

world—burdened by \$175,000 of debt because that baby's adult parents and the people they elect to Congress have failed to take responsibility to make sure that baby would be born into a world of prosperity, opportunity, and freedom. Instead, the baby has been born into a world that has that freedom and opportunity but also is burdened by \$175,000 in debt.

There are a lot of challenges that lie ahead, and I have other charts I won't bother the Members of the Senate with here today, but we have to have an important debate here as we write the Federal budget. I agree with the Senator from New Hampshire, this is not the President's budget. As a matter of fact, everybody knows what happens to a President's budget, whether it is a Democrat or Republican in the White House. It is basically "dead on arrival" at Congress. I could say it another way. The President proposes and Congress disposes the budget. But it is our responsibility to write that budget, and we should do so in a way that is fiscally responsible.

We should also do it in a way that addresses the real pinch that average Americans feel when they fill up their gas tank and find that gasoline is \$3.25, \$3.50 a gallon, on its way to \$4 a gallon probably this spring; and when they find that their health care costs continue to go up year after year after year such that they have less and less disposable income. Those are the sorts of things we ought to be paying attention to—reducing taxes, eliminating the debt, taking responsibility for that, and taking care of those bread-and-butter issues that the American people care about, because those are the ones that impact their quality of life on a day-to-day basis.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CPSC REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2663, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

AMENDMENT NO. 4090

Mr. PRYOR. Mr. President, I have an amendment at the desk, No. 4090, that I wish to call up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 4090.

The amendment is as follows:
(Purpose: To correct a typographical error.)

On page 87, line 11, strike "cigarette" and insert "Cigarette".

Mr. PRYOR. Mr. President, we are today, once again, starting the debate on the Consumer Product Safety reform bill. This is a very important piece of legislation, and I am sure Senators from all over the country have heard from their constituents about this because we saw last year a record number of product recalls, especially in the toy area. We saw last year recall after recall after recall, and some of the news stories that made the headlines were about lead in toys, but certainly the recalls last year were not in any way, shape, or form limited to lead.

Lead is a very serious problem. We deal with lead in this legislation. In fact, we virtually ban lead in all children's products. That is a very important new safety rule. If the Senate adopts this measure, the new safety rule would be that there is a very tough scientifically based lead standard for toys.

When I say "virtually ban," I do think it is important for my colleagues to understand that we can probably never absolutely get rid of lead in any product because there is some lead out in the atmosphere. It is a naturally occurring element. But we virtually ban lead in all children's products.

Another thing that we do, which I think is very important, is illustrated by this chart, and that is we recognize the changes in the U.S. economy. The last time the Senate reauthorized this legislation, which was in 1990 or 1992, we have to think about what the U.S. economy looked like. If you think about how many imports we had coming into this country from overseas, one of the things this chart illustrates is the number of imports in dollar figures, starting in 1974 and going up here to the year 2006. The actual numbers and the years aren't as important as the trend line. You can see what is happening with imports coming into this country.

We all know we are getting more and more imports, and one of the things I think we need to fight for is our U.S. manufacturing base, but that is not the discussion we are having here today. We are seeing more and more imports coming into this country. However, at the very same time, over the very same years, if you go to this bottom chart, again starting in 1974 and going up to this year, you will see what the Consumer Product Safety Commission's staff has done year by year.

Unfortunately, you see it peak in about 1980 or so, and then it starts to drop off dramatically. Here again, the numbers are not as important as the fact that you see this downward trend when it comes to employees at the Consumer Product Safety Commission. The reason that is important—and, by

the way, the numbers are 420 full-time employees, and at the height of the agency there were about 900. But those numbers are not as important as the trend. You can see that today we have less than half of the full-time employees at the CPSC as they did 20 years ago.

The problem is when you compare these two charts. Again, I totally understand we can work more efficiently today with things such as computers and telecommunications and all that. We can work more efficiently. We can do more with fewer people. I do acknowledge that. But when you look at how the imports have grown and how the Consumer Product Safety Commission staff has shrunk, that explains why you see a record number of recalls. That explains why you see millions and millions of products being pulled from the shelves last year. Because as the Consumer Product Safety Commission has become less capable, less able to deal with the changes in the import economy, what you are seeing is more and more dangerous products coming into this country.

I don't think it is an accident. My colleagues need to know that I don't think it is an accident that last year every single toy recall—and we will talk more about this in a few moments—but every single toy recall from last year was made in China. None of these were U.S. made. In fact, they weren't made in any other country except China. So we need to reexamine the priorities of this agency. We need to restructure the agency in such a way that it meets the needs of the changing U.S. economy. We need to help this agency right here, when it comes to dollar amounts and full-time employees for this agency.

Again, it may be another discussion where we try to help the U.S. economy here in the number of imports and try to manufacture more products here—that is another bill and that will come at some point in the future—but right now this is what we are focused on, is trying to make sure that the Consumer Product Safety Commission is equipped to handle the changes in the U.S. economy.

Mr. President, I see Senator KLOBUCHAR is here, and she wishes to say a few words. I will be on the floor all day today. I encourage my colleagues to come down and talk to me if they have amendments. Certainly we have seen a growing list of amendments. My hope would be that all the amendments would be germane and that we could maybe get a bipartisan agreement on amendments.

I know Senator STEVENS has been very good to deal with on this legislation. He and I have not talked about any of the amendments yet. I think our staffs have been talking with each other. But I encourage my colleagues to come to the floor when it is convenient, or send their staff over when it is convenient to talk about whatever

amendments they maybe wish to offer. I know we had some meetings last night with various staff people on certain Senators' staffs on the Republican side of the aisle, and certainly we have an open door to try to talk through those.

