I hope the administration will understand that a lot of the frustration with the current state of SCHIP has been the waivers—13 of them—that have been granted by this administration to expand SCHIP during the last 10 years, beyond what the Congress and beyond what the Senate intended it to be.

There is common ground in front of us, and it is the poor children of America. There is a good solution in front of us, and that is to see to it that SCHIP is what it started out to be. As Senator GRASSLEY has said, the bill that went to the President and was vetoed did correct some of those waivers. As others have said, there are serious questions on the financing mechanism. But there is no question that this Senate should be ready and prepared, immediately when the veto is sustained, to go forward and find a compromise that works for the poor children of America.

It is critical to me, as one who started in Georgia 10 years ago to register those eligible children, to see to it that they continue to get the promise that was granted by the Congress of the United States. It is equally important to me to see to it that we do not expand that program beyond what was intended and ultimately end up compromising the very poor children we started out to help.

I commend the Senator on his remarks. I urge the administration to immediately aggressively pursue avenues of agreement so we can come together as a Congress before November 16 and unanimously pass a SCHIP bill that works for the poor children of America and is fiscally accountable to the taxpayers of the United States of America.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3325

(Purpose: In the nature of a substitute)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 3325.

Mr. HARKIN. I ask unanimous consent that 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. HARKIN. Mr. President, we are now on the appropriations bill for Education, Labor, Health and Human Services, and related agencies. Before we get into the bill, I want to explain a couple of things. I will be yielding to my partner, Senator SPECTER, for his opening statement. Then I will follow with mine. It is not the usual order. Usually, the chairman goes first. But Senator SPECTER is very much involved in Judiciary Committee hearings today, and he has to return to that. I will respect that and yield to him in a moment.

I wished to make it clear to our fellow Senators there is a change in the bill they will now notice, the substitute at the desk. The amendment Senator SPECTER and I offered basically strikes the language in the bill dealing with stem cells. Again, I do this with regret. Senator SPECTER and I have worked together for many years to advance the cause of embryonic stem cell research. In fact, we worked together on the first bill President Bush vetoed in his first 4 years. That was our stem cell bill, the only bill he vetoed in 4 years. We then came back with another stem cell bill this year, and he vetoed that also. That veto override has not taken place yet.

So together we put some additional language in this bill to further the cause of trying to break through and get embryonic stem cell research covered. However, we received a statement of administration policy from the administration yesterday saying they opposed our bill for two reasons. It says it includes ''an irresponsible and excessive level of spending,'' and then it says, ''The administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research.''

I guess in the spirit of compromise, we wanted to show we are willing to compromise. We are willing to try to meet the President halfway. We know the President's strong feelings against this; they are misguided, nonetheless. Plus, the fact that, although not yet before the Senate, we will have a veto override vote on a stem cell bill he vetoed earlier this year. I don't know if we will have the votes to override. We may. With that, we thought we will show our good faith in saying to the President: OK, we are willing to compromise. We will take that language out. That is what we have done with the amendment that is at the desk. We have taken that language out of the bill.

However, on another aspect in terms of the administration saying it is an irresponsible and excessive level of spending, I will say more about that in my opening statement, but the fact is, in the last 5 years, under the leadership of Senator SPECTER, when I was ranking member, this appropriations bill exceeded the President's budget request every single year. I thank Senator SPECTER for that. He provided great leadership. But the President never once threatened to veto one of those bills and never did, even though we exceeded his budget. This year, however, the President has said he is going to veto it because we exceeded his budget. What is the difference? Because the Congress changed hands? I don't think Senator SPECTER or I give a hoot about that. What we care about is investing in education and health, job training, biomedical research, all the other good things this bill does.

I respectfully disagree with the President that it is irresponsible. I believe it is responsible. We met our budget allocations. We are within our pay-go limitations. We do not exceed our budget allocation in this bill whatsoever.

I wished to make that clear for other Senators. We are on this bill. We have dropped the stem cell language. I did this in consultation with Senator SPECTER as a good faith reaching out to the White House to say: We are willing to compromise. So we will take it out, but we are going to stand firm on our funding levels because they are reasonable. They are within our budget allocation. They don't bust the budget.

I yield the floor to my partner in this for many years, Senator SPECTER, for his opening statement. I know he has to get back to the Judiciary Committee. I will return and make my opening statement at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Chair and note for the record that the other Senator from Pennsylvania is presiding. I do not use the term ''junior Senator'' because Senator CASEY is so distinguished, I wouldn't want to have any suggestion of limited status.

We are taking up now the appropriations bill which has no rival for greater importance to America. Others may stand alongside it as equals, but when you deal with the Nation's health and education and labor, job safety, job training and medical research, the Centers for Disease Control, and Head Start, we deal with the fundamentals of governmental involvement for the general welfare as recited in the Constitution. Health is our No. 1 capital asset. Without going into any details

on that, I know that in depth from personal experience. Without your health, you can't do anything. But similarly, or about as important, is an education, to be able to do something productive and constructive.

We have submitted a bill which we believe fairly addresses the needs of the country and is not excessive in its expenditures. Last year's bill for this committee was $144.8 billion. The President has come in with a budget request of $141.3 billion. That is $3.5 billion less than last year. If one figures in inflation, we are looking at about a $7.2 billion cut. We simply can't accommodate that and do the Pell grants, the education funding, the title I funding, the President's program on Leave No Child Behind or the National Institutes of Health. We are out of fat. We are through tissue. We are to the bone and beyond.

The National Institutes of Health are the crown jewels of the Federal Government, maybe the only jewels of the Federal Government. Enormous strides have been made in combating the major ailments of our society—heart disease, cancer, Alzheimer's, and Parkinson's—but in FY06 there was a $50 million cut on the National Cancer Institute, which I won't call scandalous or outlandish, I will say it is inappropriate. This year we have added in this budget only $1 billion. When I say ''only,'' at $20 billion, raising it to $29.9, that doesn't keep up with the cost of inflation. There are many grants which are now being turned away by NIH.

