any confidential business information the disclosure of which is prohibited by section 10.''.

SEC. 4. MAINTENANCE FEES.

(a) TOTAL AMOUNT OF FEES.—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a—1(i)(5)(C)) is amended by striking ''amount of'' and all that follows through the end of clause (v) and inserting ''amount of $22,000,000 for each of fiscal years 2008 through 2012''.

(b) AMOUNTS FOR REGISTRANTS.—Section 4(i)(5) of the Federal Insecticide Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking by striking ''shall be'' and all that follows through the end of subclause (IV) and inserting ''shall be $71,000 for each of fiscal years 2008 through 2012; and''; and

(B) in clause (ii), by striking ''shall be'' and all that follows through the end of subclause (IV) and inserting ''shall be $123,000 for each of fiscal years 2008 through 2012.''; and

(2) in subparagraph (E)(i)—

(A) in subclause (I), by striking ''shall be'' and all that follows through the end of item (dd) and inserting ''shall be $50,000 for each of fiscal years 2008 through 2012; and''; and

(B) in subclause (II), by striking ''shall be'' and all that follows through the end of item (dd) and inserting ''shall be $86,000 for each of fiscal years 2008 through 2012.''.

(c) EXTENSION OF AUTHORITY FOR COLLECTING MAINTENANCE FEES.—Section 4(i)(5)(H) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)(H) is amended by striking ''2008'' and inserting ''2012.''

(d) OTHER FEES.—

(1) IN GENERAL.—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) is amended by striking ''2010'' and inserting ''2014''.

(2) PROHIBITION ON TOLERANCE FEES.—Section 408(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)) is amended by adding at the end the following:

''(3) PROHIBITION.—During the period beginning on the effective date of the Pesticide Registration Improvement Renewal Act and ending on September 30, 2012, the Administrator shall not collect any tolerance fees under paragraph (1).''.

(e) REREGISTRATION AND EXPEDITED PROCESSING FUND.—

(1) SOURCE AND USE.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(2)(A)) is amended—

(A) in the first sentence, by inserting ''and to offset the costs of registration review under section 3(g)'' after ''paragraph (3)'';

(B) in clause (i), by inserting ''and to offset the costs of registration review under section 3(g)'' after ''paragraph (3)''; and

(C) in clause (ii), by inserting ''and to offset the costs of registration review under section 3(g)'' after ''paragraph (3)''.

(2) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)(A)) is amended by striking ''2007 and 2008'' and inserting ''2008 through 2012''.

SEC. 5. PESTICIDE REGISTRATION SERVICE FEES.

(a) DOCUMENTATION.—Section 33(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(2)) is amended—

(1) in subparagraph (C), by striking clause (ii) and inserting the following:

''(ii) payment of at least 25 percent of the registration service fee and a request for a waiver from or reduction of the remaining amount of the registration service fee.''; and

(2) by adding at the end the following:

''(D) PAYMENT.—The registration service fee required under this subsection shall be due upon submission of the application.

''(E) APPLICATIONS SUBJECT TO ADDITIONAL FEES.—An application may be subject to additional fees if—

''(i) the applicant identified the incorrect registration service fee and decision review period;

''(ii) after review of a waiver request, the Administrator denies the waiver request; or

''(iii) after review of the application, the Administrator determines that a different registration service fee and decision review period apply to the application.

''(F) EFFECT OF FAILURE TO PAY FEES.—The Administrator shall reject any application submitted without the required registration service fee.

''(G) NON-REFUNDABLE PORTION OF FEES.—

''(i) IN GENERAL.—The Administrator shall retain 25 percent of the applicable registration service fee.

''(ii) LIMITATION.—Any waiver, refund, credit or other reduction in the registration service fee shall not exceed 75 percent of the registration service fee.

''(H) COLLECTION OF UNPAID FEES.—In any case in which the Administrator does not receive payment of a registration service fee (or applicable portion of the registration service fee) by the date that is 30 days after the fee is due, the fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.''.