One last thing, again for the staff members watching this on C-SPAN and for the folks all around this country who are watching it on C-SPAN 2. We have made many changes in this legislation since it left the committee, and we have listened and we have worked very hard to try to find common ground on a whole variety of issues. When we started, there were maybe 20 or 30 or 40 controversial parts to this bill. I think we are now down to two or three. I am not sure that anyone has put a number on it, but we have worked very hard to try to come up with a bill that can have bipartisan support and something that people all over this country can be very proud of.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am proud to be a member of the Commerce Committee that passed this legislation through the committee under the leadership of Chairman INOUE, Senator STEVENS, and the Consumer Subcommittee Chairman PRYOR. I am also glad this legislation includes the bill I introduced that finally put a mandatory ban on lead in children's toys.

This legislation has been called by the Wall Street Journal as "the most significant consumer-safety legislation in a generation." That comes from the Wall Street Journal. But what this is about is not all the details of all the toys, which I am going to talk about in a minute, and the 29 million toys that have been recalled and what this has meant to our economy, but what this is about are these little children.

Senator PRYOR and I just left an event where two children, their families, their mothers, were there to talk about what had happened to them. The first was this little boy named Jacob. His family is from Arkansas. The mom painted this picture for us. Look at this little boy. She painted this picture that I will never forget, of her standing in the kitchen one day and all of a sudden they see their little boy and he is practically limp. Just like that he went from being a happy little boy playing.

What happened is he had swallowed one of these Aqua Dots toys, one of these toys you put in water and it expands to an animal or whatever it is. He had swallowed it. So he is getting more and more limp, and finally the ambulance comes and they end up in the hospital. Within an hour, he is completely unconscious. They have no idea what is wrong. Unconscious. They thought maybe he had swallowed a little toy, maybe something that you would think would be in his stomach

creating some indigestion or something such as that, but the hospital tries everything they can think of. They thought maybe he had accidentally gotten into their medicine cabinet and they didn't know it and took some medicine and something happened. So they gave him drugs to try to reverse it, but he wouldn't wake up. It was a complete puzzle because they didn't know how this could have happened. Nothing they tried worked.

Finally, 6 hours later—and the doctor said if he hadn't been there, he wouldn't have believed it—with all these tubes connected and everyone thinking they are going to lose him, he wakes up and he is fine. And they think: How could this happen? What is wrong? And they simply don't know.

So they call the company that manufactures these Aqua Dots and they try to write them. The mom gets home the next day and gets on the Internet with bloggers trying to figure out what could be wrong. She writes letters to the company, trying to get information.

Well, finally, they tested him some more and they tested these Aqua Dots some more. And what did they find? They found that the Aqua Dots contained a chemical that was really the date rape drug.

The date rape drug, as a prosecutor, I can tell you that we handled those cases where women have been slipped one of those drugs in their drink; they are suddenly completely out of it and do not know what happens. You know the crimes that have occurred as a result there.

But here is this little boy swallowing a dot, a dot that had the date rape drug in it manufactured in China. And that mother stood here with Senator PRYOR and me and told this moving story and said: This cannot happen to other parents.

She said: The Senators in this body, why do they not think if this happened to their kid or their grandkid where they suddenly swallow a little toy and are out like that. It is like swallowing a gumball, out like that for 6 hours thinking they are going to die.

Then there was another mother who came from Oregon. She told the story of her son, whom we see now years later, Colton. When he was very little, he swallowed a charm they had gotten from some one of those little vending machines that you put your money into.

He swallowed it. And all of a sudden she said he started acting completely lethargic, not at all like the little toddler he was. And they brought him into the hospital and they found out that charm was 39 percent lead, 39 percent lead.

Now, their story, unlike the story of little Jacob, did not end there, because he has that lead permanently in his system. And today, years and years later when they go to the doctor, he is still tested for elevated lead levels. And, in fact, even a few days after he

got home, after they had gotten the charm out of his stomach, he bit his cheek and his cheek swelled up to the size of a golf ball because of the lead that was in his system.

That is what we are talking about—moms getting little charms that their kids swallow, which used to be maybe if you swallowed a penny, having this kind of health effect.

We all know what lead can mean. I certainly know in Minnesota where we had a little boy whose mom was not with us today. The mom was not there because her heart is broken. Her little 4-year-old boy died when he swallowed a charm that turned out to be 99 percent lead. And he did not die from choking, he did not die because it blocked his airway, he died because that lead seeped into his system day after day. And when he died, he was tested at three times the normal lead level.

In 2007, nearly 29 million toys and pieces of children's jewelry were recalled because they were found to be dangerous and, in some cases, deadly for children. As a mom and a former prosecutor and now as a Senator, I find it totally unacceptable that these toxic toys are in our stores and on our shores. As my 12-year-old daughter said when she found out that the Barbies were being recalled, she said: This is getting serious.

The provision of the Consumer Product Safety Commission Reform Act that I authored addresses some of the most serious discoveries of this past year. And that is the lead that has been surfacing in these toys. The toy that little Jarnell Brown swallowed that led to his death was made in China. It was 99 percent lead.

The toy that little Colton swallowed that nearly led to his death and has led to elevated lead levels in his bloodstream for many years was 39 percent lead.

These deaths, these injuries have been made so much more tragic by the fact that they could have been prevented. These little boys should never have been given these toys in the first place. It should not take a child's death or severe injury or a child swallowing an Aqua Dot with a date rape drug to alert us that there is a problem in this country.

Parents should have the right to expect that these toys are tested and that these problems are found before these toys get to the toy box. For 30 years, we have been aware of the dangers poised by lead. We all know about it from the lead paint standard.

But what is ironic to me is we have a Federal standard for lead paint, we have a standard, but we have never had a standard for lead in toys or jewelry; never had a standard for those little pieces of jewelry that will end up in kids' stomachs, or how about teenage girls who are sitting in class and chewing on a charm that they may have around their neck—never had a standard; it has all been voluntary.

It is not just these cheap trinkets that are being discovered to contain hazardous levels of lead. Last summer the CPSC recalled 1.5 million Thomas & Friends trains, including the Thomas the Train caboose, the Thomas the Train rail car, the box car, after they were discovered to be coated with poisonous lead paint.

A lot of those parents had bought these toys because they were wood, they thought they would be better for their children. Many of these products reaching retail for between \$10 and \$20 apiece were on the market for almost 3 years before they were discovered to be defective, putting hundreds and thousands of toddlers at serious risk for lead ingestion and brain damage.