We had a vote last night on a motion to recommit the bill on Commerce-Justice-Science. I voted against recommitment and made a brief floor statement that to send the bill back to committee to come back with the President's figure would constitute a surrender of the congressional responsibility to appropriate.

Article I gives us that responsibility and the authority. If we are going to accept the President's figure, then why don't we start there and leave us to fill in the blanks. But so that the record will contain a statement on legislative process, if anybody is watching on C–SPAN 2, coming to these bills, the one today on Labor, Health and Human Services, and Education and coming to the bill which we passed last night on Commerce-Justice-Science, it is an elaborate, painstaking process. There are hearings. There are deliberations. There are meetings. Then there is what is called a markup in the subcommittee. We go through the budget.

Meanwhile, staff has worked diligently on it. If it was generally known how hard the staff works, people would be amazed. They say if you asked: How many people in Washington in the Federal Government work? that most people would respond about half. The fact is, this is a very difficult job, especially for staff. Senators work too. So do House Members. Without going into that, though, we did not come up with these figures and pull them out of the air. They were worked through very carefully.

The bill which was passed yesterday had some increases which were very vital increases. They were increases on law enforcement which America needs. For example, the appropriation for the Federal Bureau of Investigation was increased by $383 million over the preceding year.

The Community Oriented Policing Services, the program known as COPS, to get additional law enforcement officers on the street, was increased by $1.639 million. That means that America is being better protected. It goes to the local governments. It is seed money. They hire additional police. The Federal allocation does not last long. Then it is our expectation they will keep the police.

State and local law enforcement assistance was increased by $163 million. I refer to that only briefly to give you some idea as to what we did yesterday and why it seemed to me to be inappropriate to refer it back to committee, which means we would take the President's figure, which was about $3.2 billion lower, in another subcommittee worked under the distinguished leadership of Senator MIKULSKI and Senator SHELBY. If we are to discharge our responsibilities under the Constitution, we have to stand by our guns as to what we want to do.

Now, I am not saying the figure on yesterday's bill is not to be modified. The President has set the tone on that when he vetoed the SCHIP bill. Congress came in at $35 billion over 5 years, and the President came in at $4.8 billion. Then he said he was willing to negotiate. There are some in the Congress who do not want to negotiate, who want to let the program lapse because it would be politically disadvantageous to the President if there is no continuation of the program for children's health.

Well, I do not think that will happen. I do not think that should happen. Because if some Members of Congress stand in the way of negotiations and a compromise, people will find out about it and it will be a political detriment to those who stand in the way of negotiations.

So as I said last night on the Senate floor, if you have the Senate bill on Commerce, Justice and Science higher than the President's figure by $3.2 billion, let's negotiate, just like the President said on SCHIP.

On this bill, we are prepared to negotiate. The first line of negotiation has already been announced by Senator HARKIN, and that was in response to a Statement of Administration Policy issued today from the Executive Office of the President:

> The Administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research.

Well, Senator HARKIN and I have considered this issue very carefully, and we have decided, much against our preference, to accede to what the President has strongly opposed. We do this in the context—not that we agree with the President, because we strongly disagree with him—but we would like to get this bill passed, and we are prepared to compromise.

This stem cell issue is one which is very near and dear to me. We found out about the potential for stem cells in November of 1998. Ten days, two weeks later—I chaired the subcommittee—we had hearings. We had 20 hearings on it. The research has shown me that these stem cells are a tremendous potential for curing the maladies of the world. We have 400,000 of them that are frozen that are going to be thrown away.

This is a long, involved subject, but in a nutshell, we are going to have Federal funding of stem cell research. It is a matter of when, not a matter of whether or if. It will happen. It will happen.

So in removing this provision from the bill, I do it with great reluctance and great regret. But I do it after consultation with the groups, the advocacy groups for stem cell research. They have been consulted. They are in the middle of all this, and they understand the reasons for it. They also understand if we pursue this, there will be a great many amendments which could pass and be harmful to the interests of the health of this country and to what the advocacy groups are seeking to accomplish.

So we come to a bill which I think America needs. It is worth pointing out that our bill is substantially under the bill passed by the House of Representatives. We have come in at $152.1 billion. The House of Representatives has come in at 154.2 billion. So they are $2.1 billion higher than we are. But this is our best judgment as to what ought to be done.

If anybody disagrees with it, Senators have the right to come to the floor and offer amendments, if they want to reduce the funding. We are prepared to listen. And we are prepared to negotiate with the President. But I am not prepared to take the figure the President has automatically. I am not prepared to do that. If we are going to do that, there is no reason to have the hearings and the meetings and the markup and the full committee and the laborious work we go through. If we are going to take the President's figure, it may as well come out of the White House as to what they are doing, if all we are left to do is fill in the blanks. I think it would be a dereliction of duty for us not to come forward with our conclusions on what appropriations are necessary for these three major Departments.

At the present time we are proceeding here, we have started the confirmation proceedings of Judge Michael Mukasey. I was there earlier this morning, and I have to return there. So I will be taking care of my duties here as best I can. Since I am not twins,

there will be someone else here to take over on the occasions when I cannot be here. But I did want these views to be expressed, and there is a long, erudite statement prepared by extraordinary staff, Bettilou Taylor—some call her the 101st Senator, but I think that diminishes her standing—and Sudip Parikh.

So, Mr. President, I ask unanimous consent that statement be printed in the RECORD.

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

FLOOR STATEMENT—SENATOR ARLEN SPECTER

FY 2008 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today totals $152.1 billion, an increase of $7.3 billion over the FY'07 level and $10.8 billion over the President's budget. The bill that passed the House of Representatives contains $154.2 billion, an increase of $2.1 billion over the Senate.

The funds contained in this bill address this nation's public health problems and continue to strengthen our biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills.

At this time, I want to take this opportunity to thank the distinguished Chairman of the Subcommittee, Senator Tom Harkin, for his hard work. This bill is not an easy one to maneuver through the subcommittee and full committee and it is a major accomplishment getting it to the floor for consideration.