(b) AMOUNT OF FEES.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''Pesticide Registration Improvement Act of 2003'' and inserting ''Pesticide Registration Improvement Renewal Act''; and

(B) in subparagraph (B), by striking ''S11631'' and all that follows through the end of the subparagraph and inserting ''S10409 through S10411, dated July 31, 2007.''; and

(2) by striking paragraph (6) and inserting the following:

''(6) FEE ADJUSTMENT.—

''(A) IN GENERAL.—Effective for a covered pesticide registration application received during the period beginning on October 1, 2008, and ending on September 30, 2010, the Administrator shall increase by 5 percent the registration service fee payable for the application under paragraph (3).

''(B) ADDITIONAL ADJUSTMENT.—Effective for a covered pesticide registration application received on or after October 1, 2010, the Administrator shall increase by an additional 5 percent the registration service fee in effect as of September 30, 2010.

''(C) PUBLICATION.—The Administrator shall publish in the Federal Register the revised registration service fee schedules.''.

(c) WAIVERS AND REDUCTIONS.—Section 33(b)(7)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(7)(F)) is amended—

(1) in clause (ii), by striking ''all'' and inserting ''75 percent''; and

(2) in clause (iv)(II), by striking ''all'' and inserting ''75 percent of the applicable.''.

(d) REFUNDS.—Section 33(b)(8)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)(8)(A)) is amended by striking ''10 percent'' and inserting ''25 percent.''.

(e) PESTICIDE REGISTRATION FUND.—Section 33(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)) is amended—

(1) in paragraph (1)(B), by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(2) in paragraph (3)—

(A) by striking subparagraph (B) and inserting the following:

''(B) WORKER PROTECTION.—

''(i) IN GENERAL.—For each of fiscal years 2008 through 2012, the Administrator shall use approximately 1/17 of the amount in the Fund (but not less than $1,000,000) to enhance scientific and regulatory activities relating to worker protection.

''(ii) PARTNERSHIP GRANTS.—Of the amounts in the Fund, the Administrator shall use for partnership grants—

''(I) for each of fiscal years 2008 and 2009, $750,000; and

''(II) for each of fiscal years 2010 through 2012, $500,000.

''(iii) PESTICIDE SAFETY EDUCATION PROGRAM.—Of the amounts in the Fund, the Administrator shall use $500,000 for each of fiscal years 2008 through 2012 to carry out the pesticide safety education program.''; and

(B) by striking subparagraph (C); and

(3) in paragraph (5)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(B) by striking ''Amounts'' and inserting the following:

''(A) IN GENERAL.—Amounts''; and

(C) by adding at the end the following:

''(B) USE OF INVESTMENT INCOME.—After consultation with the Secretary of the Treasury, the Administrator may use income from investments described in clauses (ii) and (iii) of subparagraph (A) to carry out this section.''.

(f) ASSESSMENT OF FEES.—Section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(d)(2)) is amended by striking ''For fiscal years 2004, 2005 and 2006 only, registration'' and inserting ''Registration''.

(g) DECISION REVIEW TIMES.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

(1) in paragraph (1), by striking ''Pesticide Registration Improvement Act of 2003'' and inserting ''Pesticide Registration Improvement Renewal Act'';

(2) in paragraph (2), by striking ''S11631'' and all that follows through the end of the paragraph and inserting ''S10409 through S10411, dated July 31, 2007.''; and

(3) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) COMPLETENESS OF APPLICATION.—

''(i) IN GENERAL.—Not later than 21 days after receiving an application and the required registration service fee, the Administrator shall conduct an initial screening of the contents of the application in accordance with clause (iii).

''(ii) REJECTION.—If the Administrator determines under clause (i) that the application does not pass the initial screening and cannot be corrected within the 21-day period, the Administrator shall reject the application not later than 10 days after making the determination.