What is even worse is what happened after the initial recall. This shows you how out of hand things have been because there have been no set standards and no good regulations coming from the Consumer Product Safety Commission.

After more than 3 months passed, RC2, which is the company that makes Thomas the Train sets, realized that their first recall was incomplete. They had asked for a recall and then they found hundreds of thousands of additional products, many of which had been sold in the same packaging with trains that had already been recalled, were coated with lead paint and also needed to be recalled.

Clearly, the RC2 Corporation that manufactured Thomas & Friends trains was embarrassed by its safety record. It apologized to its customers, saying it would make every effort to ensure that this would not happen again. To help encourage customer loyalty, which you can understand in a competitive market, and to get them to return those recalled toys, RC2 said: Okay, parents, we are so sorry this happened. We are going to give a bonus gift for your trouble.

Well, the bonus gift backfired in a big way because it was discovered that 2,000 of these bonus gift trains that they had given to parents for them sending back the recalled products contained lead levels four times higher than legally allowed, leaving parents of toddlers across the Nation to deal with a double recall. All of these toys are manufactured in China.

The burden should not fall on parents or kids to tell if a toy train is coated with lead paint or if a toy has been assembled so shoddily that it will come apart in a toddler's mouth. How would a parent ever think an Aqua Dot would contain the date rape drug?

I think it is shocking for most parents when they realize we never have had a mandatory ban on lead in children's products, all we have had is this voluntary guideline. It is shocking that until this legislation is passed, the Consumer Product Safety Commission cannot actually enforce a lead ban in children's toys.

In response to a series of letters I wrote to Chairwoman Nord in August

about the danger of lead in children's products, the chairwoman responded on September 11. In that letter, Chairwoman Nord acknowledged that:

The CPSC does not have the authority to ban lead in all children's products without considering exposures and risk on a product by product basis.

Now, that is really going to help the family of Colton to find that out, that our powerful Federal agency, with which we thought we had solved all these consumer product issues back in the 1970s, that this a safe country, does not have that authority.

Chairwoman Nord went on to say that: Were the CPSC to attempt banning lead in all children's products, it would likely take several years and millions of dollars in staff and other resources.

This response makes it clear that Congress cannot wait for the CPSC to act to ban lead from all children's products. We have been waiting for years. These parents have been waiting for years and years. This mother who spoke with us today wrote all these letters. She has been trying to lobby by herself on behalf of her son to make sure this did not happen again.

And what she told me this morning was her heart broke 2 years after her son had this horrible experience when she heard about the case of Jarnell Brown who had died. She felt her efforts were in vain.

Well, this Congress has a duty to make sure they were not in vain. Parents should not have to wait years for the CPSC to take action we already know is appropriate. The medical evidence is clear and overwhelming, lead poisons kids and there must be a Federal ban.

To talk a little bit more about the specifics, this legislation effectively bans lead in all children's products by classifying lead as a banned hazardous substance under the Federal Hazardous Substance Act. The bill sets a ceiling for a trace level of allowable lead at .03 percent of the total weight of a part of a children's product or 300 parts per million.

To put that in some perspective, California has standards right now of .04 for children's toys and .02 for jewelry. The voluntary ban that is not even mandatory right now that the Consumer Product Safety Commission uses is at .06. We have worked with pediatricians, we have worked with consumer experts. We set this at a very smart standard of .03 percent of trace levels. That ceiling would take effect in 1 year, allowing retailers and manufacturers to comply; 2 years later the legislation would then further drop the amount of allowable lead in children's products to .01 percent of the total weight of a part or 100 parts per million.

Now, if the CPSC finds you can actually go below the threshold, which a lot of pediatricians have argued we can do in this country, that we can even get down to zero lead, that would be great.

What this law says is you do not have to be stuck up there at .01, which is of course a small amount of trace lead. You can, in fact, do a rulemaking and go lower for certain products or for all products.

This legislation gives the CPSC the power to lower levels even further as science and technology allow.

The legislation before us today also sets an even lower threshold for paint. Under this bill, the allowable lead level for paint would drop immediately to 90 parts per million. This lowered threshold is critical because science has shown that as children put products in their mouths, it is the painted coatings which are most easily accessible to kids. Every parent of a toddler knows that to be true. They can see, if any parent looks in their toy box, all the little teeth marks, and they know they put them in their mouth.

Under current law, the Consumer Product Safety Commission has adopted this voluntary guideline of .06 percent. It is voluntary. That is part of the reason it takes so long, that is part of the reason we have had this huge delay. This puts in a mandatory guideline at .03 going down to .01.

This legislation changes what is a bad system, a broken system, and gives the CPSC the tools it needs immediately to go after the bad actors who used lead or lead-based paint in their products.

To me the focus is simple: We need to get these toxic toys out of our kids' hands, not just voluntarily, not just as a guideline but with the force of law.

Millions of toys were being pulled from these shelves, 29 million last year. Right in the middle of Halloween, they were pulling the little funny teeth that you put in your mouth, Aqua Dots, Thomas the Train, Sponge Bob Square Pants, Barbie dolls, you name it. It gives the force of law to pull these toys from the shelves.

As if the appalling number of recalls this year is not bad enough, these recalls illuminated other problems with pulling toys from the store shelves, the daycare center floor or the drawer under the kid's bed.

This I actually heard from my friends. Because once these recalls happen, every parent runs to the kid's room and says: Okay, I have got to find the toy that has been recalled. Now, how are you going to tell the difference between the brunette Barbie doll, the blonde one, the one that had this outfit on. This is practical when you are a mother. How are you going to tell the difference between this caboose or this box car? So they are looking at these toys trying to figure it out, putting them up to the Web site. Because, guess what, there is no batch number on these toys.

