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Senate

The Senate met at 8:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Oh God, our Father, we thank You for all the bright things of life. Help us to see them, to count them, and to remember them even in the midst of perplexing, painful situations. Today, direct our Senators in their work. May they express their gratitude for Your gifts by serving You and our Nation faithfully. Deliver them from the temptation to please others, particularly at the expense of honor, honesty, and truth. Rule over this legislative body for the welfare of the Nation and Your glory.

And, Lord, this week we thank You for the life and legacy of Liz Jeffords. Comfort Senator Jeffords, Leonard and Laura, and all those who grieve her passing.

We pray in the Name of Him who is the resurrection and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 2007.

To the Senate:

Under the provisions of rule 1 paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, first I ask unanimous consent, and it has been cleared by the minority, that the time spent with the prayer and pledge and my statement not be taken away from the hour on cloture on the two votes.

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be 60 minutes available to the Members to discuss the issues on which there will be cloture votes on the two motions to proceed. Time is equally divided and controlled between the two leaders or their designees. At approximately 9:30 a.m, the Senate will vote on the motion to invoke cloture on the motion to proceed to S. 3, the prescription drug bill. If cloture is not invoked on that motion, there will be 2 minutes of debate controlled equally by Senators LEAHY and SPECTER, after which time the Senate will proceed to a cloture vote on the motion to proceed to S. 378, the court security bill. If cloture is invoked on that motion, then I hope the managers can work together for expeditious consideration of this measure. Later I will have more to say about the schedule for the remainder of the week.

STYMIEING LEGISLATION

Mr. REID. Mr. President, on the first cloture vote dealing with prescription drugs, I think probably I have said enough to indicate my displeasure and disappointment with what has happened this week, for our inability to proceed on something that is so basic to the security of this Nation, the Intelligence authorization bill, which deals with our espionage efforts, our ability to collect intelligence from around the world. That was stopped on a strict party-line vote because the Vice President didn't want that. So that is enough said on that.

On the prescription drug issue, when all else fails I think we should look at common sense. What we are asking is that Medicare be able to negotiate for lower prices in the purchase of drugs for senior citizens. This is opposed by the pharmaceutical industry, the insurance industry, and HMOs because they have a sweetheart deal. They can negotiate for lower prices but Medicare can't.

You can throw around all the statistics you want, it is not going to lower prices. I call upon our common sense. Doesn't it make sense that Medicare should be able to compete with these HMOs and negotiate for lower price drugs? Of course. That is why AARP and dozens of other organizations that care about seniors, not about profits, are on the side of moving forward on this legislation. I hope there will be Senators on the other side of the aisle who will step up and allow us to move forward on this legislation.

Finally, it is hard to comprehend, but in addition to not being able to move forward on the issues relating to intelligence, and probably on prescription drug negotiations, we have been

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

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stymied in being able to bring forward a bill on court security. I hope it is just a small minority of Senators on the other side holding up this bill. We have had violence in courtrooms all over America. In Reno, NV, a disgruntled man did not like what a judge was doing on a divorce proceeding. He drove to a garage with his high-powered, deer-hunting rifle and fired, at almost 200 yards, through the window of the judge's chambers. The shot did not kill him but badly wounded him.

We know what happened in Atlanta, GA, with someone who was in cahoots, basically, with one of the violent prisoners. As a result of that, people were killed.

In Illinois, a disgruntled litigant waited in the judge's home, and when the father and one of the children came home, he killed them both.

This legislation dealing with court security is extremely important. We just had this terrible incident in Blacksburg, VA, indicating how prone this country is to violence. This legislation dealing with court security allows grants to States to beef up the security in courtrooms. It will allow bulletproof glass, as should have been in the judge's chambers in Reno, NV, and metal detectors. It would allow jurisdictions to obtain metal detectors. It would limit what Federal judges have to list in their various personal papers. It would not be possible, if this legislation passes, for some disgruntled defendant, witness, or whatever the case might be, to go to the Internet and find out where the judge lives, as happened in Illinois. They would not have to disclose personal information like that. They would not have to disclose the jobs of family members so one of these violence-prone people could go to someone's place of business and hurt and injure a child or loved one of one of these judges who make difficult decisions.

This legislation is important to allow us to better understand and protect against disgruntled litigants. It increases the penalties for people who do these bad things, who harass prosecutors, judges, and witnesses.

It is very important legislation, and we should have already completed it. But here we are. We are going to have to move to proceed to it. Once—I hope—cloture is invoked, then we have 30 hours to wait before we get onto the bill. It would be a shame that we have to waste the time of our country, time that could be spent on valuable legislation that could be done here in this Chamber, waiting to move forward because of people not wanting to legislate.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business for 60 minutes with Senators permitted to speak therein with the time equally divided and controlled between the majority and Republican leaders or their designees.

Who yields time? The Senator from Arizona.

PRESERVING COMPETITION WITHIN MEDICARE

Mr. KYL. Mr. President, I would like to speak for a few minutes on the bill on which we will be voting in approximately an hour, as the majority leader just said. I would like to speak directly to the point he attempted to make, which was why should there be a problem with allowing the Federal Government to negotiate for drug prices for Medicare by repealing Medicare's so-called noninterference provision?

Nobody doesn't support negotiation. Negotiation is at the heart of the Medicare prescription drug benefit. I was there when it was written in the conference committee and there was a conscientious decision to ensure that there would be competition for lowering prices by specifically designating pharmacy benefit managers to do negotiating with the drug companies to bring the prices down. So the first myth is that Medicare somehow does not involve negotiations. It involves extensive negotiations. What it does not do is allow the Federal Government to interfere in those negotiations and, in effect, put itself in between patients and doctors and the drugs.

The Medicare Fair Prescription Drug Price Act of 2007, on which we will be voting cloture, turns this law upside-down and basically inserts the Government into this process under these decisions. The purpose may sound simple—the Government, using its negotiating clout, forcing drug companies to give seniors deep discounts—but if you take a closer look and peel away the layers, you realize it is nothing more than a promise running on empty, void of details and muddled by political rhetoric rather than sustained by the facts. Let's look at the facts.

First of all, Medicare Part D is working. When Congress crafted the bill, we heard from our constituents loudly and clearly. They wanted a prescription drug benefit that guaranteed access to affordable drugs and offered a choice of plans. They didn't want to be packed into a one-size-fits-all, Government-run plan that didn't fit their needs, and in fact they asked us to model the benefit after the plan that is available to Members of Congress. We did that. We chose access over restrictions, choice over Government control, and competition over price control. As a result, Medicare Part D is exceeding everyone's expectations. Approximately 90 percent of Medicare beneficiaries have some form of prescription drug coverage. The average premium was $22, in 2007, which is 42 percent lower than the Government projected initially. On average, seniors saved $1,200 on their prescription drug costs last year.

Eight out of ten Part D enrollees report they are satisfied with their current coverage, and the Congressional Budget Office estimates that the drug benefit will cost the taxpayers 30 percent less, $265 billion in savings over the next 10 years.

To sum it up, we have 90 percent Medicare beneficiaries with coverage, 80 percent satisfaction rate, and it costs 30 percent less than originally estimated. If it ''ain't'' broke, don't fix it.

The second fact, drug negotiation is at the heart of the Medicare bill. For the first time in history, health insurance plans and pharmaceutical companies and these benefit managers whom I mentioned are required to negotiate better prices for seniors, just like they do for Members of Congress. The noninterference provision, which first appeared in democratically sponsored legislation, prevents the Federal Government from interfering in those negotiations. It is a basic economic principle. In competitive markets, supply and demand interact, determining the price of the good or service. How do you get a good price? These pharmacy benefit managers I mentioned have significant market power.

Consider this fact: The three largest PBMs have nearly 200 million members, compared to Medicare's 44 million. So when you talk about the Government using its considerable bargaining clout because it would represent 44 million, appreciate that these pharmacy benefit managers represent 200 million. They insure all of these people—Americans in the private sector, as well as Americans who have Government insurance. So the private drug negotiators already enjoy a significant competitive advantage. They use that power to negotiate lower prices and, as I pointed out, that negotiation has worked.

Third, the secretarial negotiation cannot achieve any lower price without rationing choice in access. That was the testimony before the Senate Finance Committee, and I think every one of us appreciates that we should be very careful about anything which could restrict access to care for our seniors. When the Finance Committee marked up this bill last week, I looked forward to getting some clarity on exactly how Members contemplated this secretarial negotiation, how it would work.

To my disappointment, no one could explain exactly how it would work. In fact, my colleagues openly and candidly admitted they had no plan or any specifics. What they said was that the Secretary would have to use his imagination and that it could take a number of different forms.

So what we are buying, in effect, is a pig in a poke. Nobody knows what the

Secretary would or could do in order to try to bring prices down; he would have to use his imagination.

I think it is appropriate for us to ask this kind of question before we buy into legislation that could so dramatically and negatively impact health care for our seniors. Restricting access could theoretically reduce lower prices if they were raised with some other program. That is the other downside to this legislation.

During the Finance Committee noninterference hearing, we heard testimony from Dr. Fiona Scott Morton, who is a Professor of Economics at the Yale School of Management. She made a couple of critical points. Individuals eligible to participate in Medicare Part D generate approximately 40 percent of prescription drug spending in the United States. The Secretary cannot negotiate a lower average price for such a large population; Medicare is the average.

So if it were somehow theoretically possible to reduce prices, they would have to go up somewhere else. That is the other point we established as well. There are many different organizations, including veterans organizations, that urged us to oppose this legislation because they understand that if you are somehow able to lower the prices for Medicare, they necessarily, arithmetically, have to go up somewhere else. The Veterans' Administration is one of those areas.

Let me quote from two letters, one received from the American Legion, which asks us to consider, and I quote:

> . . . the serious collateral damage that would result from repealing the noninterference provision.
>
> The VA is a health care provider, whereas Medicare is a health insurer. Any possible Medicare savings would likely result in a reciprocal cost to the VA. Compromising the noninterference provision by striking this section is not in the best interest of America's veterans and their families.

The American Legion is not alone. The Military Order of the Purple Heart sent a similar letter to the Hill. Bottom line here: Cost savings are the result of true efficiencies. Repealing the noninterference provision is just another way to shift costs at the expense of other consumers.

In conclusion, during this markup of this bill in the committee, I offered three amendments, each of which ensured important safeguards: No. 1, to prohibit cost shifting, as I mentioned, to entities such as Medicaid or veterans or the uninsured; No. 2, to require a certification of cost savings to Medicare beneficiaries if these negotiations were to occur; No. 3, a certification of four beneficiary protections: One, individual choice of a prescription drug plan; two, access to prescription drugs by prohibiting a government formulary or other tool to restrict drug access; three, guaranteed access to local pharmacies; and, four, no cost shifting to other payors, such as Medicaid, veterans or the uninsured. All three of these amendments were rejected. In fact, somebody called them a red herring. Well, restricting seniors' access to prescription drugs and increasing drug prices for all consumers are not red herrings, they are important issues which have not been adequately addressed in this legislation.

Repealing this noninterference provision would put the Government, not the individual in charge, and put seniors one step closer to a single Government-run designed formulary.

I appreciate and respect the goals of my colleagues. We all want to improve access to affordable health coverage. But with all due respect, they are wrong. A great deal of expert testimony and experience with Medicare Part D by millions of Americans has demonstrated they are wrong. So I urge my colleagues, when considering how to vote on this motion for cloture, to appreciate the fact that, first of all, there is a great benefit that is producing savings and is well appreciated by the American people; that there are organizations that are very much opposed to this, such as the VA, and that we would be very foolish, it seems to me, to adopt a piece of legislation such as this about which there is no consensus as to how the Secretary would utilize his authority to negotiate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Wall Street Journal of today, April 18, 2007, which further amplifies the points I have made this morning.

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

[From the Wall Street Journal, Apr. 18, 2007]

BITTER PILLS

The Senate is scheduled to vote today on legislation to allow the government to negotiate drug prices under the 2003 Medicare prescription drug bill. Democrats and such liberal interest groups as AARP claim this would save money for seniors and taxpayers, but the more likely result is that seniors would find that fewer of their therapies are covered.

We opposed the prescription drug bill as a vast new entitlement, but there's no denying the program's innovation of using private-sector competition has worked far better than critics predicted. In the first year alone, the cost of Medicare Part D came in 30 percent below projections. The Congressional Budget Office calculates the 10-year cost of Medicare Part D will be a whopping $265 billion below original estimates.

Seniors are also saving money under this private competition model. Premiums for the drug benefit were expected to average $37 a month. Instead, premiums this year are averaging $22 a month—a more than 40 percent saving. Democrats don't like to be reminded that many of them wanted to lock in premiums at $35 a month back in 2003. No wonder recent polls find that about 80 percent of seniors say they're satisfied with their new Medicare drug benefits.

Democrats who opposed all of this private competition now say that government-negotiated prices will do even better. They must have missed the new study by the Lewin Group, the health policy consulting firm, which found that federal insurance programs that impose price controls typically hold down costs by refusing to cover some of the most routinely prescribed medicines for seniors. These include treatments for high cholesterol, arthritis, heartburn and glaucoma.

Supporters of federal price ''negotiations''—really, an imposed price—also like to point to the example of the Veterans Health Administration, which negotiates prices directly with drug companies. But it turns out that the vaunted VHA drug program has a few holes of its own. The Lewin study examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including such popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered under VHA. However, 94 percent are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under VHA.

Here's the real kicker: Statistics released March 22 by the VHA and Department of Health and Human Services show that 1.16 million seniors who are already enrolled in the VHA drug program have nonetheless signed up for Medicare Part D. That's about one-third of the entire VHA case load. Why? Because these seniors have figured out that Medicare Part D offers more convenience, often lower prices, and better insurance coverage for their prescription drugs. In short, seniors are voting with their feet against the very price control system that Democratic leaders Harry Reid and Nancy Pelosi want to push them into.

Of course, the greatest threat from drug price controls is not to our wallets, but to public health. Price controls reduce the incentive for biotech and pharmaceutical companies to invest the $500 million to $1 billion that is often now required to bring a new drug to market. If government price controls erode the profits these companies can earn to produce these often life-saving medications, the pace of new drug development will almost certainly delay treatments for AIDS, cancer, heart disease and the like. Congress is proposing dangerous medicine, and if it becomes law seniors may be the first victims.

Mr. KYL. I yield the floor.

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

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, we have a very important vote we are going to take in a few minutes about whether we are going to be allowed to proceed—even to proceed—to a bill that would give the Secretary of Health and Human Services a very important tool to lower prices for prescription drugs.

With all due respect to my friends on the other side of the aisle, I hear very differently from seniors. First of all, they don't like, in Michigan, wading through 50, 60, 70 different insurance plans and all the paperwork to figure out what plan they are going to sign up for. They wanted us to go directly to Medicare which is, by the way, a Government-run program, one of the most successful in the U.S. Government.

They wanted us to be able to set up prescription drug coverage through Medicare. That wasn't done. Instead, we have this privatized system that was geared to making sure the industry would have the maximum amount of profit. That has been the focus, unfortunately, of this legislation, which

is why we would see, in the middle of a prescription drug bill for seniors, actual language that says: You cannot negotiate for lower prices.

Now, we have an opportunity to change that, to take that language away. What are we hearing? Well, we are hearing all kinds of things, all kinds of things. On the one hand we hear: This will do nothing for seniors. It will not help seniors. It will not lower prices. On the other hand we hear: It is going to do all kinds of things that are very terrible for people.

Well, it can't be both. What we have going on is an orchestrated effort by the industry to keep things the way they are.

If we were able to get better prices for seniors, there would not be that big gap in coverage that I guess some folks think the seniors like. Seniors in Michigan do not like that. After they have paid some $2,100 in drug costs, going into a gap where the average price has actually gone up, they have no help. This is a very different world I am hearing from, the people in Michigan, rather than what we are hearing from the industry and from others who support this plan the way it is.

We can do better than this Medicare prescription drug benefit. Today is the opportunity to decide whose side you are on, either on the side of the industry that is doing great under this bill, record profits, or you are going to be on the side of the seniors who are asking us to help them, whatever way we can, get the best deal for them by lowering their prices.

I wish to go through a few of the myths and the scare tactics that have been out there, and there have been many, there is no question about it. First of all, we are hearing from the industry now in big ads—by the way, I should say, $135,000 an ad a day—by folks who say this bill would not do anything. It is the Washington Post and another Washington Post. We go on and we can see all of the papers that we read. We have seen these ads in the Congressional Daily—daily, millions and millions of dollars.

I woke up this morning to an ad on television I have seen many times: The Medicare prescription drug benefit, yes, it is doing great for them. It is not doing great for our seniors.

Here is one of the things they are saying: that 89 percent of the folks oppose negotiation, if it could limit access to new prescription drugs. What they are saying is, they are telling people they are going to limit access to new drugs, they are not going to be able to do research anymore.

In fact, this bill would not limit access to prescription medication. I have to say, with all due respect, the industry spends about 2½ times more on advertising and marketing than they do on research. We have a long way to go. We could cut out a couple of ads. One ad for $135,000, if it was not done, I wonder how much medicine that would buy for people? This is not about doing away with research. We know that. CBO says that. We know that as a fact. This is not about taking away access to medicine for people.

We are being told it will have an effect on other purchasers. The Congressional Budget Office, I asked them to put in writing, after our Finance hearing, whether this bill would do that. CBO anticipates that S. 3—the bill in front of us, the Medicare Prescription Drug Price Negotiation Act of 2007 as reported by the Finance Committee—would not have an effect on drug prices for other purchasers.

Unfortunately, my good friends, the veterans for whom we work hard, whom we have raised health care dollars for, have been told something different. That is very unfortunate. It is not true. It is a scare tactic. This bill does not do that. CBO, in fact, has indicated it does not do that.

We hear something else that I think is very important. We hear: Well, we should not compare this to the VA; the Veterans' Administration negotiates group prices for our veterans. In fact, the average difference in price is 58 percent.

Now, some go up to as high as 1,000 percent, a 1,000-percent difference. On Zocor, there is a 1,000-percent difference. It seems to me there is a little room for us to negotiate for those on Medicare within that 1,000 percent.

But we are told no. The problem is that the VA, first of all, gets lower prices because they do not offer as many drugs; you cannot go to the VA and get the drugs you need, which is also not true.

From a presentation overview of the VA pharmacy benefit, in a presentation that was made, comparing apples to apples, now they have compared on the other side of this argument chemical compounds as opposed to actual drugs.

But the fact is, under Medicare there are 4,300 different drugs available, 4,300. Under the VA, they dispense 4,700—not 4,300—4,778 specific drug products, specific drug products which represent the chemical compounds that have been used on the other side of the argument.

In fact, in addition to that, if you go to the VA and if on the list, the approved list, there is not the medicine you need, you can ask for an exception to get the medicine you need. In addition to the 4,778 different medicines available from the VA, last year they dispensed prescriptions for an additional 1,416 different drugs so our seniors, our veterans were able to get what they needed from the VA.

When we hear concerns about veterans health care, with all due respect—I hear a lot about driving too far to get tests, waiting too long to see a doctor—I do not hear about not being able to get medicine.

The fact is, the VA dispenses more different prescriptions at a lower price than this privatized system, what I view as a dismantling of Medicare that has taken place through the prescription drug benefit that is before us.

What we have is the ability today to take a vote on proceeding to a bill that 87 percent of the American public wants to see us pass. And this is the AARP. Now, I find it very interesting, on the one hand, we have got all the folks representing the industry doing well under this bill, putting in ads, doing surveys, talking to us through the television and the radio saying that seniors do not want to negotiate the best price because of all these scare tactics.

But when the group who represents seniors, the AARP, speaks, they tell us 87 percent of voters want us to move ahead. This is a tool. This is giving the Secretary the ability to use that tool in a way that is responsible and will lower prices for our seniors. This is a motion to proceed.

I hope we are not going to see what we have seen, unfortunately, too many times this year, as we have—in the new majority—worked hard to change the direction of this country. I hope we do not see our efforts stopped from even moving forward to debate this critical piece of legislation. Eighty seven percent of the American public has some common sense. They are saying: What are you doing? What are you doing that you would not give the Secretary the ability to negotiate the best price?

I hope we will join together overwhelmingly and vote to give us the opportunity to consider this bill, to be able to move forward on a basic policy of common sense to help our seniors, people on Medicare, get the lowest possible price for their medicine.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. May I inquire how much time this side of the aisle has remaining in morning business?

The ACTING PRESIDENT pro tempore. The Senator has a little over 20 minutes.

Mr. CORNYN. I see the distinguished ranking member of the Finance Committee here. I will speak briefly and then certainly yield the rest of our time to him.

There is a much larger question than has been addressed so far before the Senate this morning on this particular motion to proceed; that is, whether we are going to see the incremental growth of Government involved in intervening between decisions that should be made by patients in consultation with their doctors as a matter of individual choice. If, in fact, the advocates of this particular legislation are successful, it will be one step further down the road toward a single-payer system where the Government will decide what kind of health care we get and our family members receive rather than we as a matter of individual choice in consultation with our personal family doctor. That is a dangerous trend.

As my colleagues know, the Federal Government and Federal taxpayers pay for 50 percent of health care today. I am staggered by the suggestion that

the Federal Government can somehow do a better job than the private sector through choice and competition in setting drug prices. Rather than a negotiation, this is like a take-it-or-leave-it offer with a gun to your head. The consequences, if this legislation is successful, will be that seniors will have fewer choices, Government will have grown that much bigger and interfered much more in the private choices we should all make as a matter of personal choice. The irony is, this is one of the Government programs—I would say rare Government programs—that actually works better than we thought it would. As a matter of fact, I voted for the Medicare prescription drug bill in 2003, but I was concerned when some of the estimates that came out of the Congressional Budget Office indicated it would actually cost a lot more than we originally thought. But this is a good news story.

What I don't understand is why our Democratic friends want to ruin a good thing that 80 percent of seniors who have access to this prescription drug plan say they like and 90 percent of seniors eligible have signed up for, saving on average $1,200 a year. Why in the world would we want to mess up a good thing? I don't understand it, unless it is that incremental step toward a single-payer, Government-run health care system that would be a bad direction, rather than leaving the private sector to provide choices and competition, which improves services and lowers price.

Listening to some of my colleagues on the other side of the aisle, to paraphrase H.L. Mencken, they live in dread that somebody somewhere is actually making a profit in a private enterprise. I don't particularly care if shareholders in a company decide they want to risk their money to invest in a competitive enterprise to provide me and my family a service that I want and like and need and do it at a price that is lower and a service quality that is better than the Federal Government. The fact that they make a profit, good for them. That is what this country is built on. That is why our economy is the envy of the world.

Competition provided in the prescription drug benefit has forced costs down far below what was anticipated. In 2007, the average premium for the benefit is $22 a month—40 percent less than projected. We have heard the statistics before, but they bear repeating. The Congressional Budget Office new budget estimates that for the next 10 years, the net Medicare cost for the prescription drug benefit will be more than 30 percent lower than originally forecast, $265 billion. I have only been in the Senate for 4½ years, but I don't think I have ever seen or even read about a Government program that actually came in under budget at a lower cost than originally projected. For some reason—and it escapes me—some of our colleagues here want to change that, and that is a mistake.

One of the editorials in one of my newspapers back in Texas, the Austin American Statesman, writes:

> The incoming majority of Congressional Democrats, it seems, has a problem: a promise to fix something—the new Medicare drug program—that might not need fixing.

The basic point is this: We passed a prescription drug benefit that uses market competition to provide critical medications to seniors at costs much lower than projected. The results so far demonstrate the familiar principle that competition and choice could bring lower prices, something that should not surprise any of us. I must say, I am surprised at the magnitude of the benefit and the magnitude of the savings and the way this has lived up or, I should say, even exceeded expectations.

Today in the Wall Street Journal there is an article entitled ''Bitter Pills'' which I ask unanimous consent to have printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. This speaks directly to the comments made by the Senator from Michigan about the Veterans' Administration. Let me briefly read this paragraph:

> Supporters of federal price ''negotiations''—really, an imposed price—also like to point to the example of the Veterans Health Administration which negotiates prices directly with drug companies. But it turns out that the vaunted VHA program has a few holes of its own. The LEWIN study—

Which it alludes to earlier, a health policy consulting firm

> examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including [the most] popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered by the VHA.

Not covered. That is what the advocates of this legislation, I guess, believe is the ideal, to cover less drugs, and that is what the consequences of this legislation would be.

Let me read the last sentence:

> However, 94 percent of these drugs are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under the VHA plan.

If the right vote on this upcoming motion to proceed is to end the debate, it is not true that we haven't had debate. We are having the debate right now. But I believe the country would be better off, seniors would be better off, and choice and competition would remain available if we voted against the motion to proceed. That is how I intend to vote and urge my colleagues to do the same.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Apr. 18, 2007]

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Seniors are also saving money under this private competition model. Premiums for the drug benefit were expected to average $37 a month. Instead, premiums this year are averaging $22 a month—a more than 40 percent saving, Democrats don't like to be reminded that many of them wanted to lock in premiums at $35 a month back in 2003. No wonder recent polls find that about 80 percent of seniors say they're satisfied with their new Medicare drug benefits.