''(iii) REQUIREMENTS OF SCREENING.—In conducting an initial screening of an application, the Administrator shall determine whether—

''(I)(aa) the applicable registration service fee has been paid; or

''(bb) at least 25 percent of the applicable registration service fee has been paid and the application contains a waiver or refund request for the outstanding amount and documentation establishing the basis for the waiver request; and

''(II) the application contains all the necessary forms, data, and draft labeling, formatted in accordance with guidance published by the Administrator.''.

(h) REPORTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(k)) is amended—

(1) in paragraph (1), by striking ''March 1, 2009'' and inserting ''March 1, 2014''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by redesignating clauses (ii) through and (iv) as clauses (v) through (vii), respectively;

(ii) by inserting after clause (i) the following

''(ii) the number of label amendments that have been reviewed using electronic means;

''(iii) the amount of money from the Reregistration and Expedited Processing Fund used to carry out inert ingredient review and review of similar applications under section 4(k)(3);

''(iv) the number of applications completed for identical or substantially similar applications under section 3(c)(3)(B), including the number of such applications completed within 90 days pursuant to that section;''; and

(iii) in clause (vi) (as redesignated by clause (i))—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(IV) providing for electronic submission and review of labels, including process improvements to further enhance the procedures used in electronic label review; and

''(V) the allowance and use of summaries of acute toxicity studies; and'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(D) a review of the progress in carrying out section 3(g), including—

''(i) the number of pesticides or pesticide cases reviewed;

''(ii) a description of the staffing and resources relating to the costs associated with the review and decision making relating to reregistration and registration review for compliance with the deadlines specified in this Act;

''(iii) to the extent determined appropriate by the Administrator and consistent with the authorities of the Administrator and limitations on delegation of functions by the Administrator, recommendations for—

''(I) process improvements in the handling of registration review under section 3(g);

''(II) providing for accreditation of outside reviewers and the use of outside reviewers in the registration review process; and

''(III) streamlining the registration review process, consistent with section 3(g);

''(E) a review of the progress in meeting the timeline requirements for the review of antimicrobial pesticide products under section 3(h); and

''(F) a review of the progress in carrying out the review of inert ingredients, including the number of applications pending, the number of new applications, the number of applications reviewed, staffing, and resources devoted to the review of inert ingredients and recommendations to improve the timeliness of review of inert ingredients.''.

(i) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(1) in paragraph (1), by striking ''2008'' and inserting ''2012''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''2009'' and inserting ''2013''; and

(ii) by striking ''2009'' and inserting ''2013''; and

(B) in subparagraphs (B) and (C)—

(i) in the subparagraph headings, by striking ''2010'' each place it appears and inserting ''2014''; and

(ii) by striking ''2010'' each place it appears and inserting ''2014''; and

(C) in subparagraph (D), by striking ''2008'' each place it appears and inserting ''2012''.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2007.

AUTHORIZING SAGINAW CHIPPEWA TRIBE OF INDIANS TO CONVEY LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2952, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2952) to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2952) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING COQUILLE INDIAN TRIBE TO CONVEY LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2863, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2863) to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2863) was ordered to a third reading, was read the third time, and passed.

NATIONAL INFRASTRUCTURE IMPROVEMENT ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 319, S. 775.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 775) to establish a National Commission on the Infrastructure of the United States.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Infrastructure Improvement Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACQUISITION.—The term ''acquisition'' includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) CONSTRUCTION.—The term ''construction'' means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term ''infrastructure'' means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term ''infrastructure'' includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term ''nonstructural elements'' includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term ''maintenance'' means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term ''rehabilitation'' means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Infrastructure of the United States'' to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2009, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this Act.

SEC. 7. CONGRESSIONAL BUDGET OFFICE REVIEW.

Not later than 90 days after the date on which the report under section 4(c) is submitted to Congress by the Commission, the Congressional Budget Office shall review the report and submit a report on the results of the review to—

(1) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate; and

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 10, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. 9. FUNDING.

For each of fiscal years 2008 through 2010, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this Act;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this Act; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2010.