I have to tell you, most parents, when they get their kid a toy, do not keep the packaging. My mother-in-law may be an exception to that, but most parents do not keep the packaging. So what this legislation does is it says:

The batch number will be on the toys whenever practical. They are not going to go on a pick-up stick, but whenever practical, the batch number will be on the toys so when there is a recall, the parent is going to be able to figure out which toy it is, and also the batch number is going to be on the packaging.

Why do we need this? Because we do know that large retailers such as Toys "R" Us and Target, the minute there is a recall, they have been very good about stopping all sales; they do it through their computer system.

Well, some of the smaller mom-and-pop retailers do not have that capability, not to mention eBay and those kinds of things. So we want to make sure the batch number, in this legislation, requires it not only be on a toy but also on the packaging.

This legislation, though, does a lot more than ban lead in children's toys and to help parents identify recalled toys. It brings consumers the protection that has been lacking for almost two decades. As we all know, the CPSC's last authorization expired in 1992, and its statutes have not been updated since 1990.

Not surprisingly, the marketplace for consumer practices has changed significantly in the last 16 years. And we have seen through recall after recall how ill-equipped the Consumer Product Safety Commission is to protect consumers. Today, the Commission is a shadow of its former self, although the number of imports has tripled, tripled in recent years.

So what you have seen is a tripling of imports, products coming in, and then what have you seen with the staff? Well, have you seen quite a drop in the staff. The CPSC staff has dropped by almost half, falling from a high in 1980 of 978 people who worked there. Okay. Well here we go, 978 people. And what do we see in 2007? Well, we have 393 today. You wonder how are these date drugs getting into our system, getting on to our shores. You don't have the staff adequate to monitor these toys. So while you have seen a tripling of imports coming from China and other places, you have seen an enormous decrease in the staff that regulates them. In fact, much has been made of a guy named Bob who is the only official toy inspector at the CPSC. He is retired. He was out in a back room testing toys by dropping them to the ground. He had all these toys on his desk. That is what we are dealing with, while we have seen a tripling of imports and toys and jewelry that have tested to be 99 percent lead.

What have we seen now with the recalls? We have actually seen a huge increase in the number of recalls. As you know, part of it is because finally you have had the businesses, once this hit the streets and was all over newspaper headlines, saying: We finally better start testing these products more frequently, which was a good thing. But we have seen in 1980, 681,300 recalls. In

2007, we have seen 28,773,640 recalls, all toys that either were in parents' homes or were sitting there on the toy shelf ready to be bought.

Let's look at a comparison so you can see why. It doesn't take a rocket scientist. Probably my 12-year-old daughter would see what is going on. When you look at this comparison, in 1980, you had only 681,000 toys recalled. Then you go up to 2007, where you had 28 million recalled. Look at the staff comparisons. When you have 681,000 toys recalled, the staff is up here at 1,000. When you have 28 million toys being recalled, you have a staff that is half of what it used to be. So there is a graphic depiction of what we are dealing with.

What does this legislation do? It puts 50 more staff at U.S. ports of entry in the next 2 years to inspect toys and products coming into the country. Not only does this bill give the CPSC the necessary funding and staff, it also gives the commission the ability to enforce violations of consumer product safety bills. We have seen too many headlines this year to sit around and think about this problem and say: It is just going to solve itself. The market will take over.

The market has been broken. The CPSC has been broken. This is the time that Government comes in, which is reasonable, and works with business, as we have done. I am proud of the work Toys R Us has done with us, as well as Target, which has always been helpful in working with us. They know it has had an effect on their bottom line.

Here is what this bill does. We can beef up this agency that has been languishing for years. We can put sensible, responsible rules in place that make it easier for them to do the job. This is not just numbers on a chart. This is about a little kid that just in the last year, in the year 2007 in the United States, could swallow just a little toy, which kids have done for centuries, and end up in a coma, unconscious from a date rape drug. This bill is about numbers. This bill is about our economy. But more than that, this bill is about these kids.

I urge my colleagues to support it. I thank Senator PRYOR and the other members of our committee for their leadership.

I see Senator DURBIN from Illinois. I thank him for his great leadership on this bill. It is the most significant consumer safety legislation in our generation, as the Wall Street Journal has said. We have an opportunity, and we must work swiftly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 4094

Mr. CORNYN. Mr. President, I have conferred with the distinguished Senator from Arkansas, the bill manager. I ask unanimous consent to set aside the pending amendment, call up my amendment No. 4094, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PRYOR. Reserving the right to object, as soon as he finishes his 10 minutes on his amendment, we will go back to the pending amendment.

Mr. CORNYN. I agree with that.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4094.

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

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

The amendment is as follows:

(Purpose: To prohibit State attorneys general from entering into contingency fee agreements for legal or expert witness services in certain civil actions relating to Federal consumer product safety rules, regulations, standards, certification or labeling requirements, or orders)

On page 58, strike lines 4 through 7 and insert the following:

“(g)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

“(2) For purposes of this subsection, the term ‘contingency fee agreement’ means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.”

Mr. CORNYN. Mr. President, I congratulate my friends, Senator PRYOR and Senator STEVENS, the principal cosponsors of this legislation. I had the great pleasure of working with Senator PRYOR when he and I both were State attorneys general. As such, we were the chief consumer protection officers for our States and our citizens. I believe strongly in the importance of strong consumer protection laws. I believe this bill actually does something positive by adding to the resources available to the Federal Government by authorizing the State attorneys general under some circumstances to help make sure consumers are protected and the laws are enforced.

There is also a concern I have. That has to do with the use of outside counsel when it comes to filing legislation on behalf of a sovereign State such as the State of Texas, the State of Arkansas, or the like. We have seen examples of abuses in the past where State attorneys general have essentially transferred their authority to outside lawyers and paid them a contingency fee based on whatever the value is of what they were able to recover by way of a judgment or settlement. This, unfortunately, has created an anomaly under our system of government where we have nonelected, nonaccountable private sector lawyers who are essentially making decisions on behalf of a sovereign State. If the people of my State, for example, don't agree with what

they are doing, they essentially have no right nor ability to hold them accountable or to demonstrate their displeasure with what these outside counsel have done.