Democrats who opposed all of this private competition now say that government-negotiated prices will do even better. They must have missed the new study by the Lewin Group, the health policy consulting firm, which found that federal insurance programs that impose price controls typically hold down costs by refusing to cover some of the most routinely prescribed medicines for seniors. These include treatments for high cholesterol, arthritis, heartburn and glaucoma.

Supporters of federal price ''negotiations''—really, an imposed price—also like to point to the example of the Veterans Health Administration, which negotiates prices directly with drug companies. But it turns out that the vaunted VHA drug program has a few holes of its own. The Lewin study examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including such popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered under VHA. However, 94 percent are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under VHA.

Here's the real kicker: Statistics released March 22 by the VHA and Department of Health and Human Services show that 1.16 million seniors who are already enrolled in the VHA drug program have nonetheless signed up for Medicare Part D. That's about one-third of the entire VHA case load. Why? Because these seniors have figured out that Medicare Part D offers more convenience, often lower prices, and better insurance coverage for their prescription drugs. In short, seniors are voting with their feet against the very price control system that Democratic leaders Harry Reid and Nancy Pelosi want to push them into.

Of course, the greatest threat from drug price controls is not to our wallets, but to public health. Price controls reduce the incentive for biotech and pharmaceutical companies to invest the $500 million to $1 billion that is often now required to bring a new drug to market. If government price controls erode the profits these companies can earn to produce these often life-saving medications, the pace of new drug development will almost certainly delay treatments for AIDS, cancer, heart disease and the like. Congress is proposing dangerous medicine, and if it becomes law seniors may be the first victims.

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

Mr. WYDEN. Parliamentary inquiry: How much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator has 20 minutes.

Mr. WYDEN. It is my intention to go a little less than 10 minutes. I know the distinguished chairman of the committee is here as well, and I want him to be able to speak for our side.

Mr. President, I have always tried to work in a bipartisan way on health care. I voted in favor of creating the Medicare prescription drug program. I do not favor the Government running everything in health care. In fact, I have introduced legislation that would ensure that the government would not run everything. I believe it is important that pharmaceutical companies be successful in developing new products and therapies for America's seniors and for patients who are suffering. I believe it is time for the Senate to right a wrong. Outlawing the Government from any and every opportunity to negotiate lower drug prices for millions of seniors and taxpayers is an instance of special interest overreaching. Everybody else in America negotiates. Employers negotiate. Labor unions negotiate. Individuals negotiate. Everybody tries to be a smart shopper. Certainly Medicare, with 43 million people's interest on the line, ought to do everything it possibly can to be a savvy shopper.

It is especially important that the Government not give up the right to negotiate when single-source drugs are involved. These are drugs where there is no competition and no therapeutic equivalent. For many patients, a single-source drug is essentially the only drug available. Cancer drugs often fall into this particular category. What this means is, seniors who depend on these cancer drugs for their very survival often face bills of thousands and thousands of dollars. In my hometown, it can often cost something like $400 for a particular injection. We are talking about treatment with these single-source drugs for those who are suffering, say, from leukemia, from kidney disease. For the life of me, I don't see how it is common sense to say that we are going to give up every single opportunity for all time for the Secretary of Health and Human Services to try to negotiate a better deal for those seniors on drugs where there is no competition.

Senator SNOWE and I have worked for more than 3 years in a bipartisan way to address the most important concerns of our colleagues who have questioned this proposal. We believe strongly that we should not have price controls in any shape or form. Price controls clearly impede innovation and the development of new therapies. We should not do that. Chairman BAUCUS has ensured that price controls would not be allowed under the measure before the Senate today.

Senator SNOWE and I also believe strongly that there should not be restrictive formularies. These formularies—to use technical health care lingo—essentially involve a list of drugs to which seniors could get access. We should not restrict the access of seniors to medicines. Senator SNOWE and I have made that a priority for more than 3 years. Chairman BAUCUS has addressed that as well.

We don't have any one-size-fits-all, run-from-Washington kind of pricing regimes. All we have said is: Let's make sure we can negotiate when it is critically important. I submit, in every one of these budget letters—I know the history has been hard to follow; one said this, one said that—every one has indicated that there can be savings when there are single-source drugs involved in negotiation. I emphasize that. For certain cancer drugs, where seniors can be spending thousands and thousands of dollars, there is the potential for savings when the Secretary has a role there.

Not a single person in the Congress today can imagine all of the scenarios possible that may come up in 10 or 20 years, what new drugs there may be that could cure or treat health problems. There can be situations in the future where, for example, a different Secretary of Health and Human Services would use negotiating authority to get savings that can't be anticipated for drugs that haven't even been contemplated today. It doesn't make sense for the Congress to preemptively outlaw future savings. It especially doesn't make sense when the American Association of Retired Persons, in an RX Watchdog Report that looked at nearly 200 drugs including the most commonly used brand-name medications, has found that seniors very often need medicines that carry price tags that have gone up twice the rate of inflation. So we have older people getting hit—almost clobbered—with these costs which are going up more than twice the rate of inflation.

I and others have said we want to be sensitive to the question of innovation. That is why we have not supported price controls. But when you are talking about drugs, such as certain cancer drugs, and the interests of older people, let us not say, for all time, and in every instance, we are going to forsake the opportunity to negotiate.

Given that is possible to negotiate savings for seniors, if you stand up at a town meeting anywhere in this country and say, well, gosh, that is no big deal, I think seniors and taxpayers would say, try to get us the most value out of this program. This is a program I voted for and that I have always tried to look at ways to improve. I think there are plenty of ways under the leadership of Chairman BAUCUS and Senator GRASSLEY we can improve this program.

Certainly, it is still far too complicated. You almost have to be a legal wizard to sort through some of these forms and to be able to compare the possibilities you might have for your coverage. So there are other steps that can be taken in a bipartisan way. But we ought to have a real debate in the Senate on one of the most important pocketbook issues of our time. This is what people talk about in coffee shops, in senior centers, and in community halls all across the country.

I think the proposal Chairman BAUCUS has developed in this area makes sense. It does not go over the line and impede pharmaceutical innovation. It ensures we are going to be on the side of trying to stand up for seniors when it comes to those drugs, such as the cancer drugs I have discussed this morning, when they have trouble affording them.

I hope our colleagues will vote for the motion to proceed and a chance for the Senate to have a real debate rather than this abridged kind of discussion where only a handful of Senators can participate.

I thank the chairman of the Finance Committee for making sure this gets to the floor and, particularly, my colleague, Senator SNOWE, who has worked with me on this issue in a bipartisan way for more than 3 years. If we get a chance to proceed, she and I will be offering an amendment to strengthen the proposal still further.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, in Shakespeare's time, the poor had little access to medicine. In ''Measure for Measure,'' one of Shakespeare's plays, he wrote:

> The miserable have no other medicine, but only hope.

With the Medicare Modernization Act of 2003, we sought to give America's seniors, especially America's poorest seniors, something more than only hope. We sought to ensure that seniors had access to the affordable medicine they need.

When we crafted the Medicare drug benefit, we could only imagine how it would work. We really did not know. In some respects, our work was theoretical. We established a market-based approach in which any number of private insurers would compete to offer drug coverage. That was the foundation.

Even with a market-based design, we had tremendous concern that the market would not be able to offer drug coverage. As the former CMS Administrator said at the time:

> Private drug plans do not yet exist in nature.

We were starting from scratch.

In an abundance of caution, we went a step further than merely creating a market for drug coverage. We took what I am now convinced was a step too far: We tied the hands of the Secretary of Health and Human Services with what has come to be known as the ''noninterference clause.'' We eliminated the Government's ability to intervene to get fair drug prices for seniors. Today, we consider a bill to repeal a portion of that noninterference clause created by the Medicare prescription drug program.

What is the noninterference clause? The noninterference clause prohibits the Secretary of Health and Human Services from ''interfering'' with the negotiations between drug manufacturers and pharmacies and drug plan sponsors. Essentially, this provision bans the Secretary from doing anything that would affect the prices Medicare pays for drugs. Another prong of this noninterference clause prohibits the Secretary from creating a single, national formulary and from setting prices under the Medicare drug benefit. The legislation before us today, however, leaves that part alone. Those prohibitions remain.

Now the Medicare drug benefit is in its second year. Our theory that private plans would offer and deliver Medicare drug coverage proved accurate. It is working for millions of Americans. It is giving them more than just hope. But it is not perfect, and in some cases it still may not be giving seniors affordable drugs. We are here today because we need to do all we can to make sure it works well for everyone. Looking at the program today, the noninterference clause is an unnecessary hindrance. It ties the Secretary's hands.

Free markets are usually the best solution. But markets sometimes fail. In this program, American taxpayers are spending more than $50 billion a year to deliver a prescription drug benefit to seniors. We may on occasion need the Secretary to roll up his sleeves and get more involved in the program. We want Secretaries of HHS to be able to use the tools at their disposal. We want them to help shape the drug benefit into a strong and thriving program. It is time to untie the Secretary's hands.

The bill before us today does not change the market-based approach of the drug benefit. It does not change that at all. This bill is not the first step toward Government-run health care, nothing close to it. This bill is not the first step toward a single-payer health care system. No way. Rather, the bill before us today aims simply to improve and strengthen the drug benefit. It is our way of fulfilling our promise to provide Medicare beneficiaries with access to affordable medicines. We should not allow the Government to sit idly by while seniors continue to pay high prices or even go without their medicine. That would be a dereliction of duty. Congress created this benefit to give seniors access to affordable drug coverage. Now we need to make sure the prices seniors pay at the pharmacy are low, too. That is the goal of this legislation.

So let us build on the Medicare Modernization Act of 2003. Let us seek to give America's seniors something more than only hope. Let us ensure that seniors truly have access to the affordable medicine they need.

Mr. President, I yield the floor and reserve the remainder of our time.

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

Mr. GRASSLEY. Mr. President, I have 12 minutes left; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. GRASSLEY. Mr. President, I ask the Chair to please inform me when I have used 11 minutes.

Mr. President, we have a situation here where the latest argument has been that when we wrote the bill 4 years ago, providing pharmaceuticals for seniors under Medicare, we went one step too far by saying the Secretary of Health and Human Services should not interfere in plans negotiating drug prices.

Well, I want everybody to understand that we took this language from several different Democratic bills which had been introduced because I wanted this program to be as bipartisan as we could make it. So we had Senator Moynihan introducing President Clinton's bill in 1999 which had that language in it. We had a Daschle-Reid bill in the year 2001 which included that language. We had a House bill in 2001 which included that language. We had a Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow bill—Senator STABENOW now—which had this language in it.

So I want people to know that as to this language which they now think should not be in this legislation—the bipartisan approach—we took this language because we thought this would be one step further toward making this whole program bipartisan because we do not have enough bipartisanship in the Congress now. All of a sudden, everybody who thought this language was perfect language thinks this language—from Democratic pieces of legislation—ought to be struck out of this bipartisan bill. Obviously, as I said yesterday, and I say today, we have plans that are working. And if it ain't broke, don't fix it.

Mr. President, I have always been fond of jigsaw puzzles—spinning the pieces around, figuring out how the pieces of a puzzle all fit together, until you finally see the whole picture. This debate is a lot like working a jigsaw puzzle. I would like to have you take a look at a few of the pieces.

One piece is the House bill, H. 4, passed by the House. The House bill requires the Secretary to negotiate prices with drug manufacturers. The House bill also strikes the ban on Government price-setting. To date, the House authors have not explained why they wanted to authorize the Government to set prices.

The Congressional Budget Office said the House bill would not achieve any savings unless the Secretary was given the authority to establish a formulary or use some other tools to negotiate lower prices.

Let's look at another piece of the puzzle; that is, the bill before us, S. 3. The Senate bill authorizes the Government to take over Medicare's negotiations. It strikes the prohibition on Government interference in negotiations the prescription drug plans are doing today, negotiating with the drug companies to get drug prices down. The average cost of the 25 most used drugs by seniors is down 35 percent.

The Senate sponsors keep saying their bill ''begins the process'' for negotiation. But what about the negotiation that has been going on for 4 years under this bill? They say their language, by striking, is a step toward what they want.

As was the case in the House bill, H.R. 4, the Congressional Budget Office also says the Senate bill, S. 3, will not achieve any savings unless the Secretary establishes a national formulary or uses other tools to reduce drug prices.

So we have two bills, two pieces to our puzzle. But on Thursday night, in our Finance Committee markup of S. 3, we found a missing piece that helps us bridge the bills together and finally see the full picture of the puzzle.

On Thursday night, I offered an amendment that would prevent the Secretary from using preferred drug lists to limit access to approved prescription drugs. We have heard over and over again from our colleagues that neither H.R. 4 nor the Senate bill, S. 3, allows for a national formulary. But as all observers of the Medicaid Program know, States are not allowed to use formularies, but the courts have said States can use preferred drug lists. A preferred drug list is just like a formulary, only in sheep's clothing. It is a Government-controlled list of drugs a beneficiary can and cannot have; in other words, the Government saying what drugs you can use, not your doctor, or at least what drugs we are going to pay for. A national preferred drug list would have the same effect, then, as a national formulary.

So I thought: For all the talk about not allowing Government formularies, the proponents of S. 3 would embrace a provision banning preferred drug lists. If they really do not want to limit beneficiary access to drugs, it should have been an easy thing for them to support. So I offered that amendment to prohibit the Secretary from imposing a national preferred drug list. Much to my surprise, every Democrat in the committee voted against my amendment. When the proponents of Government negotiations defeated my amendment, they were, in fact, voting in favor of having the Government limit access to drugs. They voted for Government limits on access to drugs. They voted to have the Government tell beneficiaries which drugs they can have and which they cannot have, which is an intervention of Government between a doctor and a patient—that relationship we were working so hard to preserve when we wrote the bill in 2003.

We have the final piece of the puzzle allowing everything to fall into place.

What would H.R. 4 and S. 3 look like after they merged them together in conference between the House and Senate? Well, you can put two and two together and get an answer.

H.R. 4 requires the Secretary to negotiate drug prices and eliminate the ban on price setting. It is clear now that supporters of the Senate bill want the Government to set preferred drug lists because they voted against it when I offered that in committee, that the Secretary couldn't do that, preferred drug lists, which are just like formularies. They want the Government to determine what drugs seniors will be allowed to get coverage for. We have heard all this hooray about the VA and how they do things. Remember, the VA only pays for 23 percent of the drugs that seniors can get now under Part D.

The puzzle is complete. If we let S. 3 go to conference, we will have returned to us a bill that requires the Secretary to negotiate with drug manufacturers using price controls and a national preferred drug list. It couldn't be more clear.

We must not let that happen. We must put a stop to it and do it right here. Price control and a national preferred drug list are the tools they want the Government to have. They want to have the Federal Government take over Medicare prescription drug marketing, and that is absolutely the wrong thing to do. The Medicare drug benefit is working. ''If it ain't broke, don't fix it.'' It is a testimony to the idea that the private market works, that Government-run health care is not the answer.

They say Medicare doesn't negotiate. That is not true. Medicare is negotiating today, just the way we set it up 4 years ago to negotiate. Medicare is negotiating through the market clout of its prescription drug plans, and the market-based model for Part D is working. Costs are far lower than expected. CBO projections for Part D dropped by $308 billion—32 percent lower. That is the 2007 baseline compared to the 2006 baseline. Premiums for beneficiaries are 40 percent lower. Seniors overwhelmingly approve of the benefit.

So why do supporters of this legislation hate the Medicare drug benefit so much? They hate it because nothing could be more damaging to the idea of Government-run health care than Part D, the way we wrote it 4 years ago. It is a free market plan, and it is a market that is working, and that is not their plan for how health care should work. Their view is that Government knows best.

So what do seniors and all Americans have to look forward to if this Trojan horse attack succeeds in a Government takeover of prescription drugs? Seniors can look forward to fewer choices. Gone will be the days when seniors can select from various plans to find one that suits them. If this bill passes, seniors will get only the drugs the Government selects for them.

Do you want a Government bureaucrat in your medicine cabinet? All other Americans will see higher prices for their prescription drugs, experts testified before the Finance Committee.

I will go ahead and use up the remaining minute.

CBO has said that everybody else's prices will go up. We have reams of evidence showing that price controls and Medicare will lead to higher drug costs for everybody else. That means higher prices for veterans. That means higher prices for the disabled, pregnant women, and children on Medicaid. That means higher prices for small business owners and families. If we don't stop this bill right now, that is what we have to look forward to.

We can and should stop this bill in its tracks. Vote against Government-controlled drug lists, vote against Government setting prices, vote against Government restriction on seniors' access to drugs.

Mr. President, everyone should move beyond the simpleminded rhetoric of sound bites and see the full picture because sound bites don't make sound policy.

I yield the floor.

Mr. WYDEN. Mr. President, parliamentary inquiry: How much time does our side have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6½ minutes.

Mr. WYDEN. Mr. President, I have great respect for the Senator from Iowa, but I simply want to set the record straight with respect to a couple of points. The distinguished Senator from Iowa was talking about the House bill to a great extent. We are not dealing with the House bill. I want to be very clear what the Senate bill does.

All the Senate bill does is lift this restriction which bars the Secretary from ever having a role in negotiation. This bill—the measure that is before the Senate—does not take over the role of the private plans. The private plans would continue as they have since the program's inception: to sign the contracts, to conduct the various activities to make sure that seniors can purchase that coverage. There is no takeover of private plans, despite what has been suggested.

Point No. 2: In no way does the measure now before the Senate limit access to drugs for seniors. We have been told that under this particular measure, there would be huge restrictions with respect to seniors being able to get drugs, that there would be formularies established, a variety of prescriptive arrangements that would deny choice. That is not the case in this legislation.

Let's be clear. One, this is not the bill that is before the House. It is not the bill the House has acted on. Two, it simply lifts the restriction. Three, it doesn't take over the role of the private plans. The Secretary is simply complementing the role of the private plans. Four, under this particular measure, the Government would not limit access to drugs. There would be no restriction on drugs that seniors could get under this bill.

I only come back to the point I made earlier. This is about patients who are hurting. This is about those cancer patients, for example, who are taking drugs for which there is no competitive alternative, where there is no therapeutic alternative. Should we simply sit by and say that when they have to spend thousands and thousands for those cancer drugs—cancer drugs that are essential to their survival—are we going to say that we should give up any and every opportunity for the Secretary to try to negotiate a good price? I think we understand this is a straightforward issue. This is about whether we are going to have a real debate on one of the most important consumer issues of our time.

There are groups such as the AARP that have brought to the attention of every Senator what this means for their members. This is what people are talking about in coffee shops. They are talking about it in community centers. They are talking about it all across the country because they think when you have a program that has 43 million people, be the smartest shopper you possibly can.

We have the private plans out there already. The Baucus proposal—and I want to emphasize this—does not restrict the role of those private plans. It is going to go forward.

The question is, Should we make it possible for the Secretary of Health and Human Services to complement that role, to go beyond it and to say there may be some instances where we ought to negotiate? I voted for the Medicare prescription drug program. I do not support the idea of Government running everything in American health care, but it is time to right a wrong. This particular provision, which restricts the Secretary from ever negotiating, is an example of special interest overreaching.

The Senate ought to say today: We want to proceed to a real debate, not this abridged version where only a handful of Senators could participate. I am glad I could correct the record so that as we go to the vote, Senators understand that this bill is not the House bill, that this bill will not restrict the private plans, and it will not restrict access for seniors to medications. I urge our colleagues to vote for the motion to proceed.

Mr. FEINGOLD. Mr. President, one of the biggest flaws in the Medicare prescription drug benefit is that it does not adequately address the skyrocketing prices of prescription drugs. By denying the Government the ability to negotiate price discounts, the benefit actually takes away one of the best tools the Medicare Program could use in bringing down prescription drug prices.

That is why I am a cosponsor of legislation that would help address this fundamental flaw. The Medicare Prescription Drug Price Negotiation Act, S. 3, will remove language included in the Medicare Modernization Act that prohibits the Secretary of Health and

Human Services from negotiating prescription drug prices with manufacturers. The legislation goes a step further to require much needed data that would set the stage for additional legislation to strengthen negotiation in the future. This bill is something that the entire Senate should support, and I am disappointed that the Senate is being prevented from even debating, let alone voting on, this important bill.

When I talk about the new Medicare prescription drug benefit during my travels around my home State of Wisconsin, I continually hear from constituents about how they cannot believe that the Federal Government cannot negotiate with pharmaceutical companies about the prices of prescription drugs.

We need to help Medicare beneficiaries obtain affordable prescription drugs while still ensuring the Federal Government keeps prescription drug costs down. By lowering the underlying cost of prescription drugs offered through the Medicare Program, we will not only be helping beneficiaries save money, but we will also save the Federal Government money.

In a time of mushrooming deficits, skyrocketing prescription drug costs and an aging population, we need to be smart about how we use taxpayer dollars. If we are going to keep Medicare solvent, we need to take strong action to keep health care costs down, especially the increasing costs of the prescription drugs the new Medicare Program will be providing. This is the fiscally responsible thing to do, and it is also the compassionate thing to do as keeping drugs affordable ensures access to prescriptions for 43 million seniors.

I support this legislation, but I also support an even stronger step. It makes sense at this time to impose a mandate on the Secretary of HHS to negotiate lower prices. The Secretary should also have the right tools to negotiate effectively.

This bill doesn't address formulary or price control authority for the Secretary. An ideal bill would at least examine these issues closely, yet these are not mentioned. Formulary power and price controls in Medicare Part D should be debated in the near future, and the reports required in S. 3 will provide needed information for that debate.

So while I would like a stronger bill today, I support today's legislation because it is a giant step forward from where we are today. I hope my colleagues who are currently blocking this important legislation will reconsider their actions.

Mr. MARTINEZ. Mr. President, today I wish to discuss an issue that is on the minds of millions of seniors—prescription drug access and pricing. I am here to defend Medicare Part D and the importance of competitive drug pricing, because it works.

Prescription drugs play a vital role in our health care system. Thanks to technological and scientific breakthroughs in pharmaceuticals, Americans are living longer and more productive lives than ever before.

There has been a remarkable rise in pharmaceutical drug access to our Nation's citizens. A generation ago, there were nowhere near as many prescription drugs available—today, there are effective drugs on the market that help people do just about anything. From drugs that reduce blood pressure and fight uncommon bacterial infections, to others that lower stress and protect immune systems in the fight against cancer, there has never been a time in history like this.

Members of Congress have—over the last decade or so—made many efforts to extend prescription drug access to as many Americans as possible, specifically seniors. The expense has been significant, but so have the results. This improvement to prescription drug access is due in large part to Medicare Part D.

The Medicare Part D prescription drug program has been successfully reducing drug costs for seniors, and as long as we leave it alone and let it run as it was intended to, millions of Americans will continue to benefit—this was the goal and the goal is being met.

I strongly oppose any efforts to repeal the noninterference clause, and I encourage my colleagues to do the same.

My colleagues on the other side of the aisle, however, are moving to eliminate the noninterference clause—written into the Medicare Modernization Act, MMA—which, in layman's terms, means that some Members of Congress would like to give the Government the ability to negotiate drug prices on behalf of consumers. Proponents of this move believe that Government negotiation of drug prices would lead to lower prices for the millions of Americans in need of prescription drugs. Yet that is not the full picture. The reality is that there is no proof that eliminating noninterference would reduce costs for seniors in need of low-cost prescription drugs; in fact, there is a chance that this approach could limit senior access to certain types of prescription drugs—this is because, in Government negotiating of drug prices, competition will be eliminated. This is to say that certain drug companies will simply back away from the table and choose not to participate.

As you can see, Government negotiation will not benefit the consumer. It actually hurts the consumer because it limits what prescription drugs are available to them.

For that reason, I feel strongly that moving in this direction and having this debate is not the best use of the Senate's time. Why are we debating a program that has been successful in providing drug coverage for our seniors and has done so while costing less than anticipated? Our seniors have a choice in their plans, and they are pleased with those options. We should be using this time to focus on those who lack any healthcare options. I am talking about the millions of uninsured people in this country.

My colleagues and I should be talking about ways to give these individuals a chance for health care coverage. We need to further examine the Tax Code and fix its glaring inequities. The Tax Code needs to be unbiased; where you work should not affect how much you pay for health care coverage or what kind of health care options you have.

Why can't all American workers—whether they work for a Fortune 500 company or the local bakery they started from scratch—have the ability to purchase health insurance with pretax dollars?

My bill, the TEA Act, will allow just that. Why aren't we talking about that?

What about Senator COBURN's Universal Health Care Choice and Access Act—why aren't we talking about that? His bill will help transform our health care system to one that focuses on prevention and helps to reestablish the doctor-patient relationship, while also empowering individuals to choose where their care is delivered.

I encourage us to get past this time-consuming and unnecessary Part D debate and turn toward issues that are in need of solutions. From the uninsured, to future budget insolvency, to the global war on terror, there is plenty—of substance—to discuss.

Mr. ENZI. Mr. President, today I wish to speak in opposition to the bill currently before the Senate.

First I would like to briefly review the status of the new Medicare law that Congress passed in November of 2003. That landmark legislation enacted the first major benefit expansion of the program since 1965 and placed increased emphasis on the private sector to deliver and manage benefits. It created a new voluntary outpatient prescription drug benefit to be administered by private entities. The legislation also expanded covered preventive services and created a specific process for overall program review if general revenue spending exceeded a specified threshold.