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment that is at the desk be considered and agreed to, the substitute amendment, as amended, be agreed to, the motions to reconsider be laid upon the table, en bloc, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The amendment (No. 2648) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 775) was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES PLACED ON THE CALENDAR—S. 1927 AND H.R. 2831

Mr. PRYOR. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for the second time en bloc.

The legislative clerk read as follows:

A bill (S. 1927) to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and for other purposes.

A bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Mr. PRYOR. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1974

Mr. PRYOR. Mr. President, I understand that S. 1974, introduced earlier today by Senator KENNEDY and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

Mr. PRYOR. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive a second reading on the next legislative day.

ORDERS FOR FRIDAY, AUGUST 3, 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, August 3; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders be reserved for their use later in the day; that the Senate then proceed to executive session, as under the previous order.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, I wish everyone a good night, and if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:33 p.m., adjourned until Friday, August 3, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

DENNIS W. CARLTON, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHERINE BAICKER, RESIGNED.

FEDERAL MARITIME COMMISSION

CARL B. KRESS, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2011, VICE STEVEN ROBERT BLUST, RESIGNED.

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF STATE

JOHN A. GASTRIGHT, OF SOUTH CAROLINA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES COORDINATOR FOR AFGHANISTAN, DEPARTMENT OF STATE.

MARGARET SPELLINGS, OF TEXAS, TO BE DESIGNATED A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2010. (REAPPOINTMENT)

JULIE FISHER CUMMINGS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2011, VICE WILLIAM A. SCHAMBRA, TERM EXPIRED.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR

NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009, VICE MARC RACICOT, TERM EXPIRED.

TOM OSBORNE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012, VICE CYNTHIA BOICH, TERM EXPIRING.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

DEPARTMENT OF JUSTICE

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE, VICE DIANE M. STUART, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TED F. BOWLDS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID N. BLACKLEDGE, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KEITH D. JONES, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CARL V. MAUNEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. GARY ROUGHEAD, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM H. SNEEDER, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DWAYNE S. TUPPER, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SUZANNE R. TODD, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RALPH C. BEATON, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KRISTEN M. BAUER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be major