Some of the key funding levels in the bill include:

$29.9 billion for the National Institutes of Health, $1 billion over FY'07

$4 million for Embryo Adoption

$2.170 billion for Ryan White AIDS programs

$75 million for mentoring programs

$300 million for Family Planning programs

$100 million for Mentoring Programs

$12 million for a Cord Blood Stem Cell Bank

$2 million for administering asbestos claims

$1.1 million for mesothelioma registry and tissue bank

$220 million to continue construction projects at the Centers for Disease Control

$2.161 billion for Low Income Home Energy Assistance

$200 million for Children's Hospital Graduate Medical Education

$2.3 billion for Community Health Centers

$102 million for Healthy Start

$7.1 billion for Head Start

$828.5 million for Worker Protection Programs

$5.25 billion for Job Training Programs

$13.9 billion for Title I Grants to Disadvantaged Students

$11.2 billion for Special Education State Grants

$14.5 billion for Pell Grants to support a maximum grant of $4,310

$313.4 million for Gear Up

$43.5 million for youth offender programs

$420 million for the Corporation for Public Broadcasting, in addition

Let me discuss in detail the major elements of this bill:

MEDICAL RESEARCH

The bill before the Senate contains $29.9 billion for the National Institutes of Health. The $1 billion increase over the FY'07 level will continue the important work of thousands of researchers across this nation. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society.

Each year, the Labor-HHS Subcommittee holds numerous hearings on medical research issues. Testimony is heard from the NIH Institute Directors, medical experts, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for autism, Alzheimer's and Parkinson's disease, spinal cord injury, muscular dystrophy, ALS, AIDS, diabetes, heart disease, and the many cancers affecting millions of Americans. But the diseases I just mentioned are the ones that everyone knows. However, there are a number of orphan diseases, those affecting 200,000 people or less, that are just as important but not often talked about. Research also needs to be specifically focused on orphan diseases such as spinal muscular atrophy, Ataxia's, Batten disease, fibromyalgia, Fragile X and spina bifida.

CENTERS FOR DISEASE CONTROL AND PREVENTION

The Centers for Disease Control and Prevention is the lead Federal agency for protecting the health and safety of Americans at home and abroad. To address these needs the bill includes $6.4 billion for programs at the CDC. The CDC's ability to respond quickly to address this nation's health concerns has been proven over the last several years. Within minutes of the September 11 attack, CDC set up an emergency operations center and began to deploy supplies and staff, issuing health alerts and responding to State needs. CDC redirected more than 2,000 staff to focus their resources on the anthrax crisis to identifying the disease and ensuring that health professionals were properly trained in recognizing the signs of anthrax. During the gulf coast hurricanes, the CDC staff was on the ground to assess and mitigate the infectious disease risk to residents of flooded areas. Last June, CDC also quickly identified a patient with a drug resistant strain of TB and took steps to isolate the patient and protect the American public. The Committee has included $1.7 billion to improve this nation's research capacities and to detect and control emerging infectious disease threats in the U.S. and around the world. The Committee has included $220 million to continue the renovation of the CDC facilities in Atlanta. With the funds provided in FY'08, we will only need one more year of funding to complete the modernization of the CDC campus.

PANDEMIC INFLUENZA PREPAREDNESS

Although press attention regarding pandemic influenza has waned, the threat of a pandemic influenza resulting in millions of deaths worldwide remains high. The Committee has included $888 million for pandemic influenza preparedness activities. These dollars are to purchase pre-pandemic vaccine stockpiles, spur vaccine development, purchase antivirals, and for the development of diagnostic tests. The remaining dollars are for on-going pandemic preparedness activities within the Department of Health & Human Services and the Centers for Disease Control & Prevention.

MENTORING

In this nation it is estimated that more than 772,500 juveniles are members of gangs, dropout rates in some school districts exceed 60% and the direct and indirect cost of youth violence exceeds $158 billion a year.

Mentoring programs have proven to steer children away from gangs, violence and crime. Studies show that mentored children are less likely to start using drugs and alcohol or commit violent acts. They are also more likely to graduate from high school and go on to a higher education. Unfortunately, the demand for mentors far exceeds the supply.

To address these concerns the bill includes $75 million, including $50 million to support mentoring programs for children who are at risk of failing academically, dropping out of school, or involved in criminal or delinquent activities. These funds will be awarded to local education agencies and non-profit community-based organizations to support mentoring programs. Also included is $25 million targeted to areas with the highest dropout rates and schools designated as persistently dangerous. Funds will be used to increase the number of mentors, identify children at an early age and link them with mentors to provide support before children get involved in criminal behavior.

MINE SAFETY AND HEALTH ADMINISTRATION

This Subcommittee has always been concerned about mine safety, but the many accidents in recent years have sharpened the Subcommittee's focus.

The regulations governing mine safety have evolved slowly from primitive beginnings in 1891. In the 1930's, well over 2300 people were dying annually in mining accidents. In 1941, Congress established the forerunner of the Mine Safety and Health Administration. The passage of the Mine Act in 1977 established MSHA, placed it in the Department of Labor, and established the current regulatory framework. The Congress amended the Mine Act in 2006 to strengthen its safety provisions in response to the recent incidents. Within the total provided, the bill includes $330.1 million for the Mine Safety and Health Administration, including $2 million for mine rescue and recovery activities. This is an increase of $16.5 million over the FY'07 level. The increase will be used to accelerate the implementation of the MINER act to improve health and safety conditions for miners.

GEAR UP

The bill provides $313.4 million for Gaining Early Awareness and Readiness for Undergraduate Programs. These funds will be used to assist high schools to help low-income students prepare for and pursue postsecondary education.

CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION

To support health professions training in children's teaching hospitals, the bill provides $200 million. The amount provided is a $97 million cut below the FY'07 level. However, the bill that passed the House contains $307 million and I will support the House figure during conference negotiations.

COMMUNITY HEALTH CENTERS

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $2.2 billion for community health centers. This amount represents an increase of $250 million over the FY 2007 level.