I am pleased to be able to report that this new program is working. All across the country, seniors are expressing their approval of the new benefit. In my State of Wyoming, the new Part D prescription drug benefit has been a huge success. Last year, I traveled around Wyoming and visited with seniors in Cheyenne, Douglas, Sheridan, Casper, Powell, and Rock Springs. I talked to folks all over the State and told them about the new program as I encouraged them to sign up for it. I also talked to a few of the pharmacists in Wyoming that worked so hard to make this program a success. I believe I can speak on behalf of many of my colleagues in saying thank you to the thousands of pharmacists throughout the country that did so much to implement this great program.

Today, about 89 percent of Wyoming seniors are receiving prescription drug coverage, an increase of 16 percent from last year. They remember what it used to be like when they tried to get their prescription medications and they don't want to go back. I have received hundreds of calls and letters from Wyoming seniors who like the way things are and don't want Congress interfering with their prescription drug plan because it is working for them. Five separate surveys show that more than 75 percent of all beneficiaries are satisfied with the way the program works.

Not only are about 90 percent of seniors now receiving prescription drugs, the program is costing less than originally expected. When is the last time a government program cost less than was estimated? I came to Washington in 1997, 10 years ago, and I don't know that I have ever seen a government program that spent less money than we expected. Private competition is working better than we envisioned and it is saving seniors and the government more and more money every day. Why should we change that?

For some reason my colleagues on the other side of the aisle have decided they need to ''fix'' a program that isn't broken. We have implemented a plan that is working and before we change it, we need to be sure about what we are doing and the effect it will have on the program and the impact it will ultimately have on seniors from coast to coast.

The bill now before the Senate would strike the noninterference clause from the Medicare law. The ''noninterference'' language in the Medicare law prevents the Federal Government from fixing prices on Medicare drugs or placing nationwide limits on the drugs that will be available to seniors and the disabled. I support this language 100 percent. Decisions on what drugs should be available should be made by seniors and their doctors, not by some central committee in Washington.

Under the Medicare Part D law, each prescription drug plan has its own list of preferred drugs. Each plan's list is different—some are broader, some are narrower. Each list, however, has at least two drugs from each therapeutic class of medications and everyone can find a plan that is advantageous to them.

The ''noninterference'' bill before us is not only unnecessary, but it could also prove to be harmful to the health of our nation's seniors. The ''noninterference'' language protects seniors and the disabled from having the government decide which drugs their doctors can prescribe. It maintains the sacred relationships that seniors have with their doctors, who know best about what particular drugs are right for their patients. Patients support this language, and they want us to maintain it.

I would like to repeat, we have already implemented a plan that is working. Yet the majority party wants to ''fix'' the Medicare drug benefit. It is ironic to me that they use the word ''fix''—fix is exactly what this bill will lead to, the government ''fixing'' prices on drugs. It is not a bill about negotiating prices; it is a bill about fixing prices. As most Americans know, the Government doesn't negotiate in the Medicare program. It sets the prices that the Government will pay doctors and hospitals for serving seniors.

Setting the price is the same as price controls. And we saw what happened in the 1970s when we tried to control the price of gasoline. Do you remember the long lines at the gas pumps? Trying to control the price of gasoline was a complete disaster. Let's not experiment with giving government the ability to control the prices of prescription drugs.

Despite what some folks are reporting, the nonpartisan Congressional Budget Office has said over and over again that removing this language would not save the Government or seniors any money. It wouldn't save money because the Medicare prescription drug plans will have strong incentives to negotiate drug price discounts that would be as low—or lower—than anything the Government could negotiate. Additionally, many plans represent more people than Medicare, Medicaid, or the Veterans Administration, so the plans have greater purchasing power than the Government. To effectively negotiate, you need competing products, or you have to be willing to do without one of the products on which you are negotiating.

How many times does the Congressional Budget Office have to say that this bill will not save the Government any money before it starts to sink in? When will my friends on the other side of the aisle acknowledge that this bill will not save any money?

We do, however, know of something that will save the Federal Government and seniors money—competition among private plans. What has been proven to reduce costs—especially for seniors with low incomes—is the new Medicare drug benefit that we passed in 2003.

The competition among private plans is driving the cost of the program down. The average monthly premium has dropped by 42 percent, from an estimated $38 to $22—and there is a plan available in every state for less than $20 a month. So let me suggest letting competition work to drive the prices even lower instead of instituting government price controls that have failed in the past.

Also, because the program has choice, if the price of one plan goes up, beneficiaries can switch plans. It is important to remember that sometimes the prices will go up, because medical costs will go up as long as new technologies are invented that allow people to live longer, healthier lives.

Democrats want to change Part D to resemble the drug benefit program of the Veterans Administration. In the VA system, the Government sets a price on a drug it can get at the cheapest rate and limits or restricts access to those it can not get at cheap rates. As a result, the VA benefit excludes three out of four drugs available through Part D. Changing the Medicare Program to be as restrictive as the VA system is completely illogical.

Another thing about the VA system is that it can take a long time for new drugs to be included on the formulary—sometimes as long as 3 years. Let me repeat that. It can take as long as 3 years for new, life-saving drugs to be included on the VA formulary.

Lastly, the VA owns the whole system, so you have to order your drugs from them or you have to fill your prescriptions at one of 350 government-run facilities nationwide. In contrast, seniors signing up for a Medicare prescription drug plan can choose their plan based on the pharmacy they want to use to fill their prescriptions. As a result of all of these things, more than 1 million retired veterans have signed up for Medicare in the last year. I talked to many veterans in Wyoming and they all told me that they signed up for Medicare Part D so they could finally get the drugs they needed that they couldn't get from the VA.

Unfortunately, my colleagues on the other side of the aisle want to make the Medicare Program more like the VA program. They want to take away a senior's ability to choose. The real thing we should be talking about is how we can change the VA program to be more like Medicare Part D.

The mark also contains a few other provisions relating to the comparative effectiveness of prescription drugs—a study that determines whether drug A is better than drug B at treating a disease. The mark also contains a provision authorizing consideration of comparative clinical effectiveness studies in developing and reviewing formularies under the Medicare prescription drug program. No surprise here, but the Congressional Budget Office stated no savings will result because of this section.

This is the first step of a dance the Democrats want to do called ''cutting in on the relationship between doctors and patients.'' Decisions about what drugs patients should take should be made by doctors and patients. I think we should keep the Government out of the exam room.

To close, I would just like to remind folks of a few key points: (1) The Medicare Program is working. More seniors are getting the drugs they need at lower costs. (2) The bill before the Senate tries to ''fix'' something that isn't broken. (3) This bill will take away the choices seniors have about the drugs they use. (4) The Congressional Budget Office has stated several times that this bill will not produce any savings. (5) The bill tries to make the Medicare Program more like the Veterans program, but the Veterans program has

fewer choices than the Medicare Program)—that is why over one million veterans have signed up for the Medicare Program.

We don't need meddling for the sake of meddling or a new system conjured up for political convenience. Let's stop wasting the time of this important body and move to a bill that can actually do some good for the American people.

Mr. President, I yield the floor.

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

Mr. MCCONNELL. Mr. President, I am going to proceed in leader time.

I rise in opposition to the effort to roll back the remarkable success of a prescription drug benefit that American seniors have been waiting for for decades and which millions of them now enjoy.

Republicans strongly oppose this effort to tamper with a program that is working extraordinarily well by every conceivable measure. In standing against those who would end it, we are standing up for the 32 million seniors in this country who enthusiastically support this terrific life-changing benefit.

But before I explain our reasons, I want to thank Senator GRASSLEY, who has been an extraordinarily effective leader on the Finance Committee, who has been right in the middle of this issue, going back to its formative stages in 2003, and has made a very articulate and persuasive case today for not tampering with this extraordinarily successful program.

Having said that, let's get right to the point. Republicans are on the side of seniors on this issue. There is simply no doubt about this. The only thing in question is why Democrats would even think about meddling with a drug benefit that has 92 percent coverage, 80 percent satisfaction, and which costs more than 30 percent—more than 30 percent—less than even the most daring bean counters estimated when we passed the bill.

Seniors who signed up for this benefit are saving an average of $1,200 a year on the cost of medicine, and taxpayers are saving billions—billions—$265 billion over the next 10 years less than anticipated.

Now, I ask everyone—anyone—in this Chamber: When was the last time a Government program came in under budget?

For those of you who may be watching on C–SPAN, that quietness was the sound of crickets and tumbleweed you just heard echoing from the Senate Chamber because I doubt a single Government program in modern history, let alone one this big and this important, has ever—ever—come in under budget. So it is a mystery why our Democratic friends would want to tamper with this Medicare benefit. If it isn't broke, why break it?

Now, the refrain we keep hearing from the other side is that we need competition, that drug prices will be even lower if we allow the Government to bargain for lower prices. Unfortunately, that is not true. The impartial Congressional Budget Office just sent us a letter saying there would be zero—that is zero—savings if Government stepped in and interfered with the current system. They sent the same letter to a Republican-controlled Congress last year.

The reason is simple. Prices have plummeted under Part D precisely because we have let private drug benefit managers, who already negotiate, into a Government drug program for the first time. They do the negotiating for us, and it is a good thing because they have much more leverage than we do. The three biggest drug negotiators, in fact, have four times as many members as the entire Medicare population.

Let me say that again. The three biggest drug negotiators have four times as many members as the entire Medicare population.

Look, you don't have to be a Milton Friedman to see that bigger negotiators are going to get better prices, and that is what we have right now with these drug benefit managers. Yet the other side wants to send a Medicare team to the negotiating table—a population with one-fourth the negotiating power. That is like sending a Little League pitcher up to the big leagues and handing him the ball for the big game. We already have aces on the mound, and they don't need any relief.

The point is, Republicans favor negotiation and competition, and our Democratic friends oppose it. Just look at the numbers. They speak for themselves. There is no way we could have achieved these savings if market competition and negotiation weren't at play. Secretary Leavitt said it pretty clearly just yesterday:

> There is rigorous, aggressive negotiation taking place right now.

That is why we are seeing such success and satisfaction with this program. But let's assume just for the sake of argument that price isn't an issue. Let's take price off the table for a moment. What about choice? What about choice? Here, too, Republicans are on the side of seniors. The VA model the Democrats are for some reason enamored with is inflexible and restrictive. It excludes three out of four drugs available through Part D, including some of the most innovative treatments for arthritis, high cholesterol, breast cancer, and other ailments. Veterans who want cutting-edge drugs like Crestor or Revlimid have to go elsewhere or they have to go without. The choice that 1 million of them have already made is to join the Part D Program—more than a third of them have signed up for the program over the last few years.

So let's sum it up. This seniors prescription drug benefit is popular. It is reaching millions of seniors. It is saving us billions of dollars. Veterans who have been using the program that our friends on the other side want us to imitate are signing up for this one in droves.

No wonder the former Democratic majority leader, Senator Daschle, and President Clinton's Health Secretary were all for creating a program such as Part D before suddenly our friends on the other side decided to oppose it.

This debate is hardly worth having. The facts are plain. Tens of millions of seniors in this country have a great drug benefit program—cheap, comprehensive, and easy to use. Republicans aren't going to let anybody fool with them.

I strongly oppose cloture on the motion to proceed and urge my colleagues to vote likewise.

I yield the floor.

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

Mr. WYDEN. Mr. President, I have a parliamentary inquiry: Our side has 2 minutes to close; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WYDEN. As one who voted to establish the Medicare prescription drug program and believes in bipartisanship, my message today to colleagues on the other side and on this side is this: We can do better.

There are patients who are enrolled in this program—enrolled right now—who are heart transplant patients and patients suffering from cancer, who, while enrolled in the program, are seeing their medicines go up hundreds of dollars—hundreds and hundreds of dollars in 1 month. They are enrolled in this program that I have voted for.

I say to my colleagues, let us look at ways to do better. The private plans are going to continue to take the lead. This measure does not preempt the work of those private plans. But in the name of those seniors who are enrolled in this program, who are seeing their bills go up hundreds of dollars a month right now, let us not pass up the opportunity to do better.

If we don't vote for cloture and go to this bill, we will not even have a debate in the Senate on an issue with such immediate life-and-death implications for our people, and I simply think that is wrong. I wish to make this program better. I wish to make sure we take advantage of every opportunity to do that.

I urge our colleagues, in the name of seniors who are enrolled in the program today and are having difficulty paying their bills, to vote for cloture. Let us have a real debate on this legislation.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to calendar No. 118, S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 118, S. 3, Prescription Drugs.

Dick Durbin, Amy Klobuchar, Ken Salazar, Edward Kennedy, Mark Pryor, Blanche L. Lincoln, Daniel K. Inouye, Byron L. Dorgan, Chuck Schumer, Max Baucus, Kent Conrad, Jeff Bingaman, John F. Kerry, Ron Wyden, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Harry Reid.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

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

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—55

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

NAYS—42

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

NOT VOTING—3

Brownback	Johnson	McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 55, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider that vote.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. OBAMA. Mr. President, I am extremely disappointed by the Senate's failure to consider a bill that would have placed the needs of seniors ahead of the profits of the health industry. Once again, a minority of the Senate has allowed the power and the profits of the pharmaceutical industry to trump good policy and the will of the American people.

We have a major crisis in this Nation, and that is the rising cost of health care. Over the last century, the Nation has witnessed tremendous advances in medical science and technology, and we now have treatments and cures for diseases and conditions that were at one time surely fatal.

Yet we are paying the price for this success. Health care, particularly the cost of drugs, is becoming increasingly unaffordable. Over the last decade the cost of drugs has quintupled, now totaling almost $200 billion. In 2005, the drug companies' profit was 16 percent of their revenues, compared to only 6 percent for all Fortune 500 firms. The total profit of the top 7 U.S. based drug companies was $34 billion in 2004, and, if you add it up, their CEOs were paid $91 million that same year. Clearly, the new drug benefit in Medicare has been a tremendous boon for the drug companies, adding to these extreme profits.

The growth in the cost of drugs has slowed in recent years, in part because of greater use of generic drugs. But given the pricetag, and the financial challenges of our health care system, we can—and must—take additional steps to curb how much we are spending on drugs.

Allowing the Federal Government to negotiate for lower drug prices in the Medicare Program would have been an important step forward in this regard. When you look at the prices the Federal Government has negotiated for our veterans and military men and women, it is clear that the government can—and should—use its leverage to lower prices for our seniors as well.

Drug negotiation is the smart thing to do and the right thing to do, and it is unconscionable that we were not able to take up this bill today.

Mr. WHITEHOUSE. Mr. President, I speak today in outrage that my colleagues on the other side of the aisle have chosen to block S. 3, the Medicare Prescription Drug Price Negotiation Act, from coming to the floor.

You meet a lot of people when you campaign for a seat in this esteemed body. You meet people of all ages, from all socioeconomic levels, from all ethnic and cultural backgrounds, liberal and conservative, rural and urban, healthy and ailing—you meet them all. These individuals bring personal voices to national issues. They educate us with their stories, and they trust us to be stewards of their experiences. I am sure my fellow freshman Senators will agree with me when I say that listening to these stories was the best part of running for U.S. Senate.

Sometimes these stories are uplifting tales about the triumphs of government: SCHIP providing health insurance to at-risk children, AmeriCorps helping young people serve communities throughout the Nation, The Family and Medical Leave Act allowing parents, spouses, and children the time to care for loved ones. But sometimes these stories are just the opposite—depressing, discouraging, disheartening tales of how the government has failed in its duty to support and safeguard our must vulnerable citizens.

I have hosted community dinners throughout my State. Some of the very saddest stories that Rhode Islanders shared with me were about their experiences with the Part D drug benefit. I would like to share with you a particularly touching story from Travis, who came to one of my community dinners in Woonsocket. Travis told me of his great-grandmother, a woman over 90 who was living independently, in a second or third story walk-up apartment building in Woonsocket. She, like other women her age, had signed up for a Part D plan, and was taking a number of prescription medications. One day, Travis's great-grandmother arrived at the pharmacy, only to be told that she was in the donut hole, that she would now be responsible for almost the entirety of her drug bill. His great-grandmother called Travis in despair. She would no longer be able to afford her apartment, or her independent lifestyle. She was forced to choose between her spirit of self-reliance and her health.

This is a tragedy. It is a human tragedy because no human being should be forced to choose between her dignity and her life, and it is a moral tragedy because this is a totally unnecessary choice. The Congressional Budget Office concludes that the privatization of the drug benefit—the choice not to simply add the drug program onto the established Medicare benefit—costs almost $5 billion a year. The Center for

Economic and Policy Research reveals that the combined cost of privatization and failure to negotiate prices is more than $30 billion a year. I do not know about you, Mr. President, but I cannot look Travis in the eye and tell him that the reason his great-grandmother cannot afford her apartment is that the government needed to give it to pharmaceutical manufacturers, an industry that, in 2004, was three times more profitable than the median for all Fortune 500 companies—an industry that from 1995 to 2002 was the most profitable industry in the entire country.

I was not in the Senate when the drug benefit was created. I was not privy to the debates that went on here regarding the complexities and particulars of the bill. But I have a very hard time understanding how, with a successful Federal drug benefit model in place at the VA, this body created a new program that pays, on average, 70 percent more for drugs than the existing VA program, according to the Center for Economic and Policy Research. I understand that there are fundamental differences between the Veterans population and the senior population, between the Veterans system and the Medicare system, but 70 percent? This seems, to me, like a de-evolution of the policy making process. We are creating new programs that function less effectively and less efficiently than the ones we already had in place.

The real question is why. Have we gained something valuable for this extra cost? Can we justify the expensive and byzantine architecture of this program based on the promotion of other values? Some of my colleagues argue that the Part D drug benefit maximizes choice, and that choice is of fundamental importance in health insurance markets. Indeed, the bill succeeds here. In 2006, there were nearly 1,500 prescription drug plans offered throughout the Nation. Beneficiaries in 46 States had over 40 plans to choose from. This year, seniors everywhere in the country can choose between at least 45 plans. In my small state of Rhode Island alone, there will be 51 plans available.

But study after study, survey after survey, has shown us that, beyond a reasonable point, more plans do not add up to beneficiary or provider satisfaction. In fact, 73 percent of seniors think the Medicare prescription drug benefit is ''too complicated.'' Sixty percent agree with the statement, ''Medicare should select a handful of plans that meet certain standards, so seniors have an easier time choosing.'' Thirty-three percent think it is ''somewhat difficult'' or ''very difficult'' to enroll in a plan. In addition, 91 percent of pharmacists and 92 percent of doctors think the benefit is too complicated. It is time to admit that a plethora of plans does not add value to the program; it adds bewilderment and burden.

And do we have a system in place to deal with the confusion we have caused? No. We have 1–800–Medicare, which is adequate at its best, and inaccurate, unreliable, or altogether unreachable at its worst. But we need not rely on anecdotal evidence. GAO itself placed 500 calls to the Medicare help line in the middle of last year to make its own determination about the usefulness of the feature. Eighteen percent of calls received inaccurate responses, 8 percent of the responses were inappropriate given the question posed, 5 percent of the calls ended in disconnection, and 3 percent of responses were incomplete. In total, one-third of calls placed by GAO in this study were handled in an unacceptable fashion. Our mechanism to demystify the drug benefit for the average consumer is furthering the confusion of one-third of callers. This is a catastrophe.

A second value that some of my colleagues argue excuses the convoluted and costly nature of the drug benefit, is expanded coverage. More seniors have drug coverage now than they did before January 2006. No one disputes this. But insurance is not insurance unless it is there for you when you really need it. Our sicker seniors are reporting far more problems getting their prescription drugs than our healthy seniors are. Over 40 percent of seniors who describe themselves as in ''fair'' or ''poor'' health report problems filling a prescription under their Part D coverage, while only 12 percent of seniors in ''excellent'' or ''very good'' health report a problem. If Part D is failing to help the sick, it is failing to meet the basic definition of insurance.

Do I mean to say that providing some coverage is worse than being uninsured? No. But that was not the option on the table in 2003. We had the option to provide everyone with excellent coverage. We had the option to care equally and comprehensively for every elderly person in this country, healthy, sick, or in between. We did not. Instead, we chose to write checks to the pharmaceutical industry, we chose to write checks to private insurers, and we left our seniors to write their own.

What, then, can we do to fix this broken benefit? There is a lot we can do, and today is the first step. Today, we can allow the Secretary of Health and Human Services to negotiate directly with drug companies to lower prices for consumers. We can require the collection of data from prescription drug plans, so that our experts at CRS, at CBO, at GAO, or at MedPAC can better understand the operations of this program. We can require CBO to study whether or not market competition is truly reducing prices, as was the intent of privatization. We can increase transparency for our seniors, by making the prices of covered drugs available to the public on the CMS website. We can pass S. 3—the only thing standing in our way is Republican obstructionism.

I thank the majority leader and Senator BAUCUS for their commitment to our Nation's seniors, and I hope that my colleagues on the other side of the aisle will drop their obstructionist tactics and let us get to work on this bill. As important as it is, it is only a first step to fixing our Medicare Part D program. I hope we can soon take that step and then move on to the broader issues, for I believe there is much, much more to be done.

Mr. SPECTER. Mr. President, I voted for cloture to cut off debate on the motion to proceed because I think that the Senate should proceed to give full consideration to the proposed legislation which would authorize the Secretary of Health and Human Services to negotiate with the pharmaceutical companies under Medicare Part D coverage. In the past, I have favored such proposals because of the argument that the Secretary's bargaining power would result in lower negotiated prices.

In light of the conclusion by the Congressional Budget Office in a letter dated April 10, 2007 from Director Peter R. Orszag to Chairman MAX BAUCUS that the new authority to the Secretary ''would have a negligible effect on federal spending because we anticipate that under the bill the Secretary would lack the leverage to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs [prescription drug plans] under current law,'' I have reviewed the negotiation process under existing laws.

The underlying facts are that the pharmacy benefit managers who negotiate prices for the prescription drug plans represent substantially more people than the Secretary would under Part D. For example, Medco represents 62 million people, Caremark represents 80 million and Wellpoint represents 30 million, contrasted to the 29 million people covered under Medicare Part D. Accordingly, it may be that the pharmacy benefit managers have even greater leverage than the Secretary would if the Secretary were authorized to negotiate prices. That is not certain because the negotiations between the pharmacy benefit managers and the pharmaceutical companies are conducted on a confidential basis, so that it is not known with certainty that the lowest prices are obtained or that the cost savings are all passed on to the prescription drug plans.

The latest Congressional Budget Office estimate for Part D costs is $388 billion below the original estimates, for the 10-year period from fiscal year 2007 to fiscal year 2016. That suggests the current system is working well.

Extended Senate floor deliberation would provide an opportunity to debate these issues and obtain greater detail on the facts.

One of the additional arguments favoring giving the Secretary power to negotiate was the analogy to the savings achieved through the negotiating power of the Department of Veterans Affairs. In analyzing the VA's bargaining power, it must be noted that the Veterans Department represents 4.4

million veterans, a much smaller number than represented by the pharmacy benefit managers. It is also important to note that among brand-name drugs listed on the 300 most popular drugs for seniors, only 42 percent are available to the VA plan because the pharmaceutical companies declined to provide some of the drugs because of their unwillingness to meet the price determined unilaterally by the VA. On the other hand, it is estimated that PDPs under Medicare Part D have access to 97 percent of the brandname drugs among the most favored 300 drugs. The Medicare Part D beneficiaries have an opportunity to select the prescription drug plans that best meet their prescription drug needs, with the opportunity to select a new plan on an annual basis.

Notwithstanding these factors, there may be answers and compelling arguments in support of the proposed legislation to give the Secretary negotiating authorities. A full debate by the Senate on these important issues would pose the opportunity to resolve these complicated questions and come to a reasoned judgment. The Senate will doubtless revisit this issue in the future. In the interim, I intend to inquire further and consider these issues in greater depth to determine what policies would best serve the interests of the beneficiaries of Medicare Part D.

COURT SECURITY IMPROVEMENT ACT OF 2007—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Pennsylvania, Mr. SPECTER, prior to a vote on a motion to proceed to S. 378.

The Senator from Vermont.

Mr. LEAHY. Mr. President, this week we join in mourning the tragic killings at Virginia Tech on Monday. The innocent lives of students and professors are a terrible loss for their families and friends and for their community. It affects us all. We honor them and mourn their loss. I expect that in the days ahead, as we learn more about what happened, how it happened and perhaps why it happened, we will have debate and discussion and perhaps legislative proposals to consider.

For example, I know that Senator BOXER has introduced a School Safety Enhancement Act, S. 677, to allow matching grants for school security, including surveillance equipment, hotlines and tip lines and other measures.

We may need to further enhance the COPS in Schools Program begun by President Clinton. I look forward to working with Regina Schofield, the Assistant Attorney General for the Office of Justice Programs at the Department of Justice, Domingo Herraiz, the Director of the Bureau of Justice Assistance, and others to make improvements that can increase the safety and security of our children and grandchildren in schools and colleges.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

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

Mr. SPECTER. Mr. President, I concur with the statements by the chairman. We introduced court security during the 109th Congress after we had the brutal murders of the family of a Federal judge in Chicago. We have continuing problems. Rat poison was mailed to each of the nine Justices on the Supreme Court. There is no doubt that there is an urgent need for additional court security, in light of the attacks on the judges. The independence of our judiciary is fundamental in our society for the rule of law.

This bill passed by unanimous consent last December, but, unfortunately, it was not taken up by the House. We ought to consider it expeditiously, and I urge my colleagues to vote to invoke cloture.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, S. 378, the Court Security Improvement Bill.