There is also a tremendous—and, frankly, tragic from a historical perspective—abuse of this contingency fee arrangement when it comes to outside lawyers. In my own State, my predecessor, as attorney general, got caught up in one of these tragedies—there is no other word to describe it—and actually served time in the Federal penitentiary for directing some of the proceeds in the tobacco litigation to a friend, an outside lawyer in the case, something that, obviously, he should not have done and for which he has paid a high price. But it demonstrates the type of temptation and, indeed, the potential for corruption that exists when an elected official abdicates their responsibility and essentially hands it over to a private individual who is not accountable in a way that elected officials and public stewards of the public trust are.

What this amendment does is say the State attorneys general who are authorized under this legislation to seek an injunction in Federal court to enforce Federal law—something I support—should play by the same rules regarding the recovery of costs and attorney's fees. Section 20(g) of the bill awards costs and attorney's fees whenever the attorney general of the State prevails in any civil action under Federal consumer protection laws. But the word "prevails" is not defined. Under the Consumer Product Safety Act and the Flammable Fabrics Act, the Federal Government can go to court to seek an interim or preliminary injunction against a company pending a determination by the Consumer Product Safety Commission whether a product violates either act. State attorneys general would be granted the same authority under section 20 of the bill.

I support that because I think the additional resources over and above what the Department of Justice and the Federal Government currently have will help us be more vigilant when it comes to protecting consumer safety. But to charge costs and attorney's fees against a defendant based on a court's preliminary finding and before the Consumer Product Safety Commission determines whether any law was violated would be clearly unjust.

The Consumer Product Safety Act already has standards governing when the Consumer Product Safety Commission can be awarded costs and attorney's fees. So my amendment would make sure these same standards would apply to State attorneys general who would be authorized to seek an injunction under the act, that they would be no better off and no worse off but actually in the same shoes as the current standard for the Consumer Product Safety Commission.

My amendment also requires State attorneys general to play by the same

rules with regard to contingency fees. We want attorneys general to bring civil cases to protect the public interest not to create a windfall for private sector lawyers. I believe this also is consistent with Executive order No. 13433 of May 16, 2007, that prohibits the Consumer Product Safety Commission and other Federal agencies from entering into contingency fee arrangements with private lawyers, and the same standard should apply to State attorneys general under this bill's new enforcement authorities.

I have talked to my friend, Senator PRYOR, former attorney general of the State of Arkansas. We have had a lawyerly discussion about why would we want to ban contingency fee arrangements when the only authority given to them under the statute is to seek an injunction and not recover money damages or fines. The fact is, creative lawyers can come up with ways to create a fee arrangement, even where only injunctive relief is sought. There is a case that he and I talked about where basically what happened is the contingency fee was calculated following an injunction based on what complying with that injunction would cost the defendant. Some percentage of that cost was then calculated as a contingency fee. Ironically, in that case it wasn't the defendant who paid that fee, it was the taxpayers of the State, in a further sort of ironic twist. There is a way for contingency fees to be calculated, even where the only authority granted is to seek an injunction.

Finally, it is important that the Senate send a strong message about contingency fee arrangements with outside counsel under these circumstances for the purposes of this act because we know the Senate will not be the final word on this—there will be a conference committee—a strong statement by the Senate that while we believe that State attorneys general can perform a useful function in seeking injunctive relief, that we should not put them in a better position than the Consumer Product Safety Commission, nor should we see the kind of abuses that can occur with hiring outside counsel under contingency fee arrangements.

I thank the distinguished Senator from Arkansas. I congratulate him on his good work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Texas for coming to the floor and offering an amendment. I don't know if I will be able to support it, but I do commend him because the amendment clearly relates to the bill, a very important bill, and it draws us into something perilously close to debate which hardly ever happens on the floor of the Senate. I hope the spirit in which he has offered this amendment will be respected on both sides of the aisle.

I know there are many pressing issues facing us in Congress and few op-

portunities to bring them up. But I hope this bill can pass this week, that we have an honest debate on the merits of the bill, and then bring it to passage. I support the bill. I thank Senator PRYOR.

Senator PRYOR of Arkansas has been a leader on this issue. He has done an extraordinarily good job making this a bipartisan bill. All of us read the stories last year about toy safety. Many parents came up to me in Illinois and said: What am I supposed to buy this year? Is everything dangerous? If it says "made in China," am I supposed to stay away from it?

I didn't have a good answer. I couldn't recommend toys. That is not what I do for a living.

I have to tell you, a lot of the stories that were coming out in the newspapers were troubling, not just for parents but for grandparents such as me. Magnetic toys, I never had those when I was a kid. All we had were Lincoln Logs and Tinker Toys and all kinds of stuff like that—erector sets. But these were little objects that could stick together with magnets. Kids could build them into huge forms. My grandson loved them. He had boxes full of this stuff and he would make these huge things with his dad, and always wanted more.

Well, I bought it—something to bring around at Christmastime—and did not realize, until the newspaper stories came out, this toy was a danger. Because the reason it worked is, it had these tiny, little, rare earth magnets. It looked like a pill, a little black pill. They were on the end of these sticks of plastic, and that is what kept all this toy structure together.

It turned out in the earliest design of these Magnetix toys, if a kid threw it on the floor, stepped on it, whatever—ran over it with a bicycle—the little magnet could pop out. And that little magnet, for my grandson, who was a little older, was not a problem. But for tiny children, it turned out to be a big problem. If they popped it in their mouth—which little kids, crawling infants would do—and swallowed it, and swallowed more than one, those two magnets could come together inside their body and cause serious obstruction in their intestines, forcing surgery to take care of it, and in the most extreme cases killing a baby.

That was the reality of a badly designed toy on sale in the United States. The Chicago Tribune did a front-page story on it. That is when I first started paying attention to this more closely, because I thought "I bought one of these for my grandson, and it is a danger"—at least it is for smaller children. The Chicago Tribune told the story in a very good series, about what happened when they discovered this toy was dangerous.