SUBSTANCE ABUSE

For prevention and treatment of substance abuse, the bill includes $3.4 billion, including $2.1 billion for treatment programs, $197.1 million for prevention and $923.1 million for mental health programs. The latest estimates indicate that millions of Americans with serious substance abuse problems go untreated each year. The amounts provided will help address the treatment gap.

LIHEAP

The bill provides $2.161 billion for the Low Income Home Energy Assistance Program

(LIHEAP) the key heating and cooling program for low income families in Pennsylvania and states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

AGING PROGRAMS

For programs serving the elderly, the bill before the Senate recommends $3.3 billion. Including $483.6 million for the community service employment program to provide part-time employment opportunities for low-income elderly; $350.6 million for supportive services and senior centers; $217.6 million for the national senior volunteer corps.; $773.6 million for senior nutrition programs; $1.1 billion for research conducted at the National Institute on Aging; $162.6 million for family and native American caregiver support programs; and $35 million for the Medicare insurance counseling program.

AIDS

The bill includes $6.5 billion for AIDS research, prevention and services. Included in this amount is $2.1 billion for Ryan White programs; $930.4 million for AIDS prevention at the Centers for Disease Control; $2.9 billion for AIDS research at the National Institutes of Health; and $300 million for the Global Fund for HIV/AIDS.

HEAD START

To enable all children to develop and function at their highest potential, the bill includes $7.1 billion for the Head Start program, an increase of $200 million over last year's appropriation.

EDUCATION

To enhance this Nation's investment in education, the bill before the Senate contains $58.1 billion for discretionary education programs, an increase of $532 million over last year's funding level and $1.5 billion more than the President's budget request.

EDUCATION FOR DISADVANTAGED CHILDREN

The bill includes $13.9 billion, an increase of $1.1 billion for Title I grants to school districts. These funds will provide services to approximately 15 million school children in nearly all school districts across the United states.

IMPACT AID

For Impact Aid programs, the bill includes $1.24 billion. Included in the recommendation is: $49.5 million for payments for children with disabilities; $1.1 billion for basic support payments; and $65.7 million for payments for Federal property. In addition, $17.8 million is available for construction activities at certain Impact Aid-eligible schools.

SPECIAL EDUCATION

For special education state grants, the bill includes $12.3 billion, an increase of $527.5 million more than provided in FY'07. These funds will help local educational agencies meet the requirement that all children—ages 3 through 21—with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services.

READING PROGRAMS

The bill includes $800 million for Reading First State Grants to implement comprehensive reading instruction to ensure that every child can read by the end of the third grade. Also included is $117.7 million for Early Reading First designed for preschools to enhance the verbal skills, phonological awareness, letter knowledge and early language development of children ages 3 through 5. To help struggling middle and high school students improve their reading skills, the bill includes $36 million.

21ST CENTURY COMMUNITY LEARNING CENTERS

For community learning centers activities, such as before- and after-school, recreational, drug, violence prevention and family literacy programs, the bill includes $1 billion.

TRIO

To improve post-secondary education opportunities for low-income first-generation college students, the Committee recommendation includes $858.2 million for the TRIO program, to assist in more intensive outreach and support services for low income youth.

CHARTER SCHOOLS AND VOLUNTARY PUBLIC SCHOOL CHOICE

The bill includes $214.8 million for charter school grants which help in the planning, development and implementation of charter schools. Also included is $26.2 million for voluntary public school choice to expand programs, especially for parents whose children attend low-performing public schools.

STUDENT AID AND HIGHER EDUCATION

For student aid and higher education programs, the bill provides $18.4 billion. Pell grants, the cornerstone of student financial aid is funded at $14.5 billion which will provide a maximum grant award of $4,310. The bill also includes $770.9 million for the supplemental educational opportunity grants, and $980.5 million for the Federal work study program. Also included are $858.2 million for TRIO programs and $507.2 million for aid to institutional development.

JOB TRAINING

In this nation, we know all too well that unemployment wastes valuable talent and potential, and ultimately weakens our economy. The bill before us today provides $5.59 billion for job training programs. This includes $1.65 billion for the Job Corps; $864.2 million for Adult training; and $1.19 billion for retraining dislocated workers.

CLOSING

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the Subcommittee for their cooperation.

Mr. SPECTER. Before I yield the floor, I wish to compliment my distinguished colleague, Senator TOM HARKIN. Senator HARKIN and I have worked side by side. Sometimes I have been chairman; sometimes he has been chairman. I like it better when I am chairman. But I also like it when he is chairman. We have what we call a seamless transfer of the gavel.

People complain there is a lot of bickering in Washington, DC, and there is too much infighting. Well, TOM HARKIN and ARLEN SPECTER do not do that. We try to set an example of working together in the public interest.

May I also add, I do the same thing with Senator ROBERT P. CASEY, Jr., my colleague from Pennsylvania. We meet frequently and go over the key issues. When there are major events—we had a big hearing in Philadelphia on juvenile gang violence. I invited Senator CASEY to come along. He has had some ideas and some programs he has advocated, and he has invited me.

We went to Pittsburgh to swear in some judges. I made sure it suited Senator CASEY's schedule. People like to see Democrats and Republicans working together. Senator CASEY and I do, and, I say to the Senator from Iowa, certainly you and I do, Mr. Chairman. So I thank you. I thank Ellen Murray and Sudip for their extraordinary work.

Mr. HARKIN. I appreciate that.

Mr. SPECTER. There is a story that behind every successful man there is a surprised mother-in-law. But in the case of TOM HARKIN and ARLEN SPECTER, it is Ellen and Bettilou.

Mr. HARKIN. That is right.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my good friend, Senator SPECTER, for his very kind words, his generosity of spirit, and respond in kind that I have said many times to people that during the interregnum when the Republicans controlled the Senate—I say that jocularly—I was very fortunate and blessed to have Senator SPECTER as the chairman of this committee. He is right, we have worked together very closely over the years, and I thank him for that very close partnership and working relationship. He is a great leader in areas of health and education and medical research and so many other items. So I thank Senator SPECTER for that very close working relationship.