Harry Reid, Jeff Bingaman, Chuck Schumer, Jack Reed, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Daniel K. Akaka, Jim Webb, Dick Durbin, Jay Rockefeller, S. Whitehouse, Barbara A. Mikulski, Ken Salazar, Edward M. Kennedy, Pat Leahy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 3, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—93

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

NAYS—3

Coburn	Gregg	Inhofe

NOT VOTING—4

Brownback	McCain
Johnson	Rockefeller

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 93, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, the motion to proceed has just passed, 93 to 3. We will bring before the Senate in fairly short order the Court Security Improvement Act of 2007. I rise today to speak in support of that act. It is a bill that is as simple as it is important.

At a time when judges are the subject of sometimes vitriolic criticism, when judges and their families have been made the targets of acts of violence and murder, when the independence of the judiciary must be maintained in a climate of violence, we should take these important steps to improve the safety of our judges and their families. This bill will do that by requiring the U.S. Marshals Service—which has oversight over the safety of the judicial branch—to consult with the Judicial Conference to determine security requirements of the judicial branch, and it authorizes $20 million for the Marshals Service to protect the judiciary further.

The bill also amends the Criminal Code to enhance penalties for the possession of dangerous weapons within Federal court facilities. This bill also extends and expands to family members the authority of the Judicial Conference to redact certain information from a judge's mandatory financial disclosure for security purposes.

The bill directs the Attorney General to report to Congress on the security of assistant U.S. attorneys arising from the prosecution of terrorists and violent gangs. I will speak in a moment to an incident that happened in my State.

The bill will increase criminal penalties for tampering with or retaliating against a witness, victim or informant, and it will authorize grant programs to expand witness and victim protection programs.

In my own experience as U.S. attorney in Rhode Island, I have been the subject of threats. Indeed, one man went to prison for threatening me. Prosecutors whom I sent to court we had fitted with body armor because of the security to their personal safety. We had prosecutors have extensive security systems installed in their homes to protect their security. That is one experience from one U.S. attorney in one 4-year term. Across this country, the need is very great.

In February, the Judiciary Committee held an important hearing where Supreme Court Justice Anthony Kennedy spoke to us about the need to preserve an independent judicial branch and to pass this bill. U.S. District Court Judge Brock Hornby also had important testimony regarding the need to pass this legislation. He said: ''This bill will contribute significantly to the security of Federal judges and their families.''

In short, it is long past time that this bill be enacted. Indeed, the core provisions of this bill have already passed the Senate twice last year, the second time by unanimous consent. So it is a little surprising that it is not being approved by unanimous consent at this time. But apparently some of our colleagues on the other side of the aisle have lodged an objection. Nevertheless, I am happy to spend whatever time is necessary to ensure passage of this important legislation.

The Framers of our Constitution understood the importance of an independent judiciary. As Alexander Hamilton noted in Federalist 78: ''The independence of judges is equally requisite to guard the Constitution and the rights of individuals . . . ''

While in this Chamber we may disagree on judicial nominations and we may argue over judicial philosophies, we should all, every one of us, agree to do everything we can to make sure the men and women who work in the judicial branch, who serve their communities in those important positions—and their families—are safe, as they make the important decisions lodged in their care.

I am pleased this bill has broad bipartisan support. I am pleased with the powerful results of the motion to proceed. I wish to commend particularly the efforts of Chairman LEAHY of the Judiciary Committee and our ranking member on the Judiciary Committee, Senator SPECTER, for their hard work on this issue. I look forward to supporting passage of this important legislation.

I yield the floor, and 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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

BIPARTISANSHIP

Mr. DURBIN. Mr. President, we are a little over 100 days into the new congressional session. With new leadership, new management, there was hope—and still is—that we can find some ways to establish bipartisan cooperation. By its nature, the Senate almost requires it. Under Senate rules, anything that is serious and important takes 60 votes. In a Chamber with 100 Members, that is obviously a supermajority, and that requires cooperation. When Senator JOHNSON has recovered to the point that he is back on the Senate floor and we are at full complement, Senate Democrats will have 51 votes to the Republicans' 49. This means that on any given day, if we are going to pass or consider important legislation, it has to be bipartisan. We need help. We need Republicans to join with Democrats to bring it to 60 votes. That is the nature of the Senate.

Some people, particularly House Members—I used to be one—look at this as not only a quaint procedure but in many cases antiquated. I disagree. The nature of the Senate is reflected in the wisdom of the Founding Fathers who needed to create this body in order to have a U.S. Government. When they initially suggested that Congress would reflect the population of America, smaller States, such as those represented by the Presiding Officer, the State of Rhode Island, said: We don't have a chance. We are going to be overwhelmed by the big States such as Virginia and Massachusetts. So in their wisdom, they said: In the Senate, every State has two Senators, no matter how large or small.

In the Senate, when it came to rules, the rules reflected the same feeling, that minority rights would always be respected, that it would take a large majority vote to overcome those minority rights; in other words, 60 votes. At one time it was 67 votes. That 60-vote margin was added in the 1960s. As a result, to achieve anything in the Senate, we need to work together.

Unfortunately, in the first 100 days, there have been a few instances of cooperation but some other disappointing episodes. When we wanted to debate and have a vote about President Bush's proposal to send 20 or 30,000 more of our best and bravest American soldiers into the war in Iraq, when we wanted the Senate to go on record on that issue to debate it honestly so the American people and their strong feelings would be represented, we were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time considering a resolution going on record as to whether we approve or disapprove of the President's action.

I personally think the escalation of ground troops in Iraq is the wrong decision. This is a civil war, a war between Sunnis and Shias. Our sons and daughters are caught in the crossfire of that civil war, a war that is generated by a conflict within the Islamic religion that dates back 14 centuries. I don't believe sending 20 or 30 or 40,000 more American soldiers is going to change the conflict. Only the Iraqis can change it. I wanted to make that point in the debate and let those who defend the President's position to escalate the war make their point as well and bring it to a vote. That is what the Senate is supposed to be about. But the Republican minority, with the power given them under Senate rules, said: No, there will be no debate.

We couldn't find 60 votes to even have a debate on that issue. They stopped us. Earlier this week, they stopped us again. What was the measure in question? It was the reauthorization of the intelligence agencies of the Government. These agencies are critical to our national security. Intelligence is the first line of defense when it comes to terrorism. Senator JAY ROCKEFELLER of West Virginia is chairman of the Senate Intelligence Committee; Senator CHRIS BOND is the ranking Republican. The two of them worked on a bipartisan bill and brought it to the Senate floor. There was a lot of give and take. Senator ROCKEFELLER acceded to the requests of Senator BOND and vice versa. They brought this bill to the floor. For the first time in years, we were going to have an authorization bill that addressed some of the serious problems of intelligence gathering so that we can be safer. What happened? As it turned out, the Republican leadership decided they didn't want to have this debate. They didn't want this bill to be seriously considered and passed. On two different occasions this week, they refused to vote to give us 60 votes so we could consider this bill and pass it. We had to put it back on the calendar, take it off the floor.

Think about that. In the midst of a war in Iraq and Afghanistan, with all of the threats to the United States, a trip to an airport now becomes a half-hour commitment. As you take off your shoes and make sure your toothpaste is in a plastic bag and all of the things we go through that relate to terrorism, the Republican minority decided they didn't want us to debate and

bring to a vote intelligence reauthorization. That was their decision.

For the second time, on a critical issue—first on the escalation of the troops in Iraq and then on the reauthorization of our intelligence agencies—the Republican minority has said: We don't want the debate. We don't want the Senate to act. It is within their power. That is what the Senate is all about. A minority, in this case 49 Republican Senators, was able to stop it.

But that was not the end of it. There was another issue, one that many of us consider to be very basic. It relates to the Medicare prescription Part D Program. Medicare prescription Part D is a program long overdue. When Medicare was created by President Johnson in the 1960s, it didn't include prescription drugs. Over the years, as more and better prescription drugs were discovered and invented and marketed, we understood that to keep people healthy, our parents and grandparents and disabled people needed access to affordable drugs.

For many years, many of us have supported the idea of including prescription drugs in the Medicare plan so seniors could have help in paying for them. When the bill came before us to vote on several years ago, when the Republicans were in control of this body, we wanted to add one provision. The one provision said the Medicare Program could bargain for less expensive, more affordable drugs. Private insurance companies could do the same, but the Medicare Program could offer prescription drugs to seniors on Medicare as one option, and then seniors could make a choice. Do they want to go with a private insurance company? Do they want to go with some other source for their prescription drugs under Medicare? Or do they want to go back to the Medicare plan?

Our thinking behind it is sound, because what we said is: We learned a lesson at the Veterans' Administration. In the Veterans' Administration we learned that to reduce the cost of prescription drugs for the men and women who serve in uniform and are now veterans, our Veterans' Administration bargains with pharmaceutical companies, and they have bargaining power. They buy in bulk. They buy at discount. Our veterans benefit from it. They get the best at the lowest prices, and it is good for them and for taxpayers.

Why can't our seniors under Medicare have the same opportunity? That was the point we wanted to make, a point that said: Medicare should be allowed to bargain bulk discounts, low prices for seniors so we can give them even a better deal than the current program offers. The pharmaceutical companies hate this idea like the devil hates holy water. The notion that they would face competition, that they would have to give bulk discounts, eats right into their profits, their bottom lines, and their CEOs' golden parachutes. They have been spending millions of dollars trying to convince America that this kind of bulk discount, this effort to have bargaining for lower prices, is somehow fundamentally wrong. They have spent a lot of money on it—full-page ads in newspapers, television advertising to try to convince Americans that having some competition when it comes to prescription drugs is plain wrong.

They didn't convince many, but they convinced enough, because earlier this morning we had a vote as to whether we would move to this proposal to allow Medicare to bargain for lower prescription drugs and, once again, the Republican minority stopped us. They don't want to have that debate. They don't want to face a vote. They want to make sure their friends in the pharmaceutical industry don't have to face competition. I am sure they feel their position is correct. I happen to believe my position is correct.

The nature of debate in the Senate is that we stand and talk and ultimately come to a vote. But on three separate occasions now, the Republican leadership has stopped the debate, stopped the debate on escalating troops in Iraq, when it comes to intelligence reauthorization, and when we try to reduce prescription drug prices for seniors.

It seems they want to do nothing. They want the Senate to come in, collect its paycheck, and go home; make a few speeches on the floor, wave a few flags, and head on home.

That is what happened around here for a long time. The do-nothing Congress of the last 2 years is the reason the voters came out and voted as they did last November. They said: We sent you to Washington to do something. We sent you to Washington to address issues that are meaningful and important to people across America. One of those issues is the war in Iraq. Another issue is homeland security. Certainly another issue is the cost of health insurance and the cost of prescription drugs. In the Democratic majority, we have tried to come to those issues. We have tried to move the debate to those issues. But the Republican minority has stopped us time and time again.

Ultimately, they will be held accountable for their strategy. That is what elections are all about. But we have a year and a half to go here, a year and a half more before another election. Are we going to waste all this time? Are we going to spend a little time addressing the issues that count: first and foremost, the war, but then keeping America safe? How about a national energy policy? Will the Republican minority stop us from debating that at a time when we know we are so dependent on foreign oil that we are sending hundreds of millions of dollars each day to countries around the world that disagree with our basic values because they happen to be supplying us with oil?

When it comes to issues such as global warming, will they use the same strategy to stop the debate so that for 2 more years things will get worse instead of better when it comes to the greenhouse gases and the global warming and climate change which we all know is a reality? They have the power to do it.

The only thing that can break the grip they have on the agenda and calendar of the Senate is if 10 of their Members have the courage to break ranks and join us. It is the only way we can come to these debates. So far a handful have edged across the line, put the toe in the water and said: Well, maybe we are with you on the debate. But it is never enough. It is always enough just to have a press release back home saying: We tried to help the Democrats—but never enough to get the job done. That is what we face.

Now comes this bill before us, the Court Security Improvement Act of 2007. This bill is the kind of bill which routinely passes in the Senate with no debate. The reason is, it isn't debatable. It comes down to a question of protecting the men and women who serve in the Federal judiciary.

This is an issue which is personal with me. In 2005, one of my close personal friends, a woman I appointed to the Federal court in Chicago, Joan Lefkow, went through a tragic personal experience. Someone invaded her home and murdered her husband and mother. Those killings were perpetrated by a disgruntled litigant who had his case dismissed by Judge Lefkow. It was an unwelcomed wake-up call for our country. It sensitized many of us to the vulnerability of our judges and their families.

It was not an isolated incident. Last year, a judge was shot in Reno, NV. In Louisville, KY, a man pleaded guilty to threatening to kill the Federal judge presiding over the outcome of his arson trial. In March 2005, three people were killed in an Atlanta courthouse, including a county judge. Just yesterday, there were reports that the car and garage of an Illinois State court judge on the north side of Chicago were damaged by gunshots.

The sad reality is that violence and threats against our judges are on the rise. Between 1996 and 2005, the number of threats and inappropriate communications toward judges went up dramatically—from 201 in 1996 to 943 in 2005. There may be many reasons for this increased violence against judges, but one of the most regrettable is the rise in criticism and condemnation of these fine men and women not only in the halls of Congress but on some of the shock radio shows that go on and pass as news on some cable channels and radio stations.

Justice Sandra Day O'Connor, a woman I respect, who recently retired from the Supreme Court, said recently:

> [T]he breadth and intensity of rage currently being leveled at the judiciary may be unmatched in American history.

It is time for the rage and irresponsible rhetoric to come to an end. It is

also time for Congress to step up and increase protection for judges.

In 2005, Senator OBAMA, my junior colleague from Illinois, and I helped obtain an appropriation after the terrible Lefkow incident. We wanted to provide enough money so judges would have some basic protection in their home.

The bill we vote on today—the Court Security Improvement Act of 2007—is another important response. It passed the Senate last year on two different occasions. The House of Representatives refused to take it up. Let me touch on a couple important provisions in this bill, and then let me tell you why, at the end of these remarks, we have reached another terrible moment when it comes to considering a bill of this importance.

First, the bill has new criminal penalties for misusing personal information to threaten harm to judges and their families. It expands the definition of dangerous weapons that are banned from Federal courts. It extends and expands the ability of Federal judges to redact personal information from their financial disclosures that might endanger themselves or their families. It allocates more resources to the U.S. Marshals Service to protect Federal judges. It requires better coordination between the Marshals and the Federal judiciary. It authorizes State courts to receive Federal grant money to improve security. It is essential that we pass this legislation, and it is long overdue.

A year ago, on the first anniversary of the murders of her husband and mother, Judge Lefkow, of Chicago, released a statement. Here is what she said:

> The tragedies which we experienced have necessarily alerted me to the fragility of judicial security. Accordingly, I have made a commitment to all of my judicial sisters and brothers to do all in my power to help improve the safety of all judges in the years ahead. It is my fervent hope that nothing that happened in Chicago and Atlanta last year will ever be repeated.

Those are words we need to take to heart today. I commend Majority Leader HARRY REID for bringing up this bill. This Court Security Improvement Act is a legacy to the memory of those judges and family members whose lives were cut short by tragic, vicious acts of violence.

Judges should always feel secure in their courtrooms and safe at home. We owe it to them and their families to do everything we can to protect them.

As I said before, this is the kind of bill which Members would come to the floor and make a few statements on, such as I made, and then pass by a voice vote, for obvious reasons. Who is going to argue against this bill? Who believes our judges should not be safe in their courtrooms and at home? We cannot ignore the obvious. There are dangers to their lives, and we should act on them. But what has happened in the Senate from a procedural viewpoint reflects the argument I made earlier. A Senator on the Republican side, within his rights under the Senate rule, objected to this bill. Well, it was not enough he objected—he can do that; he could vote against it if that is his choosing—but he demanded we have what we call a cloture motion, that we postpone this bill for 30 hours before we take it up and consider it. That is his right. I will fight for his right to do so. But it reflects a mindset among some on the other side that is not constructive and not positive.

Hard as it is to believe, there are some who think the bill I described is an insidious part of the procedure of the Senate, and they call it an earmark—an earmark. This is not the kind of Jack Abramoff earmark where a fat cat lobbyist on K Street in Washington inserts a provision in the bill for one of his clients, which ends up with millions of dollars for his client and a fat fee for him to take home. Nothing in this bill inserts a dollar for any private entity, nor does it create any opportunity for a lobbyist to get fat and sassy. Yet some on the other side of the aisle are arguing this bill has to be stopped because it is an earmark. An earmark? An earmark to create a program to provide money for courts to make them safer? An earmark to increase the penalties for those who would harm our judges and their families?

They have corrupted the word ''earmark'' to the point where they think everything is an earmark. This bill is not. This bill emerged from the Senate Judiciary Committee, on which I serve, with strong bipartisan support. Instead of enacting it and moving on to other important bills, we have been bogged down again by procedural hurdles that are thrown at us from the other side of the aisle—something as basic and as fundamental as this bill.

Now, I am glad Republican Senators joined us in trying to stop this one Senator who believes he sees an earmark behind every bill and every bush. But the point is, if we are going to be constructive in the Senate—whether it is on the war or intelligence or reducing the cost of prescription drugs or protecting judges—we need much more bipartisan cooperation. As I said earlier, I will fight to the death to defend my colleagues' rights under the rules of the Senate. Those rules have been used by me and by other Senators, and that is why they are there. But common sense should prevail. I think the common good should prevail, and we should come together, Democrats and Republicans, and compromise and cooperate. That is one thing the American people are begging for: Start addressing the real problems, some that affect only a small number of Americans, as important as they may be, such as members of the Federal judiciary, and others that affect us all, such as the war in Iraq.

Isn't it time we put behind the do-nothing Congress, the do-nothing mentality, and start out on a new day in this Congress, trying to find bipartisan ways to cooperate and solve the real problems that face our country?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ALGERIA BOMBINGS

Mr. FEINGOLD. Mr. President, last Wednesday, April 11, terrorists exploded two bombs in Algiers, Algeria, killing 33 people and wounding over 200. The terrorist organization al-Qaida in the Islamic Maghreb took credit for the attacks, which targeted the Algerian Prime Minister's office and a police station.

The attack occurred 1 day—1 day—after three would-be suicide bombers blew themselves up in Casablanca, Morocco, killing a police officer in the process. A fourth individual was shot before he could detonate his bomb. It also preceded, by only 3 days, attacks by two more would-be suicide bombers in Casablanca, Morocco, this time outside the American consulate and the American Language Center. The consulate subsequently closed.

While a link between the Algeria bombings and the terrorists in Morocco has not yet been established, the confluence of these events demonstrates an increasingly deadly and dangerous situation in North Africa, for the region, for the United States, and for our friends and our allies.

The bombings should also remind us of the need to be more globally focused in the fight against al-Qaida and its affiliates, which must be our national security priority. Yet the administration, fixated on Iraq, remains narrow-minded in its focus and seemingly almost indifferent to last week's attacks in North Africa.

Until last fall, al-Qaida in the Islamic Maghreb was known as the Salafist Group for Preaching and Combat, or GSPC. It has been described by the State Department as a regional terrorist organization which recruits and operates in Algeria, Morocco, Nigeria, Mauritania, and Tunisia, as well as in Europe.

In 2005, GSPC killed 15 people at a military outpost in Mauritania. Police in France, Italy, and Spain have arrested individuals suspected of providing support to the organization. GSPC has also called France ''public enemy number one.'' A French counterterrorism magistrate has described GSPC as the biggest terrorist threat facing his country today.

Last year, al-Qaida leadership announced its formal ties to the GSPC, raising concerns about the extension of al-Qaida's deadly reach. In testimony to the Senate Intelligence Committee this February, FBI Director Mueller warned of the possible consequences of

this alliance, including to the United States. According to Mueller's testimony:

> Al-qaida has made efforts to align itself with established regional terrorist groups such as the GSPC that may expand the scope of the threat to the Homeland.

Despite this clear threat, our Nation barely took notice of the attacks last week. The State Department issued a brief statement. The White House said virtually nothing—or nothing. Vice President CHENEY mentioned them during a radio interview on Friday and again on Sunday, but only in passing, as a part of his repeated efforts to try to link 9/11 to the war in Iraq and to support an endless and disastrous war that is emboldening the members of al-Qaida and other terrorist organizations.

Let me read exactly what the Vice President said:

> We had—just this week there were attacks in Algeria and Morocco by al-Qaida, bombings that were aimed at killing innocent civilians. It is a global conflict, by anybody's measure. And it is clearly against some of the world's worst offenders, and Iraq is very much a part of that. It is, right now, the central front on that global conflict.

Amazingly, the only comments by the White House on these horrific attacks in north Africa were to insist that a terrorist attack in Algeria somehow proved that Iraq, more than 2,000 miles away, is the central front in the war on terrorism. The Vice President's assertions are not just factually wrong, they are offensive to the people murdered in Algeria last week, as well as their families and all those working hard to capture these terrorists. It is also indicative of everything that is wrong with this administration's national security policies.

We should be directing our attention and resources to combating the threat posed by al-Qaida and its affiliates, wherever they may be. As we all know, this is not a conventional war. It requires better intelligence, better cooperation with friends and allies, stronger regional institutions, and diplomatic and economic policies designed to deny terrorists safe havens. It is not easy, and I have enormous respect for the men and women in our intelligence community, diplomatic corps, military, and other elements of our Government who are working hard to protect us from this threat. We should provide them our full support, not only in terms of resources but also with an effective global counterterrorism strategy rather than the current myopic and misguided focus on Iraq.

First, we must improve our intelligence with regard to threats in Africa. The Intelligence authorization bill we were considering in the Senate earlier this week includes an amendment I offered with Senator ROCKEFELLER calling for more intelligence resources to be directed to Africa. If we are to protect our national interests on the continent, we must commit ourselves to understanding not only the terrorist organizations that operate there but regional conflicts, corruption, poor governance, endemic poverty, and the historic marginalization that has allowed terrorists and other threats to fester.

Second, we must expand and strengthen our diplomatic and foreign assistance activities in the continent. Our presence in far-flung parts of Africa, whether it be a new consulate or outpost or an expanded USAID development or public health program, exposes local populations to our Nation, linking us to parts of the world which, as we know, we can no longer afford to ignore. We need to help build strong governmental institutions that respect human rights and an equally vibrant civil society, while also strengthening the relationship between the two.

Third, we need military policies that place counterterrorism in the context of a larger, more comprehensive strategy. Policies such as the Trans-Sahara Counterterrorism Initiative are important, particularly in improving the capacities of local governments. But unless they are part of bilateral and multilateral policies that emphasize human rights and democratization and anticorruption, our military resources may be squandered or, worse, may be even directed in counterproductive ways. For this same reason, I have supported the establishment of an Africa Command within the Defense Department, while insisting that its mission be squarely within the broader strategic goals of the United States on the continent.

Fourth, we must develop effective policies for dealing with terrorist safe havens such as the one in the Sahel where al-Qaida in the Islamic Maghreb operates. According to the most recent State Department terrorism report, the organization not only trains, recruits, and operates in the region, it also raises money, including through smuggling. Clearly, confronting this organization requires addressing the root causes that have allowed it to develop and operate, whether they be poverty or corruption or the lack of government support to and presence in the region. We must develop comprehensive policies to confront these safe havens, including the settlement of regional conflicts and an adequate provision of economic and development assistance, so local populations can reject terrorist organizations.

Fifth, we must help governments in the region in their efforts to confront terrorist organizations. The most recent State Department terrorism report stated that, in Mali, the sheer size of the country and the limited resources of the Malian Government ''hamper the effectiveness of military patrols and Border Patrol measures.'' The report also indicated Mauritania, another country where al-Qaida in the Islamic Maghreb operates, lacks funding and resources to combat terrorism.

In order to combat international terrorist organizations such as the al-Qaida in the Islamic Maghreb, we need regional strategies that address the capabilities and policies of all affected countries on a bilateral and multilateral basis. We must expand our assistance to these and other countries while ensuring that their counterterrorism policies are consistent with ours and that corruption and human rights abuses do not undermine efforts to combat terrorist organizations.

Sixth, we must work closely with our European allies. Al-Qaida in the Islamic Maghreb is a direct threat to Europe; our allies have every incentive to work with us. By working to establish mutually agreed upon approaches to counterterrorism, we can develop a strong, coordinated strategy that helps keep all of us safer.

Seventh, we must encourage regional institutions to confront terrorism. For example, the African Union has established a Center for Study and Research on Terrorism to combat terrorism throughout the continent. This center and other regional initiatives are worthy of far more attention and support than we have thus far provided.

Finally, we must at last recognize that the fight against al-Qaida is being undermined by the endless war in Iraq. As the NIE of last April concluded, the war has become a ''cause celebre'' for international terrorists. Moreover, tactics from Iraq are now being used around the world, including by terrorists in Algeria. As the State Department terrorism report noted:

> Using lessons from Iraq and wanting to reduce the level of casualties sustained in direct confrontation with Algerian security services, the GSPC carried out attacks using roadside improvised explosive devices. In one act on September 14, GSPC terrorists killed three Algerian soldiers and wounded two others in a military vehicle near Boumerdes by remotely detonating a roadside IED.