What happened added to my sense of urgency to deal with this issue. Because no sooner did this hazard appear than the lawyers appeared, and the lawyers took these toys and went to

their legal playground and played with them for month after month after month, while they were still being sold across America. That has to stop. If there is a dangerous toy in America, you cannot expect every family to do a test. You cannot expect every family to be able to certify safety. They expect the Government to do that. That is what we are supposed to do—the Consumer Product Safety Commission. When they do not do their job, it puts families and children at risk. So this law we are currently trying to amend may have been good many years ago. Today it is not up to the challenge.

Senator KLOBUCHAR of Minnesota has been another great ally of Senator PRYOR on this effort. She had a chart earlier, and I want to show you kind of a version of it, if you will. This is a little bit different chart than hers. It indicates the number of imports coming into the United States.

I talked about toys, but we are concerned about the safety of all products—electronic products and so many others—coming into the United States. You can see from the chart, starting back in the 1970s and all the way up to today, this dramatic surge in the number of imports. Now, this may be hard for people to see, but here are the numbers of full-time employees at the Consumer Product Safety Commission—reaching a high number of about 1,000 employees in 1980, it looks like, and then this steady decline of employees, until we are down around 400 employees today. So here is a surge of imported products, and a dramatic decline, by more than 50 percent, of inspectors. Well, what is going to happen? Fewer products are inspected, fewer unsafe products are detected, and there is more danger in the marketplace.

There was kind of a popular cliché on Capitol Hill back in this era: Get Government off my back. Well, this is an example of where a safety agency fell victim to that mentality and dramatically reduced its staff, at a time when it should have kept up with the imports to protect American citizens. That is what I think troubles many of us.

I am the chairman of the Appropriations subcommittee for the Consumer Product Safety Commission. We increased the President's request for this agency, I believe from \$62 million to \$80 million in this year—that is an \$18 million increase in real terms, about 30 percent—and said to the agency: Now staff up. Put the inspectors in place. Protect the consumers across America.

I suppose we could have given them more, but I am a little bit reluctant, having watched the process for a number of years, to put too much money too fast into an agency. I am afraid many times they do not hire the best people and they cannot adjust to change. Thirty percent, I think, is probably tops out of what you can do in any given year without running some real risks, and even that has to be carefully monitored.

So we are hoping in this bill—and I commend Senator PRYOR—to see a steady increase in the number of employees and inspectors at this agency in the hopes that when we get this done, at the end of the day we will have enough people to do the job.

When you look at the millions of dollars worth of toys brought into the United States, and all the attention we paid to those toys, there is a legitimate question about: Well, how many people out of about 400 at the Consumer Product Safety Commission were actually inspecting toys? Well, it turned out that when it came to certain types of toys, such as these loose magnets and that sort of thing, there was basically one man. His name was Bob. I had a picture of Bob standing at his inspection station which I had back in the cloakroom and somebody took it. I wish I could have brought it out here because Bob became kind of legendary. Bob has since retired. He is retired from the Federal Government. But we did manage to save a picture of Bob's workspace.

Shown in this picture is Bob's testing laboratory for toys imported into the United States. That is not a real confidence builder. It looks like my work bench in my basement in Springfield, IL. In fact, that work bench looks a little better, when I think about it. This is a mess. His toolbox is over here, and there is a bunch of toys stacked up.

Bob, the Federal inspector of toys for the United States of America—he was making do with what he had, and it was not a lot. What he did was draw this little line on the wall about 3 feet up, and then he drew another one at about 6 feet up, and he would take these toys out of the boxes and drop them on the floor to see if they broke open. That was one of Bob's impact tests in his laboratory. I do not want to make light of Bob's contribution to safety in America, but I will bet you families across America thought it was a little different process that led to an inspection of a toy that might end up in the hands of their child if they bought it in a store in America.

The good part about Senator PRYOR's bill that I am happy to cosponsor is that he goes after this whole laboratory inspection process. We should not and cannot build enough laboratories in the United States owned by the Federal Government to inspect every product that comes into our country, but we can certify laboratories in other countries that are recognized to be professional and trustworthy—that is a good investment—and then make sure that the products go through these laboratories, and make sure when they come to the United States we can identify where they came from, when they were produced and, if there is a problem, trace them back.

So Senator PRYOR's bill moves in the right direction: more inspectors here, but people also to certify laboratories in the countries of origin. If there is a toy coming from China, as an example,

it may go to an underwriter's laboratory that is open in China that has been certified by the United States as a reliable laboratory, and they will have to give a seal of approval before it is shipped to the United States. That, to me, makes a lot of sense. It is a way to use our money wisely and to avoid this kind of sad situation here where you cannot believe this is going to result in a reliable process.

The funding increases in this bill are important, but even more important, from my point of view, is to make sure this Consumer Product Safety Commission is run by people who care, who want this to work. It is sad. There are supposed to be five members of this Commission. Unfortunately, there are only two who are currently serving.

This Commission under current law has to negotiate press releases with companies. If you find a Magnetix toy with a magnet that a child can swallow and can have terrible health consequences and want to take the product off the shelf or recall it, it turns out to be a battle royal between lawyers even negotiating the wording of the press release. While all this is going on, unsuspecting families are buying these toys. Now Senator PRYOR in this bill is going to expedite this process.

Secondly—and this is one that I think is essential—we have to fine those who violate this law in a manner where they will pay attention. If you have a product you continue to sell that is dangerous, that is on recall and you sell it anyway but figure: My company will make enough money that I can pay the fine and live through it to see another day, that is not a good outcome—certainly not for the consumers across this country.

So what Senator PRYOR in this bill does is to increase the fines to a level where they truly are meaningful, and companies will have to think twice before they would consider selling a product that is facing recall.

This package also over time increases the authorization level for the agency. It strengthens civil and criminal penalties. It requires third-party certification and testing, as I mentioned. It makes it mandatory for manufacturers of toys and children's products to comply with accepted safety standards. It bans the presence of lead in all children's products. My hat is off to Senator KLOBUCHAR. She has been a great leader on that issue. It allows for parents to have faster access to injury reports and other information to help alert parents to product safety risks. It improves the way this Commission conducts its business.