I am pleased to bring to the floor the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies.

It has been said many times that the Defense appropriations bill is the bill that defends America. But this appropriations bill, the bill we have before us—the bill that funds Education and Health and Human Services and biomedical research and the Centers for Disease Control and Prevention—is the bill that defines America.

This bill funds the most basic, essential, life-sustaining, and lifesaving services for millions of people in this country, including the most needy among us. It provides for the education of our children. It provides health care for many of our poorest citizens. It helps students from low- and middle-income families afford college. It funds medical research to help ease human suffering. It gives displaced workers a chance to get back on their feet.

This bill does define us and says who we are as Americans. Despite extreme budget constraints, I believe we have produced a good bill. I wish we could have done more for these programs because we have some catching up to do. But we also have to be fiscally responsible. This bill fits within the budget resolution. It conforms to pay-go. It reflects the priorities of Senators on both sides of the aisle, and it reflects the values, ideals, and priorities of the American people.

Again, I commend our ranking member, Senator SPECTER, for his leadership in helping to craft this bill. As Senator SPECTER said, we have had an amazingly productive partnership for

the last, as I count it, about 17, almost 18 years. As control of the Senate has switched between the two parties, we have passed the gavel back and forth, but there has been one constant and that is our shared commitment to investing in job training, in essential human services, in education, and cutting-edge biomedical research.

One notable accomplishment of our bipartisan partnership was the doubling of funding at the National Institutes of Health over a 5-year period between 1998 and 2003. It started under a Democratic President, finished under a Republican President. But today, sadly, that achievement seems like ancient history. Today, it is an achievement in this bill simply to prevent a cut at the National Institutes of Health because that is what the President proposed in his budget. The President proposed a $279 million cut in funding for NIH, in things such as cancer research, Alzheimer's research, ALS research, and other lifesaving research being done through NIH.

The National Institutes of Health is just one of the critical programs in this bill that the President's budget underfunds. Head Start, special education, job training all would face cuts if the President had his way.

Overall, for all the programs in this appropriations bill, his budget request was $3.5 billion below last year's level. Let me repeat that. The President's budget was $3.5 billion below last year's level—not below an inflationary increase, below last year's level. So not only did his budget fail to keep up with inflation, it would take us back. That is unacceptable.

President John Kennedy once said that ''to govern is to choose''—a famous line. Well, I tend to agree. Governing is also about setting priorities. The President has set his priorities. He is just days away from sending up a supplemental budget request for the war in Iraq. We hear it to be as much as $190 billion, and he will insist that we appropriate every single penny. Meanwhile, 2 weeks ago, rejecting pleas from many members of his own party, he vetoed the SCHIP bill, which would preserve health coverage for 6 million children nationwide and cover millions more who are currently uninsured. Now, the President, with his statement of policy that he sent up yesterday, is threatening to veto this bill.

So think about it. The President is demanding that we continue to spend more than $12 billion a month in Iraq on the war, yet he is threatening to veto this appropriations bill because it spends $11 billion a year more than what he wanted, for 1 year. The President says he wants $12 billion a month for the war in Iraq, but we shouldn't spend $11 billion over his budget for 1 full year for all of the other things we do in education and in health care and in human services.

Under the Constitution, we know that the President proposes, the Congress disposes. So we in Congress get to set our priorities too. We also get to choose about governing. Rather than cut the essential programs and services in this bill, we have chosen in a bipartisan fashion to provide a very modest increase. So we respectfully disagree with the President. We believe it is time to make investments in this country. It is time for the President to put our own needs here at home first. For 5 years we have poured untold billions of U.S. taxpayers' dollars into schools, job programs, hospitals, and human services in Iraq. It is time we looked after those same needs here in America. That is exactly what we propose to do in this bill.

This bill provides a modest increase of $1 billion for the National Institutes of Health. That is 3.5 percent. That is less than biomedical inflation. But the President's budget would slash investments in NIH, cutting 800 research grants that could lead to cures or treatments for heart disease, cancer, diabetes, or other diseases ravaging our people. This is a very exciting time in biomedical research. We are reaping the benefits of the Human Genome Project. It would be unconscionable and I think totally irresponsible to short-circuit this progress by cutting the funding for NIH. So we have, as I said, provided a modest increase of $1 billion for NIH in this bill.

In this bill, we increase funding for Head Start by $200 million. I wish it were more. It should be more. We are just beginning to make up for the tens of thousands of children who have been lost to the program because of stagnant funding over the last several years. The President's budget would cut Head Start funding by $100 million. So the President's budget cuts it by $100 million; we increase it by $200 million. The President's budget would cut thousands more children from the rolls of Head Start; ours would add to it. That is the difference. We believe the President's approach is unacceptable.

In this bill, we provide an additional $457 million for special education. Again, it really ought to be more, and I will explain what I mean by that. If we accepted the President's budget, it would cut special education by $291 million.

When IDEA passed—the Individuals with Disabilities Education Act—when it passed the Congress—I guess it was about 30 years ago; yes, it has been about 30 years—when we passed the Individuals with Disabilities Education Act, we committed ourselves, we committed the Federal Government to paying up to 40 percent of the additional cost of educating kids with disabilities in our schools. Now, consider this: Prior to that time, most kids with disabilities were shunned aside. They were sent to State institutions, warehoused, and many of them never even went to school. But because of a decision—and I say to the Senator sitting in the chair, it was a Pennsylvania case, PARC, Pennsylvania Association of Retarded Citizens v. Pennsylvania, a landmark case.

From that case, it was decided that if a State decided to provide a free public education for all its children, if it decided to do that, it could not then discriminate against kids with disabilities in providing that free, appropriate public education. Well, that then led, of course, to the Individuals with Disabilities Education Act that passed the Congress. In that, we said: We are going to help. We think States should do this. States are mandated to do this under the Constitution, but we are going to help. So we are going to try over the years to build this up to where we provide at least 40 percent of the additional funding to mainstream kids with disabilities in our public schools.