The horrific bombings last week in Algiers and the manifest threat in Morocco should remind us that our national security does not begin and end in Iraq. Indeed, Iraq remains a drain on our national attention to resources and an endless distraction from our real national security priorities, which is fighting al-Qaida and its affiliates. We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is continuing and will continue to be a global terrorist organization. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so it can fight us in Iraq. No. Instead, it is forming alliances with groups like the GSPC, and it is seeking to attack us and our friends and allies around the world. By downplaying this threat, the administration is ignoring the lessons of September 11 and endangering our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MEDICARE PART D

Ms. KLOBUCHAR. Mr. President, when Congress passes a law, the American people have every right to expect that their elected representatives will do what is best for them. But the country did not get a fair deal in 2003 when Congress passed the Medicare Part D prescription drug program. Today, the Senate had the opportunity to remedy this problem, and politics won out over providing affordable prescription drugs to our seniors.

Providing prescription drug coverage to millions of seniors is a very important benefit, and I very much support it, but Part D got off to a very rocky start. Seniors were overwhelmed and confused. Many were not enrolled in a timely fashion. When they were enrolled, there were serious, even life-threatening delays in getting the medication they needed. A number of States, including my own, declared public health emergencies and had to step in to fill the gap. At the time, my mom, a former second grade teacher, told me that Medicare Part D got the grade it deserved from the beginning. Since then, many of these early problems with implementation have been remedied.

Even today, however, Medicare Part D remains needlessly complex and confusing, with dozens of insurance companies involved, hundreds of different plans, and countless benefit structures, pricing tiers, and drug formularies, not to mention the ''doughnut hole'' which each year eats deeper into the wallets and pocketbooks of millions of seniors.

However, by far, the most serious flaw in the original law is the noninterference clause that expressly prohibits Medicare from negotiating lower prices from pharmaceutical companies. This prohibition is contrary to how Medicare handles its purchases of other goods and services. It is contrary to how both Medicaid and Veterans Affairs purchase medications for their beneficiaries. It is contrary to good business practices and to good government.

This prohibition has imposed substantial and unnecessary costs on America's taxpayers and seniors who are paying excessive prices for prescription drugs. An analysis last year by Merrill Lynch found that after Part D took effect, prices on popular brand-name drugs increased by 8.6 percent. This week, there is a new analysis from Families USA. It finds that the prices charged by the largest Part D plans for the 15 most commonly prescribed medications increased by an average of 9.2 percent during the past year. This increase is almost four times the general inflation rate, and it is nearly three times the cost of living adjustment that seniors received this year for their Social Security income. By banning the Government from negotiating discounts, Congress saddled seniors with inflated prices for their medications, while handing a huge financial windfall to the pharmaceutical industry.

As I travel throughout my State, Minnesotans tell me they are mystified and frustrated that the Government has tied its own hands when it comes to achieving huge cost savings with prescription drugs. The people of my State repeatedly tell me they want Medicare to use every possible tool to get the best prices. It is a simple principle of economics that consumers strike better deals when they band together and exercise their bargaining power. The power of many has much more leverage than the power of the few. Congress rejected this commonsense principle when it barred Medicare from negotiating drug prices. This is just plain wrong. When appropriate, the Government should be empowered to harness the collective bargaining power of 43 million Americans on Medicare to deliver low-cost medication to seniors.

We are now poised to give the Government the power to negotiate. The House has already passed a measure to do so. Now it is our turn, and it is our responsibility. This is a matter of fairness for our seniors who deserve affordable prices for their drugs, and it is a matter of fairness for American taxpayers who pay 75 percent of the bill for Medicare Part D.

Under current law, only individual insurance companies can negotiate Medicare drug prices. The pharmaceutical industry has tried to reassure Americans that this will inevitably produce the lowest prices because of competition. This explanation is unconvincing. Evidence and experience shows us that the present system often does not produce the fairest prices.

The pharmaceutical companies like to say that Part D Program costs are lower than projected, but beating artificial projections has not resulted in lower prices. Numerous studies show that Part D prices are significantly higher than prices for drugs and programs where negotiation is permitted.

For example, a review of drug prices in Florida last October reported that the lowest retail price—the price you get by just shopping around—is usually cheaper than the Medicare price for popular drugs.

In January of this year, a study by Families USA found that the top five Medicare Part D insurance companies serving two out of three enrollees charged prices at a median rate that were 58 percent higher than the same drugs provided to veterans through the VA. The study compared the lowest price available under Part D and the lowest VA price for the 20 most common medications prescribed to seniors. Celebrex, for arthritis, was 50 percent more expensive under Medicare Part D; Lipitor, for cholesterol and heart disease, was 51 percent more expensive; Nexium, for heartburn and acid reflux disease, was 65 percent more expensive.

If these aren't bad enough, consider these:

Fosamax was 205 percent more expensive under Part D. That is for osteoporosis; Protonix, for heartburn and acid reflux disease, was 435 percent more expensive; and Zocor, for cholesterol and heart disease, was over 1,000 percent more expensive.

With this tremendous disparity in drug prices, it simply defies common sense to assume Medicare is giving our seniors a good deal. They should be negotiating for better prices.

Maybe the discounts would not be as great as the VA gets because of the differences in those two programs. But how can anybody be satisfied when Medicare is paying prices that are, on average, 58 percent higher? Can we not at least try to get a better deal? Can't we even allow the possibility of negotiation by our Government with the drug companies?

Yet this administration and its Secretary of Health and Human Services have shown absolutely no interest in the potential of negotiation. In fact, the Secretary has been aggressively defiant about even the idea of it. This needs to change.

There is another reason we should not trust the assurances of the pharmaceutical industry that America's seniors are already getting the lowest prices possible. The Government can often negotiate bigger discounts than insurance companies, which represent smaller numbers of seniors. There is no good reason to arbitrarily foreclose this opportunity for gaining a price cut.

By Medicare's own calculations, Part D private plans are negotiating prices that are 73 percent of the average wholesale prices. But Medicaid pays only 51 percent, and the VA pays only 42 percent.

The Congressional Budget Office also agrees that the Government could be more effective than private plans in negotiating prices for unique drugs that have no competition.

Even limited savings on popular drugs could translate into billions of dollars. Consider Zocor and Lipitor, two top-selling prescription medications. If Medicare could negotiate prices in line with what the VA gets, the savings from those two drugs alone could be more than $2.8 billion each year. Even a fraction of this amount would still represent substantial savings. That would mean cheaper drugs for seniors, a better deal for taxpayers, and less Government spending.

The only real winners from a prohibition on negotiation are the pharmaceutical companies. They vigorously lobbied for the ban, knowing it would boost their profits, while denying fair prices to seniors and taxpayers. They paid big money to make sure they got a Medicare drug program that prohibited price negotiation, and now they are spending big money to keep that profitable ban in place.

Since 1998, the pharmaceutical industry has spent over $650 million on lobbying. In the past year and a half, they

have spent a record $155 million. What are America's seniors supposed to think all that money goes for?

The drug industry employs some 1,100 lobbyists. That is two drug lobbyists for every Member of the Senate and House of Representatives. The pharmaceutical industry has fired up its lobbying machine again to oppose efforts to lift the ban.

The industry lobbying organization, PhRMA, has been running a massive advertising campaign in opposition to negotiating lower prices. It includes full-page ads in newspapers across the country. They have been buying these ads in my State, too. The most recent full-page ad appeared earlier this week in the Minneapolis Star Tribune. It tells Minnesotans how they are supposed to think. It uses quotes from USA Today and the Atlanta Journal Constitution.

With all due respect to these good newspapers, we Minnesotans know how to think for ourselves and how to reach our own conclusions. When it comes to Medicare Part D, the people of Minnesota have made up their minds. A statewide survey earlier this year found that fully 93 percent of Minnesotans want Medicare to have the power to bargain for lower prescription drug prices.

But the drug industry keeps using scare tactics, throwing around words such as ''rationing'' and ''price controls.'' It ignores promising negotiation approaches that don't limit the drugs available to seniors and that do not involve price setting.

I have dealt with this before. In the last few years, I was actually accused of trying to ration Lipitor. That simply isn't so. My mom takes Lipitor. If people think I would advance a proposal that would take my mom's drugs away, they don't know my mom.

Allowing negotiation would not mean rationing, but lifting the ban on negotiations would cut into the hugely profitable windfall the drug industry has enjoyed, thanks to Medicare Part D. In the first 6 months after Medicare Part D went into effect, the profit for the top 10 drug companies increased by over $8 billion, which is a 27-percent jump.

It should be no surprise. Medicaid Part D has provided the drug companies with a surge of new Government-subsidized customers. And Congress has allowed the drug companies to charge excessive prices.

This has been especially true with the more than 6 million Americans who were transferred from Medicaid to Medicare under the Part D law. They are known as dual beneficiaries or dual eligibles because they are eligible for both Medicaid and Medicare. They now account for more than 25 percent of all Part D enrollees.

Before the Part D law took effect, Medicaid was already buying prescription drugs for these individuals under a ''best price'' rule. This meant the price a drug company offered Medicaid could not exceed the lowest price it received for that same drug in the private market.

These dual-eligible individuals are now covered only under Medicare Part D, which has no ''best price'' rule and, of course, no negotiating power either.

Two economists have analyzed last year's financial filings from the top drug companies. In a study released earlier this month, the two economists concluded these companies have gained substantial new profits because they no longer had to provide the rebates and discounts previously demanded by Medicaid. That is great for the drug industry, but it is not so great for all of us.

I grew up believing every dollar, every quarter, every penny counts. I remember saving all my quarters from baby sitting in a box in my room. I also believe that is true for our Government, for our taxpayers, and especially for our seniors. The average income for a retiree is about $15,000, with most living on a fixed income. Seniors need medications more than any other age group. For those over age 75, they depend on an average of almost eight prescription medications.

So for seniors, money and medications are a very serious matter. It must be a serious matter for us, too. By lifting the ban on price negotiations, we will continue to give seniors access to the medications they need and the same broad range of plans. The difference is that the Federal Government, representing all 43 million Medicare beneficiaries, will also be at the bargaining table.

It is time to lift the ban. It is time to negotiate with the powerful drug companies. It is time to help our seniors get the lower, fairer prices they deserve for the life-saving and life-enhancing medications they need.

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

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, may I inquire as to where we are at this time.

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

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

TAX SIMPLIFICATION ACT OF 2007

Mr. CRAIG. Mr. President, yesterday was tax day 2007. I had hoped to come to the floor at that time, but we were busy on several other issues. I join with my friend and colleague, Senator SHELBY, as a cosponsor of S. 1040, which will replace our current broken tax system with a simple, what I call fair flat tax.

Over the years that I have served the State of Idaho in the Congress, I have looked numerous times at the concept of a flat tax and believe it to be by far a more preferable system for all our taxpayers to be involved in.

Only a few weeks ago, we debated the fiscal year 2008 budget resolution and some recurring points began to emerge. Over and over again, from both sides of the aisle, we heard about the repeal of the death tax, the repeal of the alternative minimum tax, the child tax credit, and marriage penalty relief, and problems associated with the so-called tax gap.

The average American listening to that debate, if they were not true students of the Tax Code or if, in fact, they hadn't been victims of that portion of the Tax Code, would have wondered in what kind of code the Senators were speaking or talking through at the moment.

Congress has offered temporary fixes to these problems for years, but these problems are merely symptoms of a larger problem that needs fixing. I believe the larger problem is we have a convoluted, broken Tax Code system today.

The current Tax Code is—well, let me use this as an example. In 2005, according to the IRS's own estimates, Americans spent 6.4 billion hours preparing their tax returns and a whopping $265 billion in related compliance costs. You know that if you make any kind of money at all and you can afford to, you start hiring attorneys and tax experts to find ways of manipulating yourself through the system, not necessarily to avoid taxes but maybe to provide some level of inheritance to your children and your grandchildren so Uncle Sam doesn't get it on your moment of death. The complication has increasingly grown over the years and, of course, the cost is phenomenal.

So, Mr. President, if you will bear with me for a moment, think about this analysis: Americans, if they had to wade through the 66,498 pages—that is right, 66,498 pages—of the Federal tax rules on a letter-size sheet of paper, that amount of pages would stand about 22 feet tall. That is about three times taller than I am with cowboy boots and a cowboy hat on. That is pretty significant stuff. Yet the average American is supposed to figure out how to get through that? That is why they spend $265 billion hiring the experts to figure out how to get them through it. The Tax Code's purpose is simply to fund the Federal Government, but we have turned it into a system loaded with preferences, deductions, credits and exceptions and, yes, other kinds of loopholes that cater to a special-interest tier and fail to treat all taxpayers fairly because we politically are manipulating where we want the money to go, how we want the economy to run, how we want the average person to spend or not spend his or her hard-earned wages in a way that is, by our definition, beneficial to the

country, to the culture, to the economy at large.

The time for half-measures ought to be over. Fundamental reform is the only thing that will restore, in my opinion, fairness and simplicity to the system, and I have long thought a flat tax is the best approach toward reforming the code.

A flat tax, such as the one in S. 1040, will provide a simple flat rate of 19 percent, eliminate special preferences, end the double taxation of savings and investment, and provide a generous exemption based on family size.

Not everyone agrees—I am sure we all understand that—but that shouldn't stop the conversation, the fundamental debate, the energy of this Senate and this Congress becoming involved in reforming our Tax Code for the greater benefit of our country.

That is one of the reasons why I joined Senator WYDEN, a Democrat on the other side of the aisle, in launching a bipartisan Cleanse the Code Coalition. Although Members of the coalition disagree sharply about the best approach to tax reform, we all agree fundamentally that reform is imperative, that it is something that should embody the principles of simplicity, fairness, and fiscal responsibility.

Our current tax system is a handicap on our Nation's citizens, our businesses, and our economy. As we continue to increase our competitive character and compete with other economies around the world, those features of simplicity and fairness become increasingly important.

Our current tax system is a handicap. There is something that ought to be done about it. We will, again, tinker around the edges, as we did with the 2008 budget resolution that sets parameters for spending and for revenues and, once again, we will talk about it a great deal more than we will act on it. When we act, we will simply adjust and change and modify, and every time we do, in that illustrative picture I gave you, we will add another cowboy hat to the top of my head and make that 66,000-page stack of papers that is 22 feet tall a little taller for the average American to work their way through in frustration, sometimes in anger, sometimes in fear that they have failed to comply and the IRS is just around the corner.

I hope that a day will come in April, a year or two from now, when the process of filing a tax return is a simple sheet of paper: Here is how much I have made, you apply the 19 percent to it, it is all online, and you don't have to hire attorneys and accountants in great complication to weave your way through the morass of rules and regulations. And Americans for the first time could say: You know, that was a pretty easy task. I am a responsible citizen. I have paid my taxes.

As one who gains the great benefit of this country, while we may not necessarily like it, it ought to be an easy and painless task to do. That ought to be our challenge. That is why I am a part of the legislation and in support of it and why I am on the Senate floor today—to challenge my colleagues to think a little more about it. It ought not be a game of dodge and hide and replace and reshape. It truly ought to be one of saying to the average citizen: We want to make it easy, we want to make it simple for you to fulfill your responsibility in assisting your Government in paying for the necessary services it needs in a straightforward and, most importantly, simplistic way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

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

PARTIAL BIRTH ABORTION BAN UPHELD

Mr. BROWNBACK. Mr. President, I rise today with great hope in my heart that a step was taken forward on human dignity today. Earlier today, the U.S. Supreme Court upheld the partial-birth abortion ban passed by Congress in 2003, and I applaud the Court for this decision.

As many of my colleagues know, partial-birth abortion is one of the most heinous and grotesque forms of abortion. Science has shown that after 20 weeks, unborn children do indeed feel pain. Imagine the pain a prenatal baby feels as it is so savagely destroyed in the latter part of the pregnancy. It is incomprehensible that we should allow such a procedure to continue in our Nation, and I am thankful—I am thankful—the Congress passed this important ban, that President Bush signed it into law, and now the Supreme Court has upheld this in the face of a challenge. I think this is an important day for human dignity, that we are starting to recognize the dignity of everybody at all stages.

We had a big debate on the Senate floor last week about stem cells and whether we should destroy the youngest of human lives for research purposes. I don't think we should. We should extend dignity. But certainly we should extend dignity to a child who is very well developed in the womb and who is being aborted feeling great pain, the child itself. We should show dignity for that life. The Court is starting to express the fundamental right to life and the dignity of each life in the country, and what a great message to our Nation, what a great message to our world for us to have that.

The majority decision of the Court, authored by Justice Anthony Kennedy, recognizes that partial-birth abortion is not medically necessary. Far from it. Both mother and child deserve far better than abortion, particularly such an invasive, barbaric procedure as partial-birth abortion.

I am pleased that the Court states in its opinion:

> It is, however, precisely this lack of information concerning the way in which the fetus will be killed that is of legitimate concern to the State.

Citing Casey, the father of the Presiding Officer, supra, at 873, it states:

> States are free to enact laws to provide a reasonable framework for a woman to make a decision that has such profound and lasting meaning.
>
> The State has an interest in ensuring so grave a choice is well informed. It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull—

Of a child, her child—

> and vacuum the fast developing brain of her unborn child . . .

The child is human and in her womb.

I repeat, today's decision by the Supreme Court puts hope in our hearts. Americans understand that life is a precious gift and worthy of respect and protection. Indeed, this deep belief is at the very root of our Nation's founding—of our Constitution. I believe our laws and the precedents of our courts ought to reflect this culture of respect for human life and human dignity at all stages, in all places; that every human life is precious, it is unique, it is sacred, and it is a child of a loving God. It applies to the child in the womb at whatever stage its development. It applies to a child in poverty. It applies to a child in Darfur. It is pro-life and it is whole-life, beginning to end, and that is as it should be.

I am delighted that the Supreme Court is moving forward to see the expression of life in the Constitution. I hope that someday we will see all life respected at all stages and protected in this land and around the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded, and I ask to proceed as in morning business.

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

The Senator from Iowa is recognized.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, yesterday was tax return filing day for most Americans for the 2006 tax year. While filing that 2006 tax return and paying tax owed for 2006 was stressful enough, for 23 million families who will be AMT taxpayers in 2007, there was added stress. That added stress is due to the fact that those 23 million families bear the uncertainty of whether

there will be an AMT patch for the year 2007; in other words, for Congress to take action so the alternative minimum tax will not apply to an additional 23 million families for this year's earnings as the present law is going to do it. Congress, each year, has taken action so that would not happen. The big question is will Congress act soon enough so that the uncertainty of these 23 million taxpayers will not be realized.

This matters for taxpayers now because the first quarter estimated tax payments are due for the 2007 tax year. I have a chart here I wish to show that shows the form for the payment these 23 million families have to make, and why going through the trouble of filling this out is stressful for the 23 million taxpayers—in addition to having to pay all of this tax. Barring an extension in the ''hold harmless'' provisions that made certain that people who filed on 2006 earnings did not have to pay the AMT, if we do not take action for the year we are in, AMT exemptions then will return to the pre-2001 levels. Many Americans may be surprised to find in their 1040 ES instruction package that the AMT exemption amount for single taxpayers is decreasing from $42,550 in 2006 to $33,750 in the year we are in now for earnings, 2007. And for married taxpayers, the exemption amount is decreasing by nearly $20,000, from $62,550 down to $45,000.

You can see here on line 29 that these higher exemption amounts are there. To add insult to injury in this whole matter, certain credits will not be allowed against the alternative minimum tax in 2007, including the credit for child and dependent care expenses, credit for the elderly or the disabled, and education credits. And that is just to name a few.

The alternative minimum tax is not a new problem and has been with us for several decades. The individual minimum tax—that is a precursor to our AMT—was originally enacted in 1969 after Congress discovered that 155 taxpayers with incomes greater than $200,000—these are 1969 figures—were not paying any taxes at all.

As originally formulated, the individual minimum tax affected one out of a half-million taxpayers. Clearly that situation has changed now very dramatically in the last 30 years when today about 4 million taxpayers are paying the alternative minimum tax. If we do not do anything this year, 23 million more people will pay it on earnings they are making right now.

Although not its only flaw, the most significant defect of the alternative minimum tax is that it is not indexed for inflation. If it had been indexed for inflation, then obviously we would not have these 3 million people, or these potential 23 million people, having to worry about paying the alternative minimum tax.

This failure to reindex the exemption and the rate brackets, the parameters of the AMT system, is also a bipartisan problem.

Perhaps the most notable missed opportunity to index the AMT for inflation was the passage of the Tax Reform Act of 1986. Another missed opportunity was the Omnibus Budget Reconciliation Act in 1993, in which the exemption levels were not indexed but were increased to $33,750 for individuals and $45,000 for joint returns. But this was accomplished by an additional rate increase.

By the way, the 1993 tax increase passed this body with only Democratic votes. Once again, graduated rates were introduced, except this time they were 26 percent and 28 percent.

By tinkering with the rate and exemption level of the AMT, these bills were only doing what Congress has been doing on a bipartisan basis for almost 40 years, which is to undertake a wholly inadequate approach to a problem that keeps getting bigger. And by ''keeps getting bigger,'' I mean it is applying now to 23 million taxpayers for earnings this year to whom it should not apply.

In 1999, the issue again had to be dealt with. At that time Congress passed the Taxpayers Refund and Relief Act of 1999. In the Senate, only Republicans voted for the bill. That bill in fact included a provision that actually repealed the entire alternative minimum tax. If this bill had not been vetoed by President Clinton, we would not even be talking about this today.

Later on, in 1999, an extenders bill, including a fix good through 2001, was enacted to hold AMT harmless for a little longer.

Most recently, in March of 2007, less than a month ago, this body, now under the control of the Democrats, voted against an amendment I sponsored to put some honesty back into the budgeting process and to stop spending amounts that are scheduled to come into the Federal coffers through the alternative minimum tax.

Take a minute to visit about that vote on my amendment to the budget resolution a month ago. That amendment would have amended the budget resolution for fiscal year 2008 in order to accommodate a full repeal of the alternative minimum tax, preventing the same 23 million people, both families and individuals whom I am talking about today, from being subject to the alternative minimum tax in 2007, not to mention the millions of families and individuals who will be hit by it in subsequent years.

You would think we would have seen a flood of bipartisan support for that amendment, given the numbers of families represented by my colleagues across the aisle who are now paying the alternative minimum tax in 2007. But, instead, true to form, not a single Democratic Senator voted for the amendment to provide relief from the alternative minimum tax and to stop spending money this country does not have and was not intended to get. If you get it from these 23 million people, it has the capability of ruining the middle class in America. We got not a single vote from the other side of the aisle.

So even though the alternative minimum tax is a problem that has been developing for a while, almost 40 years, Congress has had an opportunity to deal with the issue but has blocked attempts to deal with the issue thoroughly. Or, if Congress passed it, President Clinton vetoed it. Although on numerous occasions Congress has made adjustments to the exemption and in the rates, it has not engaged in a sustained effort to keep the alternative minimum tax from further absorbing the working people who are in middle-class America. Instead, despite temporary measures, the AMT has gone from being a threat to millions of taxpayers who were never supposed to be subject to a minimum tax, to being a reality when they sent in their estimated income tax payments to the IRS for the first quarter.

That the alternative minimum tax has grown grossly beyond its original purpose, which was to ensure that the wealthy were not exempt from an income tax, is indisputable, and that the alternative minimum tax is inherently flawed then falls into the commonsense category.

Despite widespread agreement that something needs to be done about the alternative minimum tax, agreement on what exactly to do is not so widespread. I suppose if there had been an agreement to repeal it, I would have gotten more than 44 votes on my amendment to the budget resolution a month ago. So you can use your mathematics. It is going to take at least seven more people to agree with me before we can get that done. And a major factor in the disagreement relates to massive amounts of money that the alternative minimum tax brings to the Federal Government. In 2004, the alternative minimum tax brought $12.8 billion into the Treasury. Projections show that the AMT balloons revenues in coming years. These projections are used to put together the budget using current law, so that is why this money that was never supposed to be collected is put into the budget by the Congressional Budget Office and by the Office of Management and Budget in the executive branch.

This is a bipartisan problem. Whether you have a Republican majority or Democratic majority in this body, it is going to be handled the same way. Republican and Democratic budgets, then, rely on the same source of revenue—even though it is a revenue that was never supposed to be collected. In 1969, it was never anticipated it would hit more than people with adjusted gross incomes, at that time, of $200,000; and if you brought that on for inflation now, it would be somewhat a bigger figure but it would not take in 3 million people as it does today and it wouldn't be taking in 23 million people as it will this very year.

This means the central problem in dealing with the AMT is not money

that will come in, but people are counting on it to come in. I call it phantom income. Of course, for the 23 million people who file or have to file for this year's income, if we do not do something, it is going to bring in additional revenue, and it would not be phantom in that case, but it is phantom in the sense that if it was supposed to hit a few rich people and it is hitting 23 million middle-income Americans, it does not seem legitimate to count it as money coming into the Federal Treasury.

There are some people who would say we can only solve the alternative minimum tax problem if offsetting revenue can be found to replace the money the AMT is currently forecast to collect. Anyone who says this sees the forecast showing revenue being pushed up as a percentage of gross domestic product and, quite frankly, they like to spend more money so they want to keep it there.

These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect as much revenue; in other words, it is a failed policy. It is simply unfair to expect taxpayers to pay a tax they were never intended to pay. It is even more unfair to expect them to continue paying that tax once we get rid of it.