JOSE M. TORRES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RICHARD D. ARES, 0000
GARRETT R. BAER, 0000
JOHN E. BALSER, 0000
EARL G. BENSON, 0000
CHRISTINE J. BIGHAM, 0000
WILLA R. BOBBITT, 0000
BONNIE B. EILAT, 0000
SARAH L. FLASH, 0000
MATTHEW B. GARBER, 0000
STEPHEN L. GOFFAR, 0000
DIANNE T. HELINSKI, 0000
JULIE K. HUDSON, 0000
DANNY J. MCMILLIAN, 0000
TIMOTHY L. PENDERGRASS, 0000
ALLYSON E. PRITCHARD, 0000
SHAWN J. SCOTT, 0000
SCOTT W. SHAFFER, 0000
WILLIAM C. WERLING, 0000
PATRICIA M. WILLIAMS, 0000
YVETTE WOODS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KENNETH E. DESPAIN, 0000
THOMAS A. EGGLESTON, 0000
STEPHEN A. FELT, 0000
JAMES F. KOTERSKI, 0000
FELICIA D. LANGEL, 0000
CHRISTOPHER J. LANIER, 0000
JULIO C. MONTERO, 0000
RICHARD J. PROBST, 0000
PEDRO J. RICO, 0000
TIMOTHY SETTLE, 0000
CHERYL D. SOFALY, 0000
THOMAS J. STEINBACH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARVELLA BAILEY, 0000
TRACY L. BAKER, 0000
JEAN M. BARIDO, 0000
CORINA M. BARROW, 0000
DEBORAH L. BELANGER, 0000
ANNE C. BROWN, 0000
TERRY J. BROWN, 0000
JOSEPH T. CABELL, 0000
RONALD M. CASHION, 0000
RANDEL C. CASSELS, 0000
NAOMI S. CHILDRES, 0000
THOMAS R. COE, 0000
LYNN C. COLLINS, 0000
JENIFER M. CONSTANTIAN, 0000
MICHAEL R. COOPER, 0000
KATHLEEN F. CURRAN, 0000
GWENDOLYN L. DAVIS, 0000
DIANE S. DIEHL, 0000
PROSPERO C. DONAN, JR., 0000
LAURA L. FEIDER, 0000
MARY E. FREYLING, 0000
PABLITO R. GAHOL, 0000
KIMBERLY S. GARCIA, 0000
CHARLINE GEREPKA, 0000
CHAD B. GOODERHAM, 0000
MONTEZ GORRELLGOODE, 0000
JOHN H. GOURLEY, 0000
HEATHER B. GUESS, 0000
ROBERT G. HARMON, 0000
EULYNNE HARRISON, 0000
JUDITH M. HAWKINS, 0000
SHARON M. HEBERER, 0000
JENNIFER D. HINES, 0000
KAREN A. HUTCHINS, 0000
JENNIE M. IRIZARRY, 0000
ANDREA R. JACKSON, 0000
SHELLEY B. JAMES, 0000
LOUISE D. JOHNSON, 0000
VERNELL JORDAN, 0000
CLAIRE A. JOSEPH, 0000
NICOLE L. KERKENBUSH, 0000
JANET R. KROPF, 0000
BRUCE R. LANUM, 0000
LINDA A. LAPOINTE, 0000
PAUL F. LARUE, 0000
MARC A. LEWIS, 0000
DARYL J. MAGOULICK, 0000
LEONARDO M. MARTINEZ, 0000
LEIGH K. MCGRAW, 0000
SANDRA N. MCNAUGHTON, 0000
SUSAN R. MEILER, 0000
ELIZABETH A. MURRAY, 0000
ROBIN L. ODELL, 0000
JAMES L. PERRINE, 0000
BETH J. PETTITWILLIS, 0000
DEBORAH M. PINATHOMAS, 0000
PATRICK B. POLK, 0000
RICHARD M. PRIOR, 0000
ANGELA C. QUINTANILLA, 0000
DAVID C. RINALDI, 0000
NANCY A. SADDLER, 0000
KRYSTAL R. SCOFIELD, 0000
CHAD M. SEKUTERA, 0000
SONYA C. SHAW, 0000
AMELIA M. SMITH, 0000
ROBIN L. SMITH, 0000
MARGARET S. SOBIECK, 0000
CARMEN A. STELLA, 0000
MICHELE R. STONE, 0000
KATHERINE E. TAYLOR, 0000
COMBS D. UPSHAW, 0000
VERONICA A. VILLAFRANCA, 0000
ELIZABETH A. WALL, 0000
TRACY S. WALLACE, 0000
FRANCES K. WARD, 0000
KENDRA P. WHYATT, 0000
GAYLA W. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CARA M. ALEXANDER, 0000
PATRICIA J. ALLEN, 0000