Where are we? Under President Bush, we are going backward. Two years ago, the Federal Government got up to 18 percent of this additional funding for kids with disabilities. We got up to 18 percent 2 years ago. In the last fiscal year, the Federal share dropped to 17 percent. If the President gets his way with his budget in 2008, we will be down to 16 percent. We have had a number of amendments on this floor, sense-of-the-Senate resolutions, to get this up to 40 percent. Republicans and Democrats have voted for this. Yet the President's budget is taking us in the opposite direction, and that, of course, again is unacceptable. When we don't pick up the tab, when we don't do our share and our part in providing for special education, who gets stuck with the bill? Local property taxpayers. The States have to increase and keep increasing the share of local property taxes to pay for this. Again, that is unacceptable.

Turning now to college education, we all know the cost of a college education is rising. It hits all of us pretty hard. It hits all middle-class families and anyone who wants to get a college education. Obviously, it hits the poorest families the hardest. This bill provides an increase of more than $800 million for Pell grants over last year—Pell grants, so that our poorest students have a chance to get a higher education. Building on that increase we put in the bill earlier, Senator KENNEDY and Senator ENZI, the chair and ranking member of the authorizing committee on education, wrote a budget reconciliation bill that raises the maximum Pell grant award from $4,310 to $4,800. That is a boost of almost $500 a year for the neediest students—the largest increase in more than 30 years. But under the President's budget, the increase would be less than half that—about $230 a year. So again, our bill would increase that and provide for $800 million more for Pell grants over last year.

One other item which is something of importance to every Senator is this bill increases funding for administering Social Security by $125 million above the President's request. Now, why is that important? I will bet my colleagues

every Senator here and their State offices have been getting all kinds of cases coming in from people who have disability claims, but they are backlogged, backlogged, backlogged. They wait months and months, sometimes years, to get their disability claims administered. Well, this increase would allow us to make a dent in that backlog of disability claims. Again, we ought to be even more aggressive in reducing the backlog. But make no mistake, if we accept the President's budget, the Social Security Administration would have to institute a hiring freeze and the backlog of claims would skyrocket. It is bad enough the way it is right now, but under the President's budget, it would be unacceptable. So our bill would provide $125 million more for Social Security to begin to reduce the disability claims backlog.

I think one of the most disturbing problems with the President's budget is it is kind of a total disregard, I would say, for the needs of our poorest people, the poorest citizens of our country. Just consider three programs that serve low-income children and families in this country. The three programs are the LIHEAP program, which is the Low Income Home Energy Assistance Program, the Community Services Block Grant Program, and the Social Services Block Grant Program. Let's look at those three. These all serve the lowest income people in our country.

The President's budget would cut LIHEAP by $379 million despite predictions of record energy prices this winter. This cut would force States to lower their benefits or serve fewer low-income individuals, many of whom are elderly and poor, many who are going without medical care, some cutting down on their food and other necessities in order to pay their heating bills.

Then, the two block grants I mentioned, the community services block grant and the social services block grant, many of the States tie these together to provide essential services for our most disadvantaged people in this country.

The community services block grant is a key safety net, providing assistance in areas such as job training, housing, and emergency food aid. This bill increases funding for the community services block grant by just a modest $40 million. The President's budget eliminated—the President's budget didn't just cut community services block grants, they zeroed it out—all $630 million zeroed out.

The other block grant, the social services block grant, addresses some of our country's most vital human services needs, such as protecting children from abuse and neglect, caring for homeless seniors, providing services to children and families with severe disabilities, to mention just a few. The President's budget slashed the social services block grant by 30 percent. Our bill says no.

The President has already cut taxes for the wealthiest Americans. We are not going to decimate programs for the poor at the same time. Enough is enough.

So the bill we have before us invests in job training and employment services programs to help Americans develop the skills they need to find work. The President's budget cut job-training programs by $1 billion; that is, from $3.6 billion last year, he would cut it to $2.6 billion. This bill rejects that. This bill also provides $483 million for community services jobs for older Americans. The President's request was $350 million, which would have actually cut a lot of seniors from the program, seniors who are already working in that program.

America's working families also count on the Labor Department to ensure that their workplaces are safe and that employers comply with labor laws. Unfortunately, the President has consistently underfunded the agencies that enforce these laws. Since 2001, OSHA—that is the Occupational Safety and Health Administration—has lost almost 10 percent of its enforcement staff because of the President's budgets. This bill charts a new course. We invest $12 million over last year to rebuild OSHA staffing.

When I describe the funding choices in this bill as ''investments,'' I choose my word carefully. It is a simple fact that when we invest in these programs, we save money in the long run and our country saves money in the long run. When the Minneapolis bridge collapsed this summer, we all talked about the large costs of failing to invest in our infrastructure, our physical infrastructure, our roads, our bridges, our highways, our rails.

Well, what about failing to invest in our human infrastructure, our people? What can be more important than that investment? We know some things. We know that early childhood education pays many dividends later on in life and saves us money. We know that quality K–12 education pays big dividends. We know that enabling kids to go to college and not be burdened with a lot of debt pays off with big dividends. We know that adding community health centers pays off, pays dividends by preventing emergency care and disability down the road. We know that job training pays big dividends by getting workers who are laid off of jobs—maybe they have gone overseas—retrained and equipped for new kinds of jobs so they can be productive, taxpaying citizens. All of what I mention pays huge future dividends.

I said earlier that this bill defines America. It is important that this bill defines America as a compassionate nation, a nation that invests in its future, a nation, as the late Senator Hubert Humphrey used to say, that meets the needs of those at the beginning of life, those in the twilight of life, and those in the shadows of life.

Again, I ask, how can we continue to pour endless billions of dollars into Iraq—more than $12 billion a month now, and counting—and yet we cut funding for the basic essential services here at home for our most needy citizens? This is a case of seriously misplaced priorities. We are doing our best to correct it in the bill before us today. Obviously, we have not been able to do everything we want or need to do, but this bill reflects the priorities of Senators on both sides of the aisle, and, as I said, we stayed within our budget allocation.