It allows State attorneys general to enforce product safety law in specified instances. I believe it is only injunctive relief they can seek, and only if the Consumer Product Safety Commission and Federal agencies do not move forward to protect the consumers. It restores the Consumer Product Safety Commission to a five-member Commission, which it should be.

I hope my colleagues will look at this bill closely and realize we are doing something that is rare. We are taking a law that has not been touched for 18 years and bringing it up to speed.

Eighteen years ago, as my chart showed earlier, imports were at a very low level. Imported products have risen dramatically. We have to rise to the challenge. It is heartening this bill Senator PRYOR brings to the floor, along with Senator STEVENS, Senator COLLINS, Senator INOUE, myself, Senator KLOBUCHAR, and so many others, has a broad coalition of groups supporting it: the Consumer Federation of America, the American Association of Pediatricians, and Consumers Union, to name a few. One of the CPSC Commissioners, Mr. Moore, has endorsed this legislation, and a number of State attorneys general.

Passing a strong, consumer-oriented bill such as this is the next step in safeguarding consumers. I do not think American families should ever have to go through a Christmas or holiday season as they did last year wondering if products on the shelf are safe for their kids. If history is our guide, we may not have the chance to revisit these policies if we do not pass this bill right now.

I want to thank a number of individuals who played a significant role in helping me work on this issue and helping others: Rachel Weintraub, who was at the press conference yesterday for the Consumer Federation of America; Ami Ghadia and Ellen Bloom of the Consumers Union; Ed Mierzwinski with U.S. PIRG; David Arkush and Mike Lemov from Public Citizen; Cindy Pelligrini with the Association of Pediatricians; Nancy Cowles with Kids in Danger; and Patricia Callahan and Maurice Possley with the Chicago Tribune. The last two did an exceptional job as reporters. This was journalism at its best. They told a story—a gripping story—well documented, which caught the attention of this legislator, which led me to take this issue more seriously. My hat is off to the Chicago Tribune, Patricia Callahan, and Maurice Possley for their work on this issue.

Finally, let me say this: Passing this law is not the end of the story. My Appropriations subcommittee is going to call the Consumer Product Safety Commission in. We are going to keep an eye on them. We are going to make sure that taxpayers' dollars are well spent, that there is no question in the minds of those who are running this Commission about what Congress wants to achieve with this new authority and these new resources. If there is push-back and resistance from this agency to change, they are in for a battle. I hope we do not see that.

I think American consumers want to know the toys and products they buy off the shelves across America are safe for their families and safe for their kids. We focused on toys, but it is not the end of the story. There are an

awful lot of products, many products which we buy every day, trusting this Government to put its seal of approval on and some inspection behind it. We have to meet our obligation to people who count on us to make sure that government does its job in an effective, efficient, and dollar-efficient way. Unfortunately, this agency has fallen behind. As it fell behind, so did some of the confidence of American consumers about products on the shelves.

I also think we ought to work with foreign governments. The Chinese came to see me repeatedly during the last holiday season and said: We have gotten the message. We are going to straighten this out. I am hoping they live up to that promise.

Also, in fairness to China, for example, which has been the butt and focus of many of the critiques when it comes to imports, the fact is that many of the toys they sold were designed by American companies, and those companies need to be held responsible for the toy design that the Chinese actually implemented.

The last word I will say is for special recognition to two companies which, during the midst of this toy scandal, did the right thing as corporate citizens of America—one was the chain Toys R Us, and the other, a major toy maker, Mattel—when this story came out. The CEOs of both of those companies contacted my office and said: We are going to work with you. We are not going to run away from this issue. We know that if American consumers don't have faith in our stores and in our commitment to them, it will not only hurt our sales, but it will put families in jeopardy.

Jerry Storch from Toys R Us was at the press conference yesterday. I commented that in the old days, corporate strategy used to be duck and cover. If a scandal emerges involving your company or your products, you duck the press and you try to cover it up. Jerry Storch didn't do that. He stepped right up and said: Toys R Us is going to work with you to make sure the products are safe. He kept his word and came to the press conference yesterday.

The same thing is true with Mattel. I think they are genuinely committed to the safety of kids and families, and I thank them for their leadership, as well as others, but those two really impressed me, that they would do the right thing from a corporate viewpoint. I hope consumers across America will hold them to their promise, and if they keep it, we will reward them with our business. They deserve it.

Mr. President, I yield the floor.

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

Mr. PRYOR. Mr. President, I ask that we return to the regular order.

The ACTING PRESIDENT pro tempore. Amendment No. 4090 is pending.

Mr. PRYOR. Mr. President, I wish to thank my two colleagues who just spoke—really, all three.

Senator KLOBUCHAR has shown great leadership when it comes to this issue. This is a very personal issue with Senator KLOBUCHAR. These recalls and injuries and even deaths of children have affected some families in her State, but she has taken this on as a very important personal issue that just so happens to be good for the country.

I also wish to thank Senator DURBIN for his leadership. He has been involved in this legislation since the beginning. He has given a lot of wise counsel over the course of this legislation. He has a very strong passion about this issue. He also has been able to, as he mentioned, talk with Toys R Us and have them come in as one of the largest toy retailers, to allow them to show some leadership in the retail industry, which I think has been very helpful and very positive in the last few days.

Lastly, I wish to mention Senator JOHN CORNYN. Again, we are going to look at his amendment to see if it is something we can agree to. I have a few traps running over here, but I told Senator CORNYN a few moments ago that we would definitely give his amendment a very serious look, and maybe it is something we could work on and work through and maybe attach to the bill. But I have some work to do on my side.

I wish to say a few words about one provision of the consumer product safety legislation we are working on right now. It has to do with the Commissioners. This is an agency that, when it was formed in the 1970s, had five Commissioners. No one can really tell us why, but sometime in the 1980s or 1990s, it went down to three Commissioners. It may have been an appropriations issue, and it was perhaps a pragmatic decision at the time. No one is really sure about that. However, I feel strongly—and I have talked to several colleagues, and they see the wisdom in this—that we really need five Commissioners on the CPSC. The reason is because the CPSC deals with over 15,000 types of products. It has a huge amount of jurisdiction that is really too much for three Commissioners to handle.