The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place. So the way to solve this problem is to look on the other side of the ledger, on the spending side. Budget planners need to take off their rose-colored glasses when looking at the long-term revenue projections and read the fine print.

In general, it is a good idea to spend money within your means. That is true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the alternative minimum tax, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and recognize that the alternative minimum tax is a phony revenue source.

As we consider how to deal with the alternative minimum tax, we must first remember we do not have the option of not dealing with it if we want to maintain a middle class in America. The problem will only get worse every year and make any solution more difficult.

We must also be clear that the revenue the alternative minimum tax will not collect as a result of repeal or reform should not be offset as a condition of repeal or reform. We should not call it lost revenue because it is revenue we never had to begin with.

This week millions of families are beginning to feel the ramifications of that revenue vortex. I have outlined that the alternative minimum tax problem has been developing for decades, but I want to make clear that something distinctly different and more onerous is happening this year for alternative minimum taxpayers; that is, that for the first time in 6 years, there is no money in the budget to fix the alternative minimum tax even for 1 year. So the outlook for those 23 million people who are paying it right now on incomes earned this year is even a little bleaker than in recent years.

For the first time in 6 years, there is also no bill on the floor to deal with the issue. Now, there is the Baucus-Grassley bill that I do not think the Democratic leadership has put on the schedule yet but they ought to if they want to preserve the middle class.

At estimated tax payment time last year, folks were feeling a similar crunch on the alternative minimum tax. But the legislative posture on this point was significantly different. This time last year, the alternative minimum tax fix bill for 2006 had already passed in both the House and the Senate. At this time last year, the tax-writing committees were in conference on a tax package that included a fix to the alternative minimum tax for the year 2006 income and was enacted in May of 2006.

This year, those 23 million families facing a 2007 estimated tax payment have nothing to refer to but the IRS instruction package that is telling them it is time to start paying on the 2007 alternative minimum tax problem now.

It is time for Congress to wake up to this problem. It cannot wait until the end of this year. It cannot wait until the end of the next Presidential election. The time is now. So I implore my colleagues to join me in addressing this issue.

Perhaps the 23 million families who are feeling the absolutely maddening tax increase of 2007, beginning this week, will be inspired to act, and hopefully we will have a prairie fire of support for acting on this quickly and maybe even doing the right thing by repealing it entirely.

We just went through that time of the year where, for most people, the Tax Code transforms from an abstraction to a concrete reality. The same is true of tax relief. What may be an academic or policy discussion becomes something more when the men and women of our Nation actually work out how much of what they have earned they turn over to us in Congress to spend for them.

Thanks to the popular and bipartisan tax relief enacted in 2001 and 2003, virtually all Americans paid less in taxes this year than they did last year. There seems to be several Members of this body who view that as a bad thing to happen, who would rather take what others have earned and stuff it into the pork barrel.

I think that American workers are the best people to decide how to spend their money and that letting them keep as much of their own money as possible is very good.

As I said, Americans generally paid less this year than they did last year because of bipartisan tax relief. Last year I talked about the slim majority who have governed the Senate for the past several years. If tax relief hadn't been bipartisan, the 2000 tax relief bill would not have received the support of nearly a quarter of the Democratic caucus that year when the conference report came up for a rollcall vote.

However, this popular and bipartisan tax relief has been put at risk by Democratic majorities in the House and Senate. The Senate-passed budget resolution only provides 44 percent of the revenue room needed to make tax relief permanent; only 44 percent. The House-passed budget resolution provides zero percent of the revenue room necessary, which means that taxpayers face a serious risk of being hit with a wall of tax increases in 2011, as illustrated by this chart, the wall between what taxes are being paid now and what will be paid when 2011 happens.

According to the U.S. Treasury, a family of four with an income of $40,000 will be hit by a tax hike of $2,052 per year, every year. That is an increase for a family of four with an income of $40,000 a year, not rich people.

To see the consequences, we need to look past academic seminars and working papers and wordy editorials to see what this tax hike will mean for real people. For a family of four at $40,000, this tax wall of $2,052 of increased payment to the Federal Government is real and at that time will be a real problem.

Right now I want to walk through the specific components of the bipartisan tax relief that are at risk. This chart breaks down what could be a $407 billion tax increase over 5 years. Here is the tax increases of various parts of the 2001–2003 tax bills that have those subdivisions in it, and as these expire, income will be coming in this much more from various things that automatically happen.

Let me be clear on this: This is a tax increase that Congress is not going to vote for. This is a tax increase that Congress would not have guts enough to vote for. This is a tax increase that is automatically going to happen because the tax cuts of 2001 and 2003 sunset in 2010.

To anybody around this body who says they are not voting to increase taxes, we can stop this. If we stop this, we keep the present level of taxation, we would not be cutting taxes more. The policy we have had in place for this decade would stay in place the next decade. That is not a bad tax policy because of the increase of the 7.8 million new jobs. And that is Chairman Greenspan saying it is responsible for the recovery we have. As pointed out, almost everything statistically that we use to show that the economy is working, it is all very positive.

So let's look at some of these subdivisions of this 2001–2003 tax bill. Let's take the marginal tax rate cuts. We set up a brand-new 10-percent bracket that year in 2001 so that low-income people

would not have to pay as much tax, if their first tax dollar is taxed at 10 percent, where it used to be taxed at 15 percent for lower income people.

That costs $203 billion over 5 years, according to the Joint Committee on Taxation. I am sorry. That included the 10-percent bracket. But I was talking about the marginal tax rate cut generally, including the 10-percent bracket. What I said about the 10-percent bracket, making it possible for low-income people to pay less tax on their first dollar, is also true.

But the $203 billion applies to all tax rates. The 10-percent bracket costs $78 billion over 5 years, all by itself. But that proposal reduces the taxes of approximately 100 million families and individuals across the Nation. When considering the rest of the marginal rates, it appears some folks think the 35-percent tax rate is too low of a top rate.

Well, guess what. Repealing the marginal tax rates hits small business, the biggest source of new jobs in America. It hits that class of people the most.

The Treasury Department estimates 33 million small business owners who are taxed on their business income at the individual rate benefits from the marginal tax rate cuts. Repealing these cuts would cause 33 million small business owners to pay a 13-percent penalty. Why do we want to kill the goose that laid the golden egg, and that is small business, where most of the jobs are created in America? It is the backbone of our economy.

Do Democratic leaders want to raise taxes on those taxpayers? Treasury also projects that small business gets over 80 percent of the benefits of the cut in the top two rates. Do we want to raise the tax rates of small business by 13 percent? Does that make any sense? Democratic leaders, what would you say about raising that amount of money from small business, a 13-percent tax increase, if Congress does nothing?

So obviously I am recommending we take action between now and that sunset to make sure a tax policy that has been good for the entire economy, according to Chairman Greenspan, stays in place to continue to create jobs above and beyond the 7.8 million jobs that are already created in this recovery.

Now, what about death tax relief? That package scores $102 billion over 5 years. Most of the revenue loss is attributable to increasing the exemption amount and dropping the rate to 45 percent on already-taxed property. Is it unreasonable to provide relief from the death tax? Why should death be an incident of taxation? Why should you have a fire sale, when you do not get as much for assets when someone dies in order to pay the taxes? Why not let the willing buyer or willing seller make a decision when the marketplace is going to work? Death is not the marketplace working. Is it unreasonable to provide that sort of relief, or should we raise the death tax on small business and family farms? That is what will happen if the bipartisan tax relief package is not extended.

Now we have the child tax credit. That is the fourth one down on the chart. Mr. President, 31.6 million families benefit from the child tax credit according to the Joint Committee on Taxation. How about the refundable piece that helped 16 million kids and their families? That proposal loses $41 billion over 5 years. I didn't think we would have a lot of takers on letting that one expire, but the Democratic leadership may be proving me wrong.

The next item on the list is the lower rates on capital gains and dividends. Thirty-three million Americans, a good number of them low-income seniors, benefit from the lower tax rates on capital gains and dividends. Some people try to portray this tax reduction as only for the idle rich. But the beneficiaries of this provision include working-class Americans who have spent a lifetime building up equity in property and securities and probably have their pension funds and their 401(k)s invested in the stock market.

Does the Democratic leadership think we should raise taxes on these 33 million families and individuals?

Take into consideration the fact that 25 years ago, only about 12, 15 percent of Americans had any investment in the stock market. Today it is between 55 and 60 percent because of 401(k)s, IRAs, and pensions.

Then we have the marriage penalty. Why would we ever think there should be a penalty on people being married? We finally did something about the marriage penalty. It is the first relief we delivered to that class of people in over 30 years. This proposal scores at $13 billion over 5 years. The Treasury estimates nearly 33 million married couples benefit from the abolition of the marriage penalty. Again, I don't think many folks would want to raise taxes on people just because they are married. Most of the folks who do want to raise taxes on married couples must be serving in the House and Senate because that is what is going to happen when this sunsets.

Another proposal is expensing for small business, meaning expensing of depreciable property, depreciable equipment, among other things. This is a commonsense bipartisan proposal. According to the Internal Revenue service, 6.7 million small businesses benefited from this provision in 2004. That is the most recent year for which we have statistics. If we don't make this provision permanent, small businesses face a tax increase of $12 billion in 5 years. When this sunsets—and the majority wants it to sunset—do they want to hurt small business? I think that is unwise tax policy.

Continuing on through the bipartisan tax relief package, let's look at the education tax relief provisions. This package helps Americans cope with college education costs. It scores at $2 billion over 5 years, and 16 million families and students benefited from this tax relief in 2004. In this era of rising higher education costs, should we gut tax benefits for families who want a college education for their kids? In order to keep competitive in the global economy, we ought to think about having the most educated workforce we can. Especially in the runup to the last election, I heard a lot about the importance of higher education and helping to ensure that costs do not keep people out of college. But college education is going to increase for middle-income people who are taking advantage of this tax exemption for college tuition. These provisions put those ideas into action and help people afford a college education. Does the Democratic leadership think scrapping them is good for our young people, good for our economy, good for middle-class families?

The last item on this chart is where both parents work and have to deal with childcare expenses. The tax relief package includes enhanced incentives for childcare expenses, and 5.9 million families across America benefit, according to the Joint Committee on Taxation. These provisions helped working mothers and fathers remain in the workforce while having a family. Does the Democratic leadership think we ought to take away these childcare benefits from working families?

I have taken my colleagues through about $407 billion of tax relief. It sounds a lot like an abstraction, but it provides relief to almost every American who pays income tax. I ask any of those who want to adjust or restructure the bipartisan tax relief, where would they cut in this package? Where would they cut? It would be very difficult, considering how this tax package has contributed to the revitalization of this economy, according to Chairman Greenspan, to touch it at all. It seems to me they would not want to kill the goose that laid the golden egg. Wouldn't they want to keep that goose laying those golden eggs into the next decade and do it today instead of waiting until 2010 to do it before it sunsets? The principle of the predictability of tax policy to get business to create jobs is very important. It is very unpredictable now. We get to 2009 and 2010, and we are not going to get the long-term investment until people know what the tax policy is. Some economists tell us this has a very detrimental impact on the economy.

When you ask what you would restructure or adjust, would you hit the 10-percent bracket, drive up taxes for low-income people, or would you hurt small business tax relief and kill the engine that creates most of the jobs, or would you eliminate the refundable child tax credit so parents, where both parents work, would have additional costs of working, and maybe one of them would have to leave the workforce, or do you want to kill small business and farmers by not reforming

the estate tax, or do you want to penalize married people again by doing away with the marriage penalty relief?

What about dividend and capital gains relief, one of the tax bills that has brought $708 billion of new revenue because of increased economic activity, because we are letting 70, 80 million taxpayers decide how to spend their money instead of 16,000 corporate executives, if it is retained in the corporation instead of being given out in the form of dividends, or do you want to hurt people who are getting a college education because of the tuition tax credit or childcare generally?

In a smooth-running, with above-average levels of individual income tax as a percentage of gross domestic product, even with this tax relief package in place since 2001 and 2003, what area, I ask the people who want this to sunset and bring in more revenue because they want to spend more, would they adjust? Where would they restructure? Why undo a bipartisan tax cut that makes the Tax Code more progressive?

I say that without any hesitation whatsoever based upon the judgment of the Joint Committee on Taxation that those making more than $200,000 a year are paying a higher percentage of income tax than they were prior to the 2001 tax cut. As things stand right now, based upon the budget resolution that passed this body last month, bipartisan tax relief is in danger. The Democratic Senate has only provided for 44 percent of the tax relief beyond 2010, and the Democratic House has not provided for any. I am sure much will be said of the high cost of tax relief, but those comments are inherently misleading. My colleagues need to think about the high cost to the American taxpayers when they are hit with the largest tax increase in the history of the country that is going to happen without even a vote of the Congress.

Federal revenues are already at historically high levels, and if something is not done soon Americans will be hit with an additional wall of tax increases, January 1, 2011. If what some have called tax cuts for the rich expire, a family of four with incomes of $40,000 will face an average tax increase of $2,052.

In order to protect the interests of working Americans, our collective Republican leadership has introduced a bill, S. 14, called the Invest in America Act, to ensure that this largest tax increase in history does not go into effect. This bill will help small businesses. It is going to help families afford college. It will help seniors who rely on capital gains or dividends for income. It will help working parents take care of their children.

Why doesn't the Democratic House want to do any of these things? Which 44 percent of tax relief does the Democratic Senate have in mind? When I say this Republican leadership bill invests in America, it maintains existing tax policy. It is going to make sure the taxpayer doesn't run up against this tax increase wall.

I want to end today, as I did in some remarks I made last week, by urging the Democratic caucus to tear down this wall. The Republican Congress is eager to work with them in bipartisan cooperation to promote a progressive and fair Tax Code and to prevent a wall of tax increases from crushing the American taxpayer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BUNNING. Mr. President, may I ask, what is the business, what is the regular order?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

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

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

The Senator from Kentucky is recognized.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BUNNING. Mr. President, I wish to take a few minutes to talk about the vote we had earlier today on the Medicare noninterference provision, which prohibits the Secretary of the Department of Health and Human Services from getting involved in the negotiations between the private plans offering the Medicare drug benefit and the drug manufacturers.

I did not vote for cloture today because I support the Medicare prescription drug benefit. The benefit is working well. Seniors have access to drugs. They are saving money, and most beneficiaries are happy with the benefit. Removing the noninterference provisions, as the Democrats want to do in S. 3, would jeopardize the Medicare drug benefit and could force beneficiaries to rely on a one-size-fits-all big Government bureaucracy for their prescription drugs.

I was a strong supporter of the 2003 Medicare drug bill and worked very hard to get it passed. For too long, Medicare had not covered prescription drugs for seniors, even though many of these drugs are life sustaining and life enhancing. Since the drug bill was enacted, all Medicare beneficiaries have access to prescription drug coverage, and low-income beneficiaries receive substantial help in affording their prescription drugs.

One of the most important elements in the 2003 bill was allowing private plans to offer the prescription drug benefit. Under the bill, these plans negotiate with drug manufacturers for the prices on prescription drugs, and then market their benefits to beneficiaries.

Medicare beneficiaries have a choice of plans to select. In my State of Kentucky, there are 24 companies offering 54 plans. All of these plans are different, and each one of them offers a different formulary. Plans compete with each other by offering the best benefit, which may not mean the same thing to all 40 million Medicare beneficiaries. Some beneficiaries may not have many drug expenses each month, so they can go with a cheaper plan. Other beneficiaries may have more costly drug expenses and may need a plan that offers more coverage.

The point of having private companies offer the drug benefit was so seniors could pick the plan that works best for them. It is working, and seniors are saving a substantial amount of money. In fact, the average beneficiary is saving about $1,200. Ninety percent of Medicare-eligible beneficiaries have drug coverage, and 80 percent of them are satisfied with the program.

To me, this sounds like a success—a real success. Part of this success comes from the fact that we kept the Medicare bureaucrats out of the program. Traditionally, Medicare is a one-size-fits-all program that sets prices for doctors, hospitals, nursing homes, hospice care, ambulance providers—you name it.

Medicare beneficiaries should ask their doctors the next time they see them how fairly Medicare reimburses them. I suspect most doctors would say their reimbursements fall short of their actual costs, and they are constantly on the lookout for ways Medicare may try to change their reimbursement for the services they offer.

The drug benefit, however, is different. It allows the drug plans to negotiate directly with the manufacturers for prescription drugs. These plans, then, have to attract Medicare beneficiaries to join their program by offering the best possible benefit. A plan that does not offer a competitive benefit will not attract members. A plan that offers an attractive benefit will attract members to its rolls.

It is simple—really, it is—and it is working. The Democrats would have you believe Government negotiation is going to save money for Medicare and seniors. Unfortunately, they are wrong.

First of all, saying Medicare will ''negotiate'' is a fallacy. Medicare does not negotiate; it sets prices. Just ask your doctor how often the Medicare Program negotiates.

Second, the Democrats haven't said a word about how this new authority would actually work. There wasn't one word in S. 3 about what this negotiation would look like. Is Medicare going to negotiate for only a few drugs, as some Members have suggested? No one knows. Are they negotiating prices for all drugs? No one knows. Will the Secretary actually deny access to certain drugs if he doesn't get the price he wants? No one knows. It seems to me that before you undermine a successful, well-received program such as the Medicare prescription drug benefit, you better have the guts to tell people exactly how it is going to change.

Third, there is a real concern by experts in this area that Government price-setting for Medicare drugs could cause drug prices to increase for other payors, including Medicaid, the Veterans' Administration, and private purchasers. This hardly seems like a good plan.

Finally, the Congressional Budget Office has said repeatedly over the years that removing this provision has a negligible effect on Federal spending. In fact, CBO Directors under both Republican- and now Democratic-controlled Congresses have come to the same conclusion. Without Medicare creating a national formulary and limiting access to drugs, it is unlikely they would be able to get a significant discount on drugs.

I also wish to point out that this provision isn't new. In fact, prior to the passage of the 2003 Medicare drug bill, many Members of Congress had proposals to add a prescription drug benefit to Medicare. Many of these bills, including those by Democratic lawmakers, included a noninterference provision. For example, the former Democratic leader, Senator Daschle, in the Senate had a bill in 2000 that included such a provision. This bill was cosponsored by 26 Democratic Members still serving in Congress, including the current chairman of the Finance Committee, Senator BAUCUS. It is curious that this language was fine for Democratic bills but for some reason isn't fine presently for this bill.

The Medicare drug bill we passed in 2003 is working well. Beneficiaries have access to drugs, and people are saving money. Now is not the time to significantly alter the program and rip out the competition that is working so well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

CLOTURE MOTIONS

Mr. DORGAN. Mr. President, this morning, in one of the newspapers that covers Capitol Hill, there was a story with some complaints by the minority and the leader of the minority that the majority is filing what are called cloture motions. We are, in fact, filing cloture motions, and the reason we are doing it is because the minority doesn't want to move to debate the issues.

To give you an example, in recent days, we have had to file a cloture motion to have a vote on the Intelligence Authorization Bill. It turned out the minority, in nearly a unanimous vote, succeeded in blocking our ability to even debate the bill. That was the motion to proceed on the debate, not the debate itself. The question is: Shall we proceed to debate reauthorization of intelligence? The minority said we won't give you the permission to approve the motion to proceed. We are going to have to have you file cloture on that. We will then have a cloture vote and 40-plus will decide to march in against it. So you cannot proceed on the intelligence reauthorization.

On the issue of negotiating lower prescription drug prices, the minority says we won't allow you to go to the bill to negotiate lower drug prices under Medicare. You have to vote on a motion to proceed. They come over and, by and large, oppose the motion to proceed so we cannot go to negotiating lower drug prices for Medicare.

About an hour or two ago, we had to have a vote on going to the issue of court security—security in our court system. They required us to file cloture and have a vote on the motion to proceed to going to security for America's court system. It is unbelievable.

Let me go back for a moment on this issue of intelligence. They required us to file cloture on the motion to proceed. If there is anything critically needed by this Congress and this country—especially this country—it is to get this issue of intelligence right. Why is that important? We live in a very dangerous world. We face a lot of threats and challenges. We have been through the last half decade or more in a circumstance where the intelligence function in our Government has dramatically failed. The consequences of that have been life or death. Here are some examples:

We went to war with Iraq. We had many top secret briefings prior to the war given by our intelligence officials and top members of the administration. They told us, for example, that the country of Iraq threatened this country because it had mobile chemical weapons labs. They gave us substantial information about mobile chemical weapons labs in Iraq. It turns out now, much later, we discover that in fact those so-called laboratories didn't exist. The information our intelligence community gave Congress came from one source, a man who was named ''Curve Ball,'' who was largely considered to be a drunk and a fabricator. A single source—someone considered to have been a drunk and a fabricator—convinced our intelligence community and this administration to tell us and the American people that Iraq threatened this country because they had mobile chemical weapons labs. We now understand that wasn't true, but it was part of the foundation upon which a decision was made to go to war.

Aluminum tubes for the reconstruction of a nuclear weapons program in Iraq—we were told there was a nuclear weapons program, the reconstruction of which will threaten our country and threaten the world. It turns out the administration and the intelligence community told us a half truth. Some in the administration felt the aluminum tubes specifically ordered by Iraq were for the purpose of reconstructing a nuclear capability. Others in the administration felt equally strongly that there was no such thing involved, that it was for rocketry; it didn't have anything to do with the reconstruction of a nuclear weapons program. The intelligence community did not tell Congress about that portion of the debate.

Yellowcake from Niger. The President told the Congress in briefings and intelligence sources upstairs that Iraq was attempting to procure yellowcake from Niger for the purpose of reconstituting its nuclear capability. It turns out that was based on falsified documents, fraudulent documents. Based on a lot of information, including yellowcake from Niger, and allegations about Iraq trying to secure it, aluminum tubes purchased it was alleged for the purpose of reconstructing a nuclear capability, or mobile chemical weapons labs, reports of which came from apparently one source, a single source, a drunk and fabricator who used to drive a taxicab in Baghdad. That was the basis, at least in part, on which to build a foundation that told this country a threat exists against the United States and we must take military action against the country of Iraq.

We know what has happened in the interim. This war with Iraq has cost an unbelievable amount of money and lives. It has cost this country dearly around the world. Now we are in a situation where, according to the latest National Intelligence Estimate that there is a civil war in Iraq. That is a combined judgment of all of the intelligence sources in our country and the top intelligence officers and folks in the administration.

It is not, as the President seems to suggest, the fight against al-Qaida in Iraq. Our National Intelligence Estimate tells us what it is. It is sectarian violence. There is some presence of al-Qaida in Anbar Province in Iraq, but principally what is happening in Iraq is not about al-Qaida and terrorists; it is about sectarian violence, committing acts of terror—Sunni against Shia and Shia against Sunni—and the most unbelievable acts of terror you can imagine.

In fact, the head of our intelligence has since said this, that the greatest terrorist threat to our country is with al-Qaida and its leadership, which is in a secure hideaway in Pakistan. These are the people who boasted about murdering innocent Americans on 9/11/2001. No, they have not been brought to justice. They are, according to the head of our intelligence services, in a secure hideaway in Pakistan.

What, then, should be our greatest goal? What should be our priority? Continuing in a civil war in Iraq, having our troops in the middle of a civil

war in Iraq? Or deciding we are going to go after the terrorists who represent the greatest threat to our country, al-Qaida? That is not from me. The description of that comes from the head of our intelligence services in this country.

I have described the mistakes that were made. In fact, there was no oversight, of course, in the last few years in the Congress, none at all—no hearings, no oversight to talk about this. So I held oversight hearings as chairman of the Democratic Policy Committee. One day, I had four people come before the committee who previously had worked for the CIA, and others. One of whom was COL Larry Wilkerson, who served 17 years as a top assistant to Colin Powell, including when he was Secretary of State. He was there when the presentation was made at the United Nations. He said later that was the perpetration of a hoax on the American people.

I cannot pretend to know what went wrong or how. I know in the aftermath that this Congress, with the majority that existed last year, held no oversight hearings and didn't seem to care, wanted to keep it behind the curtain. I know this, however: Going forward, this country's future and this country's security depends on good intelligence. It depends on our getting it right, and it depends on our knowing what is happening. Reauthorizing the intelligence functions of our Government is critical.

It undermines our soldiers, in my judgment, for us not to take action to provide the very finest intelligence that can be available to us through reauthorizing our intelligence functions. It should have been done before, but it wasn't. It is brought to the floor now, but it will not be allowed to be debated because the minority says they don't want to reauthorize the intelligence functions under these conditions. I don't understand that. I think that shortchanges the American people.

But it is not just intelligence. Earlier today, the minority said we will not allow you to move forward on a domestic issue, and that is having the American people feel as though their Government is giving them the best deal possible by negotiating decent prices with the pharmaceutical industry for drugs that are purchased under Medicare. We hoped to have a debate about that. In 2000, the drug companies, the pharmaceutical companies, ran an advertising campaign in this country in support of creating a Medicare drug benefit. This is what they said: They touted a study that said private drug insurance will lower prices 30 to 39 percent. That is what they said.