Again, given all of this, I am genuinely saddened that the President has already pledged to veto the bill. I really cannot believe the President wants us to cut funding for cancer research and other lifesaving research through the NIH. I cannot believe the President wants to cut children from the rolls of Head Start. I cannot believe the President wants to eliminate the community services block grant, which is a basic life support for many of our neediest citizens. I cannot believe the President wants to cut funding for home heating assistance for poor elderly. Yet the President's budget would require all of these cuts to essential programs and services. It would be unconscionable.

So all I can assume is that the President is getting very bad advice. Perhaps his advisers have told him to veto this bill to score some political points—whatever that might be. If so, it is bad advice because there is not an ounce of extravagance in the bill. It meets the essential needs of the American people in terms of education, health and human services, and job training. It passed out of committee 26 to 3. You cannot get much more bipartisan than that.

I might again point out, as I did earlier, that over the last 5 years, this appropriations bill—again, it was under the leadership of Senator SPECTER, and I was ranking member—every year was above the President's request. Not once did the President threaten to veto it. Well, this year, some games are being played. The President's budget slashes all these programs. We come in to replenish the money and put it in and to give modest increases, all within our budget allocation, but for the first time in 6 years the President says he is going to veto it. What is the difference? Is the only difference now that the Democrats are now in charge? Because, as I said, every year, Senator SPECTER's bill was higher than the President's request, but he never threatened to veto one of those bills and he never did. This year, he says he will. It sounds to me like the last Karl Rove tactic before he left town. This sounds like a Rove tactic.

I say to the President that he is gone, he is history—bad history, but he is history. Now, Mr. President, do the right thing. Do what we have for the last 5 years and work with Congress. We are willing to meet you halfway, as I said earlier.

One of the objections in the President's veto threat, which he sent down

here yesterday and I have here, was that he opposes overturning the President's policy regarding human embryonic stem cell research. All right. We took it out, even though Senator SPECTER and I and our committee feel very strongly about this. We have had hearings and hearings on this since 1998. Under Senator SPECTER's leadership, we have passed legislation to overturn the President's policy. I think we got, if I am not mistaken, about 66 votes in the Senate to do that. I think I am right on that. So, again, we feel strongly about that, as strongly as the President may feel about it, but in the spirit of compromise and getting our bill done and moving it ahead, we decided to take it out, and we did.

So I hope that in the next 24 hours the White House will listen to the debate and they know what is going on and they have their people up here; this is no secret—I hope the President will revisit this, and I would like to see a new Statement of Administration Policy coming down saying: You did, in good will, take out the stem cell thing, and that was half of our objection. We will meet you halfway and accept the bill as you have it.

Mr. President, that would be the good thing to do. I still am hopeful that the President will do that. There is really no justification now for vetoing this bill. If we are over what he wanted, we have been over what he wanted for the last 5 years and he never vetoed the bill. So I hope the President will send down a new statement of policy and that they will support this bill because I think the bill is going to have big support here. It passed committee 26 to 3. If I am not mistaken, those three votes were opposed to the stem cell provisions we had in the bill. Had they not been there, we would have had a unanimous vote in committee.

I think this bill will get a big vote here on the Senate floor. It would be helpful and would ease things and would, I believe, lift a lot of the contentiousness that goes on around town here if the President would come out and say: OK, we will meet you halfway; you took that out, so we will take the bill as it is. That would make things go very smoothly.

Again, we look forward to the consideration of the bill on the floor this week. We want to use our time productively. I encourage Senators, if they have amendments, to bring them to the floor in a timely fashion today so we can complete our work and get the bill to conference as soon as possible.

Senator REID said on Monday that we would stay in this week—and Saturday, if necessary—to finish this important bill. Well, I have placed all my plans on hold. I intend to be here, if necessary, Friday and Saturday—or Sunday, if necessary—to finish this vitally important bill. I take the leader at his word that we will be here Friday and Saturday if we need to be. However, if Senators come over today and offer amendments today and tomorrow, hopefully, we can finish this bill in a timely manner. Again, Mr. President, we are on the bill, and I hope Senators will come over and offer their amendments.

Mr. President, on August 2, 2007, by a vote of 83 to 14 this Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to the new rule XLIV, it is required that the chairman of the committee of jurisdiction certify that certain information related to congressionally directed spending be identified and that the required information be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested, and the committee is required to make those certification letters available on the Internet. The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending. This information is contained in the committee report numbered 110–107, dated June 29, 2007, and has been available on the Internet for 8 weeks. The Member letters concerning pecuniary interests are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the Committee on Appropriations, Senator BYRD. I ask unanimous consent to have it printed in the RECORD.

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

Senator BYRD. I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110–107, filed on June 27, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CIA INSPECTOR GENERAL

Mr. WYDEN. Mr. President, there was discussion on the floor this morning about intelligence matters. I wanted to spend a few minutes to discuss a matter of bipartisan concern in the Senate. What I am talking about is the very troubling development that came to light last week indicating that the head of the CIA, General Hayden, has decided to launch an investigation into the Agency's inspector general.

I and others—and I particularly commend Senator BOND, our vice chairman of the committee, for his excellent statement on this matter—are very concerned about this new development. It is particularly important that the inspector general of the Central Intelligence Agency function with independence. Because our work by its very nature—entrusted with those secrets essential to protect our country's security—has to be done in private and is classified, we need an independent inspector general to ensure accountability.

Because of a development such as this, I think this can have a chilling effect on the independence of the inspector general at the Central Intelligence Agency.

The Congress created these inspector general positions for a reason, and that is to ensure accountability, to ensure Government efficiency. Virtually all of the agencies have these key positions and, of course, it is their job to report findings to the Congress.

Perhaps General Hayden is concerned about the work of Mr. Helgerson, the inspector general for the Agency. There is an appropriate process for bringing up those concerns. If the head of the Central Intelligence Agency is concerned about how the CIA inspector general is doing his job, he ought to bring them to the President's Council on Integrity and Effectiveness.