In fact, I have had the opportunity to talk to Commissioners from the Federal Trade Commission and the Federal Communications Commission, as well as former Commissioners from the CPSC. All of them agree that given the broad jurisdiction the CPSC has, it would be very helpful to have five Commissioners. For one thing, it gives a broader variety of perspectives and opinions, but another thing that happens as a matter of practice is the five Commissioners, whether by design or because it just happens this way, tend to start to specialize in certain areas.

Again, given the 15,000 types of products the CPSC oversees, we could understand how we might need a little bit of specialization and we might need the Commissioners to focus on specific areas because it will help the Commission be stronger overall. So we change the law in our legislation. We go from

the three-Commissioner setup we have today and we move it to five Commissioners. We return it back to the way the Commission was originally designed. We feel as though this will be a very positive development.

As part of this issue as well—in a little different section of the bill but nonetheless related—I believe and the cosponsors believe we need to reauthorize this Commission for 7 years. Part of that is because we need to help retool and rebuild this Commission over a several-year period.

One of the things we make very clear in the legislation is we don't try to fix everything on day one. There is a lot that needs to be fixed, a lot that needs to be addressed, but as a practical matter, realistically, we can't fix everything in 1 day. Rome wasn't built in a day, and you can't rebuild the CPSC in one fiscal year. What we are trying to do is phase this in over time and make sure we do it the right way, make sure we do it the smart way. That is why I believe that a 7-year reauthorization makes good sense under the circumstances.

The last point I wish to make this afternoon, or at least right now, is that we have a provision in this bill that I think will really benefit families in a very practical way; that is, we have a provision in this legislation to put identifying marks on products.

We have all been in the situation where big brother gets a G.I. Joe or whatever it may be and passes it down to little brother, or your daughter gets a set of dolls from a neighbor whose kids don't play with those dolls anymore, or whatever the case may be, and we never even saw the original packaging on a lot of that stuff. We don't know when it was made. We don't know how old it is. We don't know anything about it. All of a sudden, we read something in the paper or see something on television about a recall. Right now, we don't have any way of knowing whether it is this particular toy that has been recalled.

So what we are trying to do is set up a regime here where—and by the way, we worked with the manufacturers on this to make sure this is a practical, sensible solution, and we think it is—but to actually stamp the products with different identifying numbers, maybe batch numbers, lot numbers, whatever—not to get into all the technical aspects of it—so that when there is a recall, when there is a problem, or there is some sort of hazard that has been identified, families can look at their product, look at their toys, and know if that is a product that is subject to recall.

So we are trying to be very practical in how we approach this. We are trying to beef up the number of Commissioners. We are trying to make this a 7-year reauthorization, but we are also trying to do things that help families make the determination to keep their families safe, and this is something which I think has been lacking in the

current system. Hopefully we will be able to measure in the number of injuries and in the number of deaths and even the number of recalls that happen and the amount of litigation—we hope all of that will go down when it comes to consumer product safety. Hopefully, we will be able to look back and see this as a good piece of legislation.

Mr. President, I yield the floor.

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

AMENDMENTS NOS. 4095 AND 4096, EN BLOC

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up two amendments I have at the desk. They are amendments Nos. 4095 and 4096.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I am sorry, what were the two amendments?

Mr. DEMINT. If I can respond to the chairman, two amendments—one is the House bill, which is 4095, and the other relates to the whistleblower provision, which is 4096.

Mr. PRYOR. I am sorry. Was the request just to talk about those?

Mr. DEMINT. No. They are at the desk. I wanted to call them up and speak about them later.

Mr. PRYOR. Call them up and then go back to the pending amendment?

Mr. DEMINT. Yes.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendments numbered 4095 and 4096.

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

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

(The amendment (No. 4095) is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 4096) is as follows:

(Purpose: To strike section 21, relating to whistleblower protections)

Beginning on page 58, strike line 11 and all that follows through page 66, line 9.

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

AMENDMENT NO. 4094

Mr. PRYOR. Mr. President, I ask to return to the regular order.

The ACTING PRESIDENT pro tempore. The amendment is pending.

Mr. PRYOR. Mr. President, I think we have some colleagues who may be on their way to the floor shortly. I would encourage our Senate colleagues to come to the floor and offer amendments if they have amendments or offer constructive suggestions if they have those or even if they just want to come down and speak. We would really

like to get this legislation wrapped up this week. So far, the cooperation has been excellent on both sides.

Again, I wish to commend Senator DEMINT and Senator CORNYN for coming down and offering and addressing amendments that are germane. One of the concerns I had is that we might see the floodgates open up on this legislation and come in with all kinds of non-germane amendments. So I thank colleagues on both sides of the aisle for keeping the amendments germane and on point.

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

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

RECESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

THE CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT—Continued

The PRESIDING OFFICER. Who seeks recognition? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment I wish to offer. I will not do it at this point because in order to offer the amendment, I have to ask unanimous consent that the current amendment be set aside. I will describe at least what I am intending to offer. I am going to speak for a couple of minutes because there will be time later to consider this amendment.

This amendment does not deal directly with the underlying legislation. It certainly deals with consumers and this bill deals with consumers. I first applaud my colleague from Arkansas for the work he has done on the bill. I have a couple of amendments to the bill that I will offer as we move along. But this amendment that I wish to offer deals with something else that is urgent and important, and either I get it done on this bill or the next authorization bill that comes along.

The price of oil is somewhere around \$103 a barrel at this point. It is bouncing around up in that stratosphere, and the price of gasoline, depending on where one lives, is \$3, \$3.25, \$3.50, some analysts say going to \$4 a gallon. Even as the price of oil has ratcheted way up, this Government of ours and the Department of Energy is taking oil from the Gulf of Mexico by awarding royalty-in-kind contracts to companies