BRIAN ALMQUIST, 0000
CHARLES A. ASOWATA, 0000
SHAUN M. BAILEY, 0000
STEPHEN A. BARNES, 0000
BEVERLY A. BEAVERS, 0000
DONNA E. BEED, 0000
GRETA L. BENNETT, 0000
WILLIAM J. BETTIN, 0000
LEE W. BEWLEY, 0000
KEVIN M. BONDS, 0000
JOSE A. BONILLA, 0000
CHADWICK A. BOWERS, 0000
LAURA E. BOWERS, 0000
SONYA R. BROWN, 0000
DAVID J. BROYHILL, 0000
JENNIFER B. CACI, 0000
CHERYL Y. CAMERON, 0000
WEYMAN E. CANNINGTON, 0000
PEDRO A. CASAS, 0000
JOHN J. CASEY III, 0000
CHRISTOPHER P. COLEY, 0000
MARY L. CONNELL, 0000
DEREK C. COOPER, 0000
ANTONIO E. COPELAND, 0000
ROBERT S. CORNES, 0000
ANDREW J. CORROW, 0000
BRIAN D. CRANDALL, 0000
ELLEN S. DALY, 0000
SWARTE V. DE, 0000
RALPH W. DEATHERAGE, 0000
MARK W. DICK, 0000
CORRINA A. DIXON, 0000
MARK J. DOLE, 0000
PETER N. EBERHARDT, 0000
AUSTIN W. ELLIOTT, 0000
LAURA M. ELLIOTT, 0000
DERRICK W. FLOWERS, 0000
RONALD S. FOLEY, 0000
CAROLYN E. FOTA, 0000
DAVID J. FUGAZZOTTO, JR., 0000
HAROLD J. GEOLINGO, 0000
DAVID R. GIBSON, 0000
CHERYL B. GOGGINS, 0000
MARJORIE A. GRANTHAM, 0000
ANTHONY L. GREEN, 0000
MICHELLE S. GREENE, 0000
CHRISTOPHER A. GRUBER, 0000
KURT A. GUSTAFSON, 0000
SAM E. HADDAD, JR., 0000
HERMAN HAGGRAY, JR., 0000
KELLY M. HALVERSON, 0000
JAMES A. HAWKINS, JR., 0000
MICHAEL D. HEATH, 0000
MARK L. HOHSTADT, 0000
HENRY E. HOLLIDAY III, 0000
WILLIAM G. HOWARD, 0000
ROBERT F. HOWE, 0000
TIMOTHY D. HOWER, 0000
STEPHEN R. INNANEN, 0000
MARK A. IRELAND, 0000
SUPING JIANG, 0000
WILLIAM D. JUDD, 0000
BRADLEY J. KAMROWSKIPOPPEN, 0000
SHERYL K. KENNEDY, 0000
GREGORY L. KIMM, 0000
ROBERT A. KNEELAND, 0000
ERICH K. LEHNERT, 0000
ROBERT A. LETIZIO, 0000
STEVE J. LEWIS, 0000
BRADLEY A. LIEURANCE, 0000
ERIC M. MAROYKA, 0000
THOMAS M. MARTIN, 0000
ANTHONY L. MCQUEEN, 0000
ROBERT D. MON, 0000
TROY E. MOSLEY, 0000
STEPHEN C. MOSS II, 0000
GERMAINE D. OLIVER, 0000
MACK C. OQUINN, JR., 0000
TERRY G. OWENS, 0000
MEE S. PAEK, 0000
PATRICK J. PIANALTO, 0000
JASON G. PIKE, 0000
ANDRE R. PIPPEN, 0000
CHRISTOPHER W. RICHARDS, 0000
ROBERT S. RICHARDS, 0000
JEFFERY F. RIMMER, 0000
ERIK G. RUDE, 0000
THOMAS R. RYLANDER, JR., 0000
CLINTON W. SCHRECKHISE, 0000
LOUIS J. SCHWARTZ, 0000
SHONNEIL W. SEVERNS, 0000
MAURICE L. SIPOS, 0000

DARIA J. SMITH, 0000
JOHN V. SMITH, 0000
ERIC B. SONES, 0000
PORTIA C. SORRELLS, 0000
MELLISSA R. STANFABREW, 0000
WILLIAM F. STARNES, 0000
KERRY J. SWEET, 0000
BRUCE C. SYVINSKI, 0000
LAURA A. THOMAS, 0000
DAVID M. THOMPSON, 0000
TONY N. TIDWELL, 0000
MARGA TOILLIONSTEFFENSMEIE, 0000
LAURA R. TRINKLE, 0000
RONALD C. VANROEKEL, 0000
KEITH A. WAGNER, 0000
RONALD D. WALKER, 0000
TRAVIS W. WATSON, 0000
RICHARD M. WEBB, 0000
ROBIN M. WHITACRE, 0000
THOMAS S. WIECZOREK, 0000
KRISTIN K. WOOLLEY, 0000
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IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RONNIE M. CITRO, 0000