It is my view that particular body has been handling complaints against inspectors general, and it is my view they are doing their job well and appropriately. But to have an investigation such as this, in my view, is going to interfere with the inspectors general independence. If the Director of the CIA is ordering investigations into the inspector general's activities and plans to ''suggest improvements'' for the inspector general to consider, my view is that can undermine the inspector general's independence.

I do not want to see inspectors general intimidated. That is the bottom line here, and I do not want the Director of the CIA interfering with the extraordinarily important activities of the inspector general at the Agency.

Let me also state that my concern is part of a view that there has been a pattern at the Agency of being less than transparent. I and, again, senior Members of this body, particularly Senator BOND and Senator ROBERTS, have worked very closely and in a bipartisan way to ensure that the inspector general's report on the role of the Agency in the runup to 9/11 was going to be made public. I can tell you that, unfortunately, General Hayden fought that bipartisan effort every step of the way.

The fact is, it was a balanced effort. The particular recommendations of the

inspector general were modest in nature. They did not require that anybody be fired or cavalierly dismissed. It called for what is known as an accountability board, something, again, to ensure that the watchdogs are in place to protect this country's security and do it in a fashion that is committed to the American principles of transparency and openness.

I have written Admiral McConnell who, of course, is the head of the national intelligence community, and asked him to direct General Hayden to cease and cease immediately the investigation that is now going on into the work of the inspector general at the Central Intelligence Agency.

It is my view that people who know they are doing the right thing are not afraid of oversight. It is time for the head of the intelligence community, Admiral McConnell, to put an end, and an immediate end, to General Hayden's attempt to muzzle the CIA's inspector general.

I wrap up by saying, again, we are not talking about a matter that is partisan. Senator BOND, who has been so cooperative on these matters relating to accountability and transparency, said it very well. Senator BOND said the inspector general had done great work. In his statement on this matter, Senator BOND noted that the Agency regrettably has a track record of resisting accountability.

So that is what this is all about. The ball is now in Admiral McConnell's court. It is my hope that in the next few days, Admiral McConnell will direct General Hayden to cease this investigation into the work of the CIA's inspector general.

Mr. President, I yield the floor.

RECESS

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

Thereupon, at 1 p.m., the Senate recessed until 2 p.m., and reassembled when called to order by the Acting President pro tempore.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008, Continued

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

AMENDMENT NO. 3328 TO AMENDMENT NO. 3325

Mr. VITTER. Mr. President, I will call up amendment No. 3328 which is at the desk, but in the interim, before I actually call it up and make it pending, I wish to discuss the Vitter amendment No. 3328. Hopefully, in a relatively short period of time, we can actually call it up and make it pending.

This amendment is very simple and very straightforward. In fact, it is something this body has seen before on other bills and has strongly voted for before. It simply prohibits any funds in this appropriations bill from being used to block the reimportation of safe prescription drugs from Canada.

All of us know that sky-high prescription drug prices are a very troubling burden every American family faces. Certainly literally every family I deal with in Louisiana deals with this issue in some form or fashion, often in the context of trying to help elderly parents or grandparents or others with very significant prescription drug costs.

One partial solution to that huge challenge is to allow American consumers to buy prescription drugs in person or through mail order or the Internet from Canada, because precisely the same prescription drugs are available in Canada—in all cases at a dramatically lower cost.

Unfortunately, in this country we have had Federal law that prevents American consumers from doing that in most cases. This amendment and other full-blown bills, some introduced by myself, others introduced by other leaders on the issue, such as Senators DORGAN and SNOWE, would lift those prohibitions and allow American consumers their rightful access to safe, cheaper prescription drugs from Canada.

This amendment is being brought on this appropriations bill for a very simple and legitimate reason. Under the current administration there has been a task force established under the Department of Health and Human Services. That task force was specifically established to coordinate all Federal Government activity by the administration to block reimportation of drugs from Canada and elsewhere. That is governed under the Department of Health and Human Services. That is organized under that Department which is governed by this bill, so this amendment will simply say: No funds in this bill going to the Department can be used for that purpose. That task force has to quit its operation. None of that money can go to support the activity of that task force, which is specifically designed to block American consumers from getting safe, cheaper prescription drugs from Canada and elsewhere.

At this point I believe it has been cleared so I wish to formally call up amendment No. 3328 and make it pending.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3328 to amendment No. 3325.

The amendment is as follows:

(Purpose: To provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

Mr. VITTER. Mr. President, this is virtually exactly the same amendment I proposed with Senator NELSON to the Homeland Security Appropriations bill. That amendment was agreed to in the Senate 68 to 32 on July 11, 2006, and was subsequently signed into law. More recently, this year we came back to the Senate floor with the same amendment on this year's Homeland Security Appropriations bill and that was agreed to by unanimous consent. So the Senate has spoken. The Senate has spoken strongly, by a vote of 68 votes or more, in support of what an even larger percentage of the American people want, and that is free, unfettered access to safe, cheaper drugs from Canada and elsewhere.

This amendment is very simple. It says none of the funds in this act, in this bill before us, can be used to stop Americans from getting the safe, cheaper prescription drugs from Canada. The amendment is very specific to Canada only.

This amendment will take us along the path toward full-blown drug reimportation. Last year we had success in allowing Americans to carry on their person these prescriptions drugs from Canada. This amendment would go further and allow that, not only on an individual American citizen's person, but also by mail order or the Internet, as long as that American citizen is not in the business of wholesaling and selling prescription drugs, as long as it is for his or her personal use.

I hope the Senate, both sides of the aisle come together as we have in the past with a strong, overwhelming majority—in the past it has been 68 votes or more—and pass this amendment and say enough is enough. Let's establish this regime of safe reimportation from Canada and elsewhere. Let's push the administration to put forward the safety mechanisms that they absolutely have the authority and ability to help lower the cost of prescription drugs for all American citizens, particularly our seniors.

I urge my colleagues to join me in this amendment.

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

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

The assistant legislative clerk proceeded to call the roll.