We understand about prices. Mr. President, let me, if I might, show you two bottles that formerly contained medicine. This is Lipitor. The American people understand about drug pricing and the unfairness to the American people. This is a drug produced in Ireland. A lot of people take it to lower their cholesterol. These bottles are, as you can see, identical. They held tablets of Lipitor, made in the same plant, FDA approved—exactly the same medicine. The difference is this one was actually sent to Canada to be sold. This one was sent to the United States. Well, this one was twice as expensive to the U.S. consumer. The same pill made by the same company, made in the same manufacturing plant, sold in two different places—one in Canada and one in the United States—and Americans were told you pay double. And it is not just Canada. Almost any country I could name will be paying lower prices for the same drugs, because the American consumer is charged the highest prices.

We have legislation to try to respond to that. There is plenty of opposition in this Chamber. The first step in dealing with this is for the Government, as the institution that created the prescription drug benefit under Medicare, to be using its capability to buy in large quantities to reduce the price by negotiating with the pharmaceutical industry. But when the prescription drug plan for Medicare was put into place in this Chamber, then the Republicans in the majority said: We are going to prohibit the Federal Government from negotiating lower prices with the pharmaceutical industry.

That is almost unbelievable, when you think about it. Can you think of anybody in your hometown doing that—saying we are going to do business with somebody, but we are going to be prohibited from negotiating the best price? Well, nonetheless, that was the law, and so now we are trying to change it to say, no, we believe the Federal Government ought to be allowed to negotiate better prices for quantity discounts. Yet, now the minority party will not even allow us to continue because they force a cloture vote on a motion to proceed—not the bill itself, but on a motion to proceed to the bill—and they block it.

Well, the pharmaceutical industry had said if we pass prescription drug benefits in the Medicare Program, it would lower prices 30 to 39 percent. Has it done that? Well, no. I will give you examples: From November 2005 to April 2006—that is a half year—the prices charged for the 20 drugs most frequently prescribed to senior citizens increased by 3.7 percent, or about four times the rate of inflation. In the first quarter of 2006, drug prices shot up 3.9 percent, the highest first quarter increase in drug pricing in 6 years.

Now, some of my colleagues will argue that private plans are doing a terrific job of negotiating with drug companies. Well, we recently did a study on this subject. We did a study of 53 stand-alone Part D plans that are available in my State. We looked at the prices these plans paid for the 25 drugs most frequently prescribed to senior citizens. If those senior citizens bought the drugs at average Part D prices, it was $829. If you walked into the pharmacy downtown, it was $845. At Costco, it was $814. Where is the 30 to 39-percent discount here because the Federal Government has now become a giant purchaser? We used to get discounts under Medicaid—still do, in fact, under Medicaid, but those low-income senior citizens who migrated from Medicaid to Medicare mean we now pay more because we don't negotiate for lower prices with the prescription drug industry under Medicare. And that is the problem.

If all Secretary Leavitt would do as Secretary of HHS is to buy part D prescription drugs from Main Street pharmacies, Medicare will save money. I don't understand why those who are self-labeled as conservative would not be on the side of having the Federal Government make the best deal it can to save money when it is making bulk purchases of prescription drugs.

I understand part of what is happening. Part of what is happening is the pharmaceutical industry has a great deal of clout, and there is support for them in this Chamber. I don't come to the floor denigrating the industry. I don't like their pricing policies. I have told them that. The pharmaceutical industry produces some lifesaving medicine, some of it with research paid for by the American taxpayers through the National Institutes of Health and other venues, and some of it through their own research investment. They produce lifesaving medicines, and good for them. But lifesaving prescription drugs offer no miracles to those who can't afford to buy them, and pricing is an issue for all Americans.

With respect to the issue of senior citizens who are getting their prescription drugs now under the Medicare Program, pricing is an issue for the taxpayers because we are paying a much higher price than we should if we were to buy prescription drugs as we do in the veterans system, in the VA system. They are allowed to negotiate for lower prices in the VA system, and the result is dramatic.

We pay much lower prices for those prescription drugs because the Federal Government, as a very large producer, has the clout to negotiate lower prices. The Government is prevented specifically by law from doing the same thing with respect to the Medicare Part D Program, and it makes no sense at all.

I started by saying the minority party is now complaining in the newspapers this morning about the number of cloture motions that are filed in this Chamber. That is inconvenient, apparently, or they don't like it. I understand. But the fact is, the very party that complains about the cloture motions is objecting even to moving to a motion to proceed.

The motion is not shall we debate this issue, the motion is shall we proceed to the issue for a debate, and they are requiring that we file a cloture motion because they will not debate the motion to proceed, let alone the issue itself.

It was interesting that after the cloture motion failed on the motion to proceed because the minority blocked it, we had some people come to the floor to speak about the issue this morning to defend the pharmaceutical industry and say: No, the Federal Government shouldn't negotiate. It seems to me if they wanted to speak about the issue, why wouldn't they support the motion to proceed so we could actually get on the debate and they could debate on the issue rather than debate outside of what they have prevented?

I don't understand that. Maybe I shouldn't say that. I guess I do understand it. The complaint about our being required to file cloture motions comes from those who don't want to apparently go to intelligence reauthorization. They don't want to debate that bill, so they blocked it. They don't want to debate a provision that will allow us to negotiate lower prescription drug prices, so they blocked that bill. They forced us to have a vote on the motion to proceed on providing court security, for God's sake, in the shadow of the unspeakable tragedy and the heartbreak all of us feel with what has happened at Virginia Tech. The issue of court security ought not be controversial. Why on Earth should we be forced to file a cloture motion? Why should there be required a vote on the motion to proceed to something such as this issue? It doesn't make any sense.

The fact is, I have always said I think both political parties contribute something to this country. I believe that. We ought to get the best of what each can contribute to this country rather than what we often do, the worst of each. The best of what both parties can contribute to this country would give this country something to feel proud about. We ought to bring these issues to the floor of the Senate. Yes, reauthorize intelligence, yes, allow us to debate the issue of why shouldn't we negotiate lower priced prescription drugs on behalf of the taxpayers and on behalf of the American citizens. I held a hearing this morning on international trade. Yes, let's have that debate on the floor of the Senate. Why are we drowning in an $832 billion trade deficit? Why are American jobs being shipped off to China?

Let's have these debates on the floor of the Senate. Let's bring the bills out and have these debates rather than have exercises to try to block anybody from getting anything done. That is what has been happening. Block people from getting anything done and then go complain to the press that nothing is getting done—that is a very self-fulfilling prophecy but not very genuine, in my judgment.

I hope in the coming days and weeks—we have 6 weeks or so before there is a period of a few days off during the Memorial Day break—my hope is that during this period of time, we can move forward on some of these issues on the floor of the Senate, have aggressive debates, and try to get the best ideas that could come from both Republicans and Democrats and put them in legislation that will advance this country's interests.

This country deserves that debate on fiscal policy, on trade policy, on foreign policy, on a whole range of issues. This country deserves that from this Congress.

Mr. President, I yield the floor.

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

TRAGEDY AT VIRGINIA TECH

Mr. MENENDEZ. Mr. President, I rise today with an incredibly heavy heart to talk about the tragedy at Virginia Tech. Today families and loved ones across the Nation are grieving. A community, a college, and a nation are struggling to mourn the loss of more than 30 of its best and brightest.

I rise to speak today because, as we know, it is not just Virginia that is suffering, but this is a pain that is felt all across the country. This tragedy hit particularly close to home in New Jersey. At least three New Jersey families have suffered unspeakable losses. They are enduring any parent's worst nightmare—losing a child.

These three young people had yet to carve out their path in life, but each had promising ambitions, dreams they hoped to fulfill, and diverse interests that would, no doubt, have left their mark in this world.

Matt LaPorte, a 20-year-old from Dumont, was a talented student and musician who hoped to serve in the Air Force. He was in the Air Force ROTC attending Virginia Tech on a scholarship. A former Boy Scout, Matt was known as a gifted cellist and was a drum major in his school's marching band.

Julia Pryde, from Middletown, had graduated from Virginia Tech with a degree in biological systems engineering and was working on her master's degree. She was drawn to environmental engineering and was interested in clean water issues in South America, a passion that would no doubt have led her to further travel and work abroad. Friends have described her as having a bright spirit and as someone who loved to see the world.

Michael Pohle, Jr., from Flemington, was preparing to graduate in just a few weeks. A biochemistry major, he was working on finding a job that was a good fit for him and that would keep him close to his girlfriend Marcy, whom he had planned to marry. A natural athlete, he was known for his outgoing personality and a glowing smile.

These were young, innocent, and promising lives lost in Monday's vicious attack. Those who knew and loved them may never be the same. We cannot mend the hole in the hearts of the families who are suffering, but we can honor each life lost and carry on their memory.

I join all of my fellow New Jerseyans in offering my condolences to the families and friends who knew and loved these three young people.

I also extend my thoughts and prayers to a fourth New Jersey family who has been watching over their son, Sean McQuade. I join them in hoping and praying for his full recovery.

My heart goes out to all the families who are suffering because of this senseless tragedy. Our Nation grieves with them, and we share in their sorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again, this morning the Senate voted overwhelmingly to proceed to the court security bill. Ninety-four Senators voted for cloture to bring debate to a close on the motion to proceed to the bill. Yet here we are still stuck in postcloture debate or, in fact, nondebate on that procedural step of going to the bill.

I have heard rumor that one Senator, a Senator on the Judiciary Committee the panel that unanimously reported this very bill, now has 10 amendments to propose. I say to him and to all Senators, that no amendments can be offered until we get to the bill. This objection is apparently what is preventing that.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. We witnessed the horrific violence at the courthouse in Atlanta in which a Georgia State court judge was killed. And then last year there was the violence against a State judge in Nevada. Despite our efforts and the commitment of Senator DURBIN and Senator REID, despite Senate passage of this measure twice last year, Congress has yet finally to enact these measures to improve court security.

I introduced this bipartisan measure on January 24, 2007, along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN, Senator KENNEDY, Senator HATCH, Senator SCHUMER and Senator COLLINS. Senator CARDIN also joined the bill as a cosponsor. House Judiciary Chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support. We hoped to send a signal with our bicameral, bipartisan introduction at the beginning of this year that we intended to move quickly to complete our work and increase legal protections for the Judiciary and their families.

The Judiciary Committee then held a remarkable hearing in February with Supreme Court Justice Anthony Kennedy. That hearing reminded us all of

the need to provide resources and protections crucial to our Federal and State courts. We also discussed the critical need to preserve the independence of our Federal Judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. As the Judiciary Committee discussed in our hearings, the independent Judiciary faces many types of threats. I take all of these threats seriously, from the threats to judges' physical safety to rhetorical attacks by some affiliated with the political branches upon their independence. We cannot tolerate or excuse violence against judges, their families and those who serve our justice system.

Nor should we excuse the overheated rhetoric that has become so prominent in political campaigns lately. During the last few years, even as judges have come under physical attacks, we have seen federal judges compared to the Ku Klux Klan, called ''the focus of evil,'' and in one unbelievable instance referred to as a threat ''more serious than a few bearded terrorists who fly into buildings.'' A prominent television evangelist proclaimed the Federal Judiciary ''the worst threat America has faced in 400 years—worse than Nazi Germany, Japan and the Civil War.'' We have seen some in Congress threaten the mass impeachments of judges with whom they disagree and heard comment that violence against judges could be brought on by their own rulings. That is irresponsible and dangerous.

Justice Sandra Day O'Connor has spoken out in recent years about the danger of this rhetoric and criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal Judiciary. Like Justice O'Connor, Justice Kennedy urged us to find a more civil discourse about judges and their decisions. This high-pitched partisan rhetoric should stop, not just for the sake of our judges, but also for the independence of the Judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. During the last few years it has been the courts that have acted to protect our liberties and our Constitution. We ought to do all we can to protect them, physically and institutionally.

We can take a significant step today by passing the Court Security Improvement Act. This bill responds to the needs expressed by the Federal Judiciary for a greater voice in working with the U.S. Marshals Service to determine their security needs. It would enact new criminal penalties for the protections of judges, their families, and others performing official duties, expand resources available to state courts for their security, and provide additional protections for law enforcement officers.

Our Nation's Founders knew that without an independent Judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of our Judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs. Our independent Judiciary is the envy of the world, and we must take care to protect and preserve it so that it may preserve, protect and defend the Constitution of the United States and the rights and liberties that define us as Americans.

I thank the majority leader for recognizing the significance of this bill and seeking to move to it. The Judiciary Committee voted unanimously to report the bill after its consideration. I have taken care to report the bill favorably to the Senate with a committee report, which has been available since last month.

I was disappointed that we could not gain the consent of the other side to adopt this measure, pass it and send it to the House for its consideration last month. An anonymous Republican objection has stalled Senate action in that regard. Last week, the majority leader sought consent to proceed to the bill, but that was prevented by Republican objection. The Senate has been required to file a cloture petition in order to consider the majority leader's motion to move to this bipartisan, court security legislation.

I do not know exactly who has objected or why. It is unfortunate. I have heard rumors that someone objects to the authorization for States, local governments, and Indian tribes to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes. That was a provision contained in the court security bill we passed last year. While other useful programs were required to be stripped from the bill, that one was retained when the Senate passed this measure last fall. I do not know why someone who agreed to that provision last year now finds authorizing a victim program objectionable. We are about to honor and recognize the importance of crime victims by commemorating National Crime Victims' Rights Week beginning this Sunday, April 22. I hope we can pass this bill with the authorization to prevent threats, intimidation and retaliation against victims of violent crime intact.

I look forward to Senate consideration and passage of this worthwhile legislation. I hope that secret holds and extraneous proposals will not be used to complicate its passage by the Senate and enactment by the Congress. We have a great deal to do. We have an ambitious agenda to assist the judicial branch. We need to extend needed temporary judgeships that are otherwise expiring and expired. We need to consider the important issue of judicial pay. We will need next year to take a comprehensive look at what additional judgeships are needed in the Federal Judiciary. I hope that those who have acted to delay us will work with us and get down to business. It is past time to enact this judicial security legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the chairman of the Judiciary Committee for stating that the debate we are having on this bill isn't really about the bill. The debate is about the process.

We had an election in November, and one of the things outlined by that was that Americans are concerned with excessive spending. There are some big facts that face us. Our judiciary is not nearly as at risk as our children and grandchildren are from the lack of cogent and disciplined spending by this body.

The reason we are at the place we are today is because I believe, and the vast majority of Americans agree with me, that we have to have priorities in how we spend our money. For us to be good stewards of the American taxpayers' dollars, we ought to establish priorities. This bill is a priority. I support the concepts behind the bill, and I will go through them in a minute. But what should be a greater priority for us is that we offer our children and grandchildren the same opportunities, the same freedoms, and the same liberties we enjoy.

The way the Senate works is something I believe needs to be changed, and I am willing to stand out here on every bill that comes to this floor to do exactly the same thing as I am going to do today. Here is the little problem that nobody—or very few in the Senate—wants to address. We react and create a good piece of legislation. This is a good piece of legislation. But we don't do the other half of our job, and the other half of our job is to get rid of the things that aren't working well.

Assume for a minute that every bill we authorize every year is done in a manner that says everything else in the Federal Government is working well. First of all, you ask the average citizen, and they would say: No, that isn't quite right. You go down, and everybody has a different complaint. But the fact is, we continue to authorize, we continue to authorize, and we continue to authorize, but we never go back and look at what isn't working and deauthorize.

My complaint with this bill isn't with the Senator from Pennsylvania. He was very cooperative in trying to address my desires for us to deauthorize certain things that either have excess monies or programs that aren't efficient or aren't working as they were intended to. However, when approaching the chairman of the committee, he refused to even consider the idea that

we ought to deauthorize something that isn't working in order to create this thing we all know is needed. It is a good piece of legislation, and we ought to pass it, and we will pass it. But the point that needs to be made to the American people, a point they agree with, is that authorizing a new piece of legislation is only half of our job. As a matter of fact, it shouldn't even be half. We ought to spend three-quarters of our time looking at what we are doing already that is authorized and making sure it is working efficiently. I don't think anybody in their right mind would disagree with that.

We, in my subcommittee in the 109th Congress, along with TOM CARPER, held 49 oversight hearings on the Federal Government. What we found is that of the discretionary budget, the non-Medicare, non-Social Security, non-Medicaid budget, $1 in every $5 we spend is either wasted, abused, defrauded, or duplicated. It hardly seems fair to a middle-income taxpayer out there, who only yesterday paid their taxes and got hit with an extra $1,500 or $2,000 under the AMT, that they would have to pay that extra money at a time when we are allowing $1 out of every $5 to be wastefully spent, misspent, abused, or defrauded.

So the idea behind what I sent to all of my fellow Senators at the beginning of the year—and the Senator from Vermont knows very well why I objected to coming to the floor without a motion to proceed, without a cloture on that; it is because he represents what I think has to be changed—that we have to be responsible stewards of the American taxpayers' dollars, and we are not.

The idea is to change the culture of how we work. How do we do that? Well, we don't do it by continuing to pass new authorizations without ever looking at what could be deauthorized to pay for what we are authorizing anew. What we do is we fail the test of being good stewards to the very people we represent. As I said, Senator SPECTER, the ranking member on the Judiciary Committee, was very cooperative in trying to find those offsets. I think he basically agrees with my contention that we ought to be about doing good things, but we also ought to be about getting rid of the things that aren't working.

It saddens me to think that all through this 110th Congress, I am going to be doing this on every new authorization that comes out here if my colleagues don't believe we ought to be changing the way we work. It is a simple request. It is easy to find the offsets. As the Senator from Pennsylvania knows, we had offsets for this bill in terms of deauthorizations. They weren't acceptable to the chairman because he disagrees with the underlying fundamental premise of what I believe is an absolute obligation for us in terms of being good stewards.

At the beginning of this Congress, I sent a letter to every Member of this body, and I outlined some principles under which I was going to work in this Congress. I am dedicated to those principles, and it doesn't have anything to do with me or anything to do with the parties. I don't care who is in the majority or who is in the minority.

It has to do with our future. That is what this is about. This is about fighting for our future and having a long-range vision rather than a short-term vision of putting out a fire somewhere.

The principles I outlined said that I would put a hold—and, by the way, the chairman this morning said there was an anonymous hold. That is not true. I very eloquently and directly communicated my hold on this bill. And the letter I sent to everybody in the Senate at the beginning of this Congress directed that I would be the one holding the bills. I said this:

If a bill creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity without deauthorizing the existing program. That is No. 1. And several bills I had last year were duplications.

No. 2 is, if a bill authorizes new spending, it must be offset by reductions in real authorized spending elsewhere. How are we ever going to control our deficit? And we do not have, as the administration said, a $170 billion deficit. Our real deficit, what we actually added to the debt last year, what we actually added to our children's debt, was about $340 billion. So when we are adding $340 billion every year to our kids' and grandkids' debt, isn't it incumbent upon us to do the necessary things to make sure that doesn't happen in the future? Well, one of the ways to do that is to look at programs which aren't working and are not effective and which do not need authorization.

What happens in the Senate is that the appropriators decide what will get spent and what won't get spent. But the authorizing committee, the committee that is charged with that area, never deauthorizes anything. So we have this continuing mounting of authorization, with limited dollars to go for it, which never forces real priorities or a debate over the priorities by the authorizing committees.

The third point I made is that if a program or activity currently receives funding from sources other than the Federal Government—i.e., a match—then we shouldn't increase the role of the Federal Government in terms of increasing the percentage the Federal Government pays. Take our $340 billion deficit. Every State, save one, has a surplus. They did last year, and they will this year. So if States have surpluses and we have a deficit, we shouldn't increase our role. We shouldn't be doing that.

Finally, if we create a new museum or some new cultural program, then we ought to endow it rather than set it up for its continuing cost. We should use the power of compound interest to help us save money in the future. If we really think something is important enough to invest in, we should endow that and use the power of compound interest with the idea that the endowment will earn enough money to take care of that program in the future rather than passing that new program off to our kids.

Four very simple things that I ask.

I also stated in that letter that if I thought something was unconstitutional, then I would object to it, also. However, that doesn't apply in this instance. There is a legitimate role for us here. This is a good piece of legislation. But it does lack one of the criteria under which I stated I would try to hold bills up. I have no intention of filibustering this bill. I have no intention of making it difficult to pass the bill. I have every intention to make it an issue with the American people that we are not doing our job and that we are better than that. We are better than that. The people in this body care. The question is, Do we care enough to put the elbow grease into doing what is necessary to preserve the future? I believe we do care. I believe we can, and I believe, with persistence—and the chairman and the ranking member know that if there is anything I am about, it is about being persistent—if it requires this type of structure in terms of bringing bills to the floor, then I am happy to oblige the Senate in that to continue to make the point.

Almost 2 years ago, maybe more than 2 years ago, the infamous bridge to nowhere was brought to light, which bought about the changes we are seeing in earmarks. It was one example, which really wasn't a fair example to the Senator who had that, but nevertheless it characterized and became the caricature for the bad habits we have in Congress.

My hope is that the American people will look at the commonsense approach I am trying to propose for us as we authorize new programs and say: That makes sense. Why would you continue funding things that don't work? Why would you continue authorizations for programs that aren't effective? Why would you continue authorizations for programs that are duplicative? Where one works good and one not so good, why shouldn't we put money into something that works good rather than not quite so good?

So the question is not whether we should have court security. Of course we should. The question is not whether this bill should pass. It should. The question is, How do we address this fact?

Every child who is born in this country today, every one of them, has a birth tax on them. It is now at $453,000 a child.

People say: How do you get that?

You take the $70 trillion in unfunded liabilities that we are going to transfer to this next 200 million children, and you can see what they are liable for.

Take 10 percent interest. If you took a 10-percent interest rate on $453,000,

simple interest, to pay the interest on the debt, to cover what we are leaving to our children and grandchildren, is $45,300 a year.

The greatest moral question in our country today is not the war in Iraq, it is not who marries whom, it is not abortion, it is not child abuse, it is stealing the opportunity and the heritage this country has given us and taking that away from our children and grandchildren.

I know the Senator from Vermont is not happy with me for doing this. He believes it is fruitless. But it is the very real difference between he and I. I believe there is plenty in the Federal Government that is not working right that we ought to be about fixing, and one of the ways we do that is by forcing ourselves, before we do a new program, to look at the old programs and see what is wrong with them and clean them up. You can debate that. You can object to it. But the fact is, the vast majority of Americans agree with that.

We are going to be going through this multiple times this year until we get to the fact that we are doing what our oath tells us to do. That oath is to the Constitution. We cannot fulfill that oath if we continue to waste money on ineffective programs and authorize programs that are not accomplishing their goals. It is an oath that we violate, an oath to the Constitution but, more important, it is an oath we violate to the very people who sent us here.

Every dollar we waste today is a dollar that is not going to reduce that $453,000 for our children and grandchildren. One of the greatest joys I have in life today is that I have four grandchildren, each one of them unique, and the great pleasure of seeing your children through your grandchildren and reliving memories. That is always couched in the idea of what can I do to make sure the future is fair and a great opportunity is made available to them and all their peers throughout this country, no matter where they come from, what family they come from. Shouldn't they all have the same opportunities?

If you read what David Walker, the Comptroller General of the United States, has to say—and all you have to do is go on the Web site of the Government Accountability Office—what you find is we are on an unsustainable course. It is not what TOM COBURN says, it is what the head of the Government Accountability Office says. Things have to change. Every day we wait to change them costs us money and makes it more painful when we get around to changing them.

I plan, in a moment, on offering to proceed to the bill. We are out here today because the vision that was created for us, and the heritage that was created for us, is at risk. It is at risk because we do not want to change our culture. We don't want to be responsible. We want to pass but not oversee. We want to do the easy but not the hard. The hard is the thing that is going to secure the future for our children and our grandchildren.

It is easy for us to pass a port security bill. It is bipartisan. It is hard for us to do the very real work of making sure every penny, of the American taxpayers' dollars is spent in an efficient way, that it is not wasted.

Mr. President, if you think $1 in $5 of the discretionary budget of this country should not be wasted, if you think the Congress ought to be about looking at everything and saying, is it working, ought to be about getting rid of the $200 billion of waste, fraud, abuse, and duplication that is in our Federal Government today, then there is no way you could disagree with the principles I outlined to all the Senators in this body. Yet we find ourselves here at this point in time because the chairman of the Judiciary Committee refuses to agree with the premise that we owe it to our children and grandchildren. That is basically it because I am not about to do that. We do not believe that is necessary.

Something has to change if we are going to give our children and our grandchildren the benefits and the opportunity we have all experienced. I think that is worth taking some time on the floor, pushing the envelope to raise the awareness of the American people. I know I can't change this body through persuasion, through words. But what does change this body is the American people. The American people are the ones who send us here. If they will act, if they will put pressure on, then we will do what we are supposed to do. It is a shame we have to work it that way, but this last election proved that. It proved when we are not doing what we are supposed to be doing, the American people awaken, and they change who has the power, who has the representation.

What I am calling for is let's do that for the American people. Let's do it ahead of time. Let's not make them force a change, let's do what we were sent up to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I make a motion to proceed to the bill.

The PRESIDING OFFICER. The motion is pending. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment.

[Insert the part printed in italic]

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of

1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) the nature or type of information redacted;

''(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

''(vi) principles used to guide implementation of redaction authority; and

''(vii) any public complaints received in regards to redaction.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and any other court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 118. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114; or

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''118. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking ''80'' and inserting ''70'';

(2) striking ''and 10'' and inserting ''10''; and

(3) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b), by inserting ''State or local court,'' after ''government,''.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2006'' and inserting ''2011''.

SEC. 506. FEDERAL JUDGES FOR COURTS OF APPEALS.

Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking ''12'' and inserting ''11''; and

(2) in the item relating to the Ninth Circuit, by striking ''28'' and inserting ''29''.

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

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I wish to speak in favor of S. 378, the Court Security Improvement Act. But before I do, I wish to address remarks made this morning by the majority whip, the distinguished Senator from Illinois, for whom I have a lot of respect, but I have to tell you, I disagree with those comments, and I wish to take a few moments to explain why.

Throughout his comments, the Senator repeated the theme that Republicans were stopping debate on the floor and not allowing bills to be debated. I disagree with him, and I believe nothing could be farther from the truth. The truth is, as I see it, the majority has tried to force things through the Senate, and they have done so in a way that has denied the minority an opportunity to offer amendments and to allow this body, the so-called world's greatest deliberative body, to

even have votes and make decisions on those important amendments.

This morning, the Democratic whip talked about our Founders' intent that ''minority rights would always be respected.'' In this body, minority rights are not being respected. That is the problem. So we have no choice but to assert the last protection against majority tyranny; that is, to object or vote against invoking cloture or closing off debate.

In the past, the majority has used cloture when necessary to move a bill forward, after debate has been exhausted, but the minority refuses to allow movement on the legislation. I think that is a perfectly legitimate use of the cloture motion.

By this date in the 109th Congress—the Congress just preceding the current Congress—Republicans, when they were in the majority, had filed cloture four times. In the 108th Congress—the immediately preceding Congress—at this point in time, when Republicans were in the majority, Republicans had filed cloture five times. In the 107th Congress, Republicans only filed cloture one time at this point in time.

By comparison, since the Democrats have now become the new majority in the Senate, Democrats have filed cloture 22 times. The question naturally arises: Why are Democrats using this divisive tactic so frequently to close off debate?

Well, I think my colleague from Illinois disclosed the reason this morning when he stated:

> Ultimately, they will be held accountable for their strategy. That is what elections are all about.

It is the view from this Senator, from my perspective, the Democrats are using this tactic to paint Republicans as obstructionists, when the exact opposite is true. The new Democratic majority in the Senate is refusing to allow full and fair debate on issue after issue and, more importantly, denying us an opportunity to offer amendments on important legislation and to simply have an up-or-down vote on those amendments.

I can tell you, from my perspective, Republicans do not enjoy the procedural clash any more than Democrats do. But it is necessary to protect this institution and, even more importantly, necessary to protect the rights afforded in the Senate to the minority.

We have been eager to engage in full debate, and we understand the rules that majorities will prevail when majorities have an opportunity to vote. But the rules do not permit the new majority, the Democrats, to unilaterally set the terms for the debate. Until the Democratic majority recognizes all Members of this body have the right to debate legislation, to offer amendments, and to have votes on those amendments, we will continue in this standoff.

It is true, I believe, that only the majority—the new Democratic majority—can fix this problem by simply allowing full debate to go forward and by allowing up-or-down votes on amendments on the Senate floor, which requires discussions, which requires negotiations, and, yes, it requires compromise.

Filing cloture—closing off debate—is an intensely aggressive move. It says: We do not want to hear your opinions. We do not want to hear your views. We do not want to consider your ideas on how to improve the legislation on the floor of the Senate. We want to shut down the debate, and we want to shove this legislation through the Senate. It is a ''my way or the highway'' approach to legislation. And do you know what. It does not work.

I would point out—and I guess it is fair to say if you have been in the Senate long enough—and I have not—but I have been told, if you have been in the Senate long enough, you will find yourself, at some points in your career, on the side of the majority, and at other times you will find yourself on the side of the minority. It is the way it works.

Last Congress, when Democrats were in the minority, they insisted that the filing of cloture turned the Senate into the House of Representatives—a refusal to allow open and broad debate, with hard majority rule. Here they are now, though, attempting to cut off debate at, it seems, almost every possible turn. It is the reason—and this is the consequence of it; it is not just complaining about it; this is the consequence that has a very real impact on the American people because the new majority, the Democratic majority, has refused an opportunity for full and fair debate and votes on amendments—that is the reason why Democrats have not sent any real legislation to the President for his signature after 3 months in power. They have chosen the hard edge of party politics instead of bipartisanship.

Our Democratic friends have chosen to pursue this agenda driven by campaign rhetoric instead of seeking the broad middle ground and trying to negotiate and to pass legislation on behalf of the American people. It is true that Democrats won the last election—and my congratulations to them—on a message of bipartisanship, on a message of, let's get things done. But their choices to date have not reflected any effort to seriously reach across the aisle to do that.

One example that comes to mind is on Iraq. My colleague from Illinois claimed:

> We were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time on the floor considering a resolution, going on record as to whether we approve or disapprove of the President's action.

The fact is, completely the opposite occurred. Republicans on this incredibly important debate asked only that we be allowed to discuss the issue fully, and the Democratic majority repeatedly attempted to ram through their resolution without offering any alternatives or any opportunity for alternative resolutions to be considered and voted on. We explained this on the Senate floor over and over during that discussion, but our colleagues in the majority simply turned a deaf ear to our concerns. When they finally allowed several options to be considered, we were able to have a full debate we had been asking for all along, and then the process moved forward.

I would point out that was on the 20th iteration of the resolutions on Iraq before we had an opportunity to have that debate, a vote, and to move the process forward.

My colleague from Illinois repeated several times this morning his hope that we could ''find some ways to establish bipartisan cooperation.''

I say to my colleague, there is a way to do that. The majority must stop trying to ram legislation through and allow us to debate openly and to file relevant amendments and allow an up-or-down vote on those amendments.

My colleague from Illinois talked about the ''do-nothing Congress'' of last year—that was his phraseology—and placed sole blame for the current majority's lack of accomplishments on the minority's refusal to invoke cloture or close off debate. The Washington Post just this morning reported that only 26 percent of the public thinks the current Democratic majority in Congress has accomplished ''a great deal'' or ''a good amount.''

The fact is, this approach to legislating has not produced a single piece of significant legislation so far in this Congress due to the lack of bipartisanship and due to the lack of opportunity the minority has had to fully participate in the debate and shaping of legislation. Of the 17 laws enacted this Congress, 10 of those are naming of Federal properties. Let me say that again. Of the 17 pieces of legislation enacted in this Congress so far, 10 of them involve naming of Federal properties, Federal buildings, post offices and the like. Not one of the ''six for '06'' campaign promises has been passed by Congress.

The majority, to be sure, is blaming the minority for the lack of progress here based on the result of cloture votes, but let's look at the facts.

On the 9/11 bill, the recommendations of the 9/11 Commission, the House and the Senate passed different bills. Democratic leadership in neither body has brought up the other's bill so that those might be resolved in a conference committee.

On the minimum wage bill, the House and the Senate passed different versions, but no conferees have been appointed by either body.

On the emergency war supplemental, perhaps the most urgent piece of legislation we could possibly pass and send to the President to support the troops who are in harm's way as I speak, the House and the Senate passed different versions of the bill. The House, fresh off of a 2-week recess, has yet to appoint conferees to start working out

the differences between the bills to get funding to our troops. This is especially damaging and reckless, considering the majority is insisting we send a bill to the President that has a timeline for withdrawal, a provision that has caused the President to promise to veto that legislation. That means before the troops can get the money they need—in other words, to get them the equipment they need during this war—before we can get them the money, we have to come up with a bill the President will sign. Yet the Democratic majority has continued to play politics and stall the bill.

On stem cell research, no conferees have been appointed. The same for the budget. The same for lobbying reform. The list goes on and on.

The distinguished Senator from Illinois, the Democratic whip, explained that due to the numbers in this body:

> On any given day, if we're going to pass or consider important legislation, it has to be bipartisan.

And that:

> If we're going to be constructive in the United States Senate, we need much more bipartisan cooperation.

He continued, saying:

> We should come together, Democrats and Republicans, and compromise and cooperate.

And asking,

> Isn't it time we really start out on a new day in the Congress trying to find bipartisan ways to cooperate and solve the real problems that face our country?

To that I say amen. It is past time for the new majority in this body to stop acting like they are Members of the House of Representatives who are going to be able to force their will by a simple majority through the Senate because this is not the House. This is the Senate. The only way we are going to be able to get any legislation passed is through bipartisan cooperation. The only way we are going to get that cooperation is to meet in the middle somehow, to debate as our constituents would expect us to debate, to take positions—yes, firmly held positions—based on our convictions. But then ultimately we need to have votes on amendments and votes on legislation and let the majority prevail. Let's send the bills to the President for his signature. That is the way it is supposed to work. That is the way it has not been working, but we know the way forward.

I have to tell my colleagues that I and my Republican colleagues would welcome the opportunity to sit down on a bipartisan basis and to reach a consensus on important issues such as how to preserve our entitlement programs, including Social Security, Medicaid, and Medicare by protecting their long-term solvency. How do we avoid passing the bills incurred by the baby boomer generation on down to our children and grandchildren? How can we expand health care access to more Americans? How can we solve our broken immigration system, along with the broken borders that pose a national security risk to each and every American citizen? After all, I have to believe that is the reason we ran for public office. That is the reason we wanted to be elected to serve in the Senate—whether we are a Republican or a Democrat—to make a difference for the American people, to make our country a better place, and to make tomorrow better for our children and grandchildren than it is today. Instead, we spend day after day taking partisan votes that lead to nothing but gridlock. This is the choice of the majority, not the choice of the minority.

After the first 100 days, the Congress is, again, at a fork in the road. So far the new majority has taken the path of partisanship, but we know that will not get us down the road to progress. I hope during the second 100 days of this new Congress, the new majority will pause and decide to take the road less traveled—the road of cooperation and accomplishment.

Mr. President, I want to speak briefly on the Court Security Improvement Act, a bill of which I am proud to be a cosponsor. As we have already heard, this bill is designed to address the critical issue of the security of our judges and courthouse personnel. I have to add as a personal note, this is not a matter of just some academic interest to me. I believe I am correct in that I am the only current Member of the Senate who has served as a member of the judiciary, in my case for 13 years in our State court system in Texas, both at the trial bench and at the Texas Supreme Court level. So this is more than a matter of academic interest to me. Protecting our men and women who personify the rule of law and all that it means is very important.

The dedicated men and women who work in America's courthouses, from the judges to the court reporters to the bailiffs, preside each day over difficult, contentious, and sometimes very emotional disputes.

These public servants, just like our police, are placed in harm's way by the very nature of their jobs. They fulfill essential roles that keep our democracy running smoothly, and I have the greatest respect for the people who try to do this job and try to do it well.

Unfortunately, violence directed at public servants is on the rise, from escalating violence against police officers to courthouse attacks—including in my State of Texas—these despicable actions threaten the administration of justice and threaten our ability to invoke the rule of law.

This Congress has the power, and now we must exercise it, to ensure that certain and swift punishment awaits those who engage in these unconscionable acts of violence. The administration of justice—indeed, the health of our very democracy—depends on our ability to attract dedicated public servants to work at our courthouses. So we must do everything in our power to provide adequate security to these men and women who are too often targeted for violence or harassment simply because of the position they hold and the decisions they are called upon to make.

As a former attorney general in my State, I had the responsibility of defending sentences on appeal of certain defendants who had been found guilty of violent acts. So I am acutely aware of the devastating effects criminal acts of violence have on not only the victims themselves but also on their families. Because I also used to be a judge, I am fortunate to have a number of close personal friends who continue to serve on our benches and work at our courthouses. I personally know judges and their families who have been victims of violence, and I have grieved with those victims and their families.

Our judges are impartial umpires of the law. We know they cannot help but disappoint some people because that is what they do—they make decisions. They determine winners and losers. Judges, witnesses, and courthouse personnel must not face threats and violence for simply doing their job.

The protection of the men and women who compose our judicial system and serve the public and law enforcement is essential to the proper administration of justice in our country. This important bill takes big steps toward providing additional protections on these dedicated public servants. I urge my colleagues to give it their full support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

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

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

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

SUPREME COURT RULING ON ABORTION BAN

Mrs. FEINSTEIN. Mr. President, this morning, I heard my friend and colleague, Senator BROWNBACK, on the floor speaking about the decision of the Supreme Court. He and I both chair the Senate's Cancer Coalition, so it has been a great pleasure for me to work with him. But we have very different views when it comes to a woman's right to choose, and I would like to rise today to express my concern and deep dismay regarding the Supreme Court's decision in the case of Gonzales v. Carhart.

This judgment today is a major strike against a woman's right to choose. The Court, in this case, by a narrow 5-to-4 margin, has essentially enacted the first Federal abortion ban in this country and has struck down a primary requirement of Roe v. Wade—protection of the health of a mother.

In her dissent, Justice Ginsburg wrote:

Today's decision is alarming. It refuses to take Casey and Stenberg seriously. It tolerates, indeed applauds, Federal intervention to ban nationwide a procedure found necessary and proper in certain cases by the American College of Obstetrics and Gynecologists. It blurs the line firmly drawn in Casey between pre-viability and post- viability abortions. And for the first time since Roe, the court blesses a prohibition with no exception safeguarding a woman's health.

This is simply shocking. It is shocking because this can affect any second-trimester abortion.

Just 7 years ago, the Supreme Court struck down this very ban in Stenberg v. Carhart in the year 2000. It struck it down out of concern that it did not provide adequate protections for a woman's health and that the law enacted was too vague. The Federal courts, the Fifth and the Ninth Circuits, have all examined this and opposed it. No Federal Court has upheld this abortion ban until today.

Now, what has changed in the 7 years? The answer is nothing, except the composition of the Court. The additions of Chief Justice Roberts and Justice Alito have accomplished what the Bush administration has sought from its earliest days—a court willing to further restrict a woman's right to choose.

When they appeared before the Judiciary Committee during their confirmation hearings, both Chief Justice Roberts and Justice Alito affirmed their respect for stare decisis as preeminent and a controlling factor. In these hearings, Chief Justice Roberts said, and I quote:

People expect that the law is going to be what the court has told them the law is going to be. And that's an important consideration.

Justice Alito said, and I quote:

I've agreed, I think numerous times during these hearings, that when a decision is reaffirmed, that strengthens its value as stare decisis.

With Justice O'Connor no longer on the Court, the majority of Justices ignored what Senator SPECTER referred to as ''super precedent'' in these hearings.

As Justice Ginsburg points out:

The Court admits that ''moral concerns'' are at work, concerns that could yield prohibitions on any abortions.

She continues:

Instead, the Court deprives women of the right to make an autonomous choice, even at the expense of their safety. This way of thinking reflects ancient notions about women's place in the family and under the Constitution—ideas that have long since been discredited.

The Court, now filled with Bush appointees, is replacing the judicial precedent that they promised to respect for their definition of morality. That is where I see us as being today. With this ruling, the Supreme Court has substituted the medical decisions of politicians for that of doctors.

In the Congressional findings of the legislation creating this ban, as well as the majority opinion of the Court, politicians and Justices decided what procedures are medically necessary and which are not. Justice Kennedy wrote, in today's majority decision, that the Court assumed the abortion ban would ''be unconstitutional if it subjected women to significant health risks.'' He goes on to declare ''safe medical options are available.''

However, doctors who perform these procedures disagree. The American College of Obstetrics and Gynecology, the group that represents more than 90 percent of all OB/GYN specialists in the country, assembled an expert panel that identified several specific instances in which this procedure, intact dilation and extraction, has meaningful safety advantages over other medical options.

The procedure is safer for women with serious underlying medical conditions, including liver disease, bleeding and clotting disorders, and compromised immune systems.

Experts also testified that this procedure is significantly safer for women carrying fetuses with certain abnormalities, including severe hydrocephalus. That is when the head fills with water and is very often larger than the body. In these rare and heartbreaking cases in which a woman learns that something has gone tragically wrong in a pregnancy she very much wanted, no woman should be forced to bear the added burden of undergoing a medical procedure that is not the safest option.

The decision today unquestionably breaks new ground. I am extremely concerned that this has opened the door to a further judicial interference in what should be private medical decisions made by women, their partners, their religious beliefs, and their doctors. With this decision, the Roberts Court is signaling a new willingness to uphold additional restrictions on abortion, even those that do not expressly protect a woman's health. This is dangerous.

The Roberts Court has also opened the door for a major change in how it will determine whether a law unconstitutionally restricts a woman's rights. Generally, laws have been struck down when they are unconstitutional on their face, because if a law is unconstitutional for 10 people or 10 million people, then it should not stand. The Court is turning that analysis on its head. The Court's opinion today says it may uphold laws, even when they may be unconstitutional.

This means that in the future a woman could be put in an untenable situation. A woman facing a health crisis needs to act within days or weeks but instead would need to depend on the legal system. Let me give you an example.

A woman learns her pregnancy has gone tragically wrong and her health is at risk. She is told by the doctor that there exists a medical procedure that would help her, but it is banned. The alternatives will risk her health.

She has to go to court and argue that her constitutional rights, in this specific instance, have been violated.

We all know the wheels of justice spin slowly. It is doubtful the system could respond in a timely manner to a woman in this kind of crisis. If she can prove her case, she might be allowed to have the procedure, but the ban itself would still remain in place, requiring the next woman in a similar situation to have to successfully demonstrate that the law is unconstitutional. This is amazing. The Court, in effect, is requiring that women's health be at risk until it deems enough women have demonstrated the negative impact of the law on them. Requiring this type of legal challenge to any restriction on abortion will impact women in the most vulnerable situations.

I would like, for a moment, to quote Justice Ginsburg. She points out:

Those views, this Court made clear in Casey, ''are no longer consistent with our understanding of the family, the individual, or the Constitution.'' . . . Women, it is now acknowledged, have the talent, capacity, and right ''to participate equally in the social life of this Nation.''

In this, incidentally, she is quoting Sandra Day O'Connor in places in an earlier decision.

Their ability to realize their full potential, the Court recognized, is intimately connected to ''their ability to control their reproductive lives.'' . . . Thus, legal challenges to undue restrictions on abortion procedures do not seek to vindicate some generalized notion of privacy; rather, they center on a woman's autonomy to determine her life's course, and thus to enjoy equal citizenship stature.

In keeping with this comprehension of the right to reproductive choice, the Court has consistently required that laws regulating abortion, at any stage of pregnancy and in all cases, safeguard a woman's health.

This is now out the window. It is monumental.

In conclusion, I remember what it was like when abortion was illegal in America. It was when I was a college student at Stanford. I watched the passing of the plate to collect money so young women could go to Tijuana for an abortion. I knew a woman who ended her life because she was pregnant. In the 1960s, while abortion was still illegal, as a member of the California Board of Terms and Parole, I sentenced women convicted of illegally performing abortions. I saw the morbidity that they caused by their procedures. It was barbaric in those days. So I am very concerned with this ruling.

The Court is taking the first major step back to these days of 30, 40 years ago. Young women today have not had these experiences. They have lived only in an era in which the Court recognized their autonomy, their right to make their own medical decisions. If I were a young woman today, I would be incredibly concerned that this era is drawing to a close. The threat on reproductive freedom is no longer theoretical. Today it is very real. All those who care about protecting a woman's right to privacy should take notice and make their voices heard.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I appreciate very much the minority allowing us to move to this bill, this most important bill, dealing with court security. But here we go again; nothing happening on it. I am willing to have Democrats and Republicans debate these amendments. There have been some that have been filed but not offered.

I just left a meeting in my office with the head of the U.S. Marshals Service. His name is John Clark. He indicated to me, among other things, that this year there has been a 17-percent increase in the threats against our Federal judges, Supreme Court Justices, and all our other Federal judges; about 11,000, I think that is what he told me. I may have that number a little bit wrong; I just left him a minute ago.

This is important legislation. It allows our Federal judges not to have to list the names of their children, where they live, where the individual judge lives. We had in Illinois a terrible situation where one of these disgruntled defendants in a criminal case went to some judge's home and waited for the family to come home and killed them.

We need to move this bill. I don't want a hue and cry from the minority that we are not allowing amendments; we want amendments. If people want to amend this bill, let them do it. But I am going to file cloture on this bill tonight for a Friday cloture vote. We have got to complete legislation around here. We cannot come here each day and sit around looking at each other. We should be doing some legislating.

If people do not like this bipartisan bill that is now before the Senate, offer an amendment to change it. I am not going to give my speech—I have given it too many times—on our being thwarted in efforts to move forward on improving the intelligence services of this country. I don't need to give a speech about our inability to negotiate for lower prices of prescription drugs. But we are now on court security. I had to file cloture on that. After cloture was invoked, they allowed us to move to the bill, saving us 27 hours or 28 hours on it. I do not think it is appropriate that we stand around here today and tomorrow.

We have a bill that is bipartisan to its very core, a competitiveness bill. Senator BINGAMAN, a Democrat, and Senator ALEXANDER, a Republican, have worked on this bill. This is their pride and joy. It is the legislation that will improve this country's ability to be more competitive scientifically. I want to move to that bill and finish it this week. I cannot while this is still around with nothing being done on it.

I alert everyone within the sound of my voice, if you don't like this bill, come and amend it. Lay down an amendment and we will debate it, we will table it, we will approve it, we will vote, and it won't be passed.

But our judges, our U.S. Marshals, our U.S. attorneys need this. In my heart I so understand the importance. I said this morning here, this legislation will also help State courts, not only Federal courts. In Washoe County, Reno, NV, a divorce proceeding was going forward. A very rich man, quite frankly, didn't like what was happening in the divorce proceeding, so this man killed his wife in her home—they were divorced, his ex-wife. The child was in the house, and he took her in the garage, slit her throat, killed her, took the car, drove to a garage, took his hunting rifle, and from 200 yards from a parking lot shot through a window and hit the judge.

That window should have had bulletproof glass in it. It didn't. This bill will allow local jurisdictions to have the ability to obtain items such as bulletproof glass.

We are living in a violent society. We have to, with our judiciary, which is so independent and strong, do what we can to protect it. I was in Ecuador with a congressional delegation. The President of that country, when I told him a little story—and we were in the Embassy. The President of Ecuador was standing next to me, and I told him about the 2000 Presidential election.

I said: You know, that is an interesting election. President Bush got less votes than the person he beat. The matter went to Florida where there was so much confusion and consternation in counting the votes there. The matter worked its way to the Supreme Court. The Supreme Court decided that George Bush would be President of the United States. The minute that was done, I said, in Ecuador: George Bush became my President.

In our great country, which is ruled by law, not by men, there was not a tire burned, a window broken, a demonstration held, because we are a country of laws, and George Bush became everybody's President. I did not like the decision of the Supreme Court; I disagreed with it. But that is the law, that is the law of our country.

When I finished, the President of Ecuador said: I only wish we had a court system like yours.

That is what this bill is all about, to try to have our court system one that is as strong as it has been.

So if my friends on the other side of the aisle come here and say, as they have done on a number of occasions: Well, we didn't have a chance to offer an amendment—we finished this vote early today. They have had all day to offer all of the amendments they wanted. Democrats had every opportunity, if they do not like this bill, to offer an amendment to change it. But we are going to complete this bill by Friday one way or the other.

Now, Mr. President, it is possible under the rules that when we vote on Friday on cloture on the bill—we are on the bill now. It could be 30 hours, but everyone here should understand, we are going to be in session 30 hours after cloture is invoked.

We are not going to play around here, and think, well, we will finish it next week. We are going to finish this bill this week, if it takes Saturday or Sunday or whatever it takes, and everyone should understand that.

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

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

Mr. DURBIN. Mr. President, pending before the Senate at this time is a bill to make our courts safer. This is an issue we take personally in Chicago because in 2005, one of our most respected Federal judges had her mother and husband killed in her home, murdered by an upset individual who didn't like the way he was treated in a courtroom. He stalked her family, invaded her home, killed her aging mother, and husband, who was the love of her life. I know this judge because I appointed her to the Federal bench. I have met her daughters and I know her close friends in Chicago. I think about her every time the issue of court security comes up. She is a wonderful woman who has devoted her life to public service. She has put in the time that we expect from real professionals. She has done her best to be fair and just. She works hard. We owe her security in the workplace and security for her family.

That is why Senator OBAMA and I introduced an appropriations bill right after this happened, trying to put some money into the U.S. Marshals Service to protect judges across the United States. That is what this bill is all about. There is nothing partisan about this legislation. There is nothing even controversial about it. This bill should have been passed quickly, sent to the House and approved because it makes a better effort to protect these judges in their homes, gives more resources to U.S. marshals, puts stiffer penalties in for those who harass and shoot at and kill those who serve us in the judiciary. This is basic common sense. Instead of taking up this bill and passing it quickly, as we should have to get it in place and to put the protections in place, it has been slowed down.

One of our colleagues is exercising his rights under the Senate rules. I said earlier I will fight for him to have the right to speak it, on any bill, to offer

an amendment to it, to express himself, and to have the Senate decide finally what the decision will be on his amendment. I respect his right to do that. But instead we are going to slow this bill down for 2 days. We will have amendments filed, six, and they are just going to sit on the desk while the clock runs. Instead of moving to other legislation which is critically important we will just sit here. That is unfair. I don't think that is consistent with what the American people expect of the Senate.

I have called on my colleagues, the one who has six amendments filed and any who have other amendments, please bring them to the floor right now, within the next hour. Let's start the debate right now. Let's set them for a vote as quickly as possible. Let's stop these stall tactics on bills as basic as this, protecting the personal security of judges across America.

It is time for us to get down to business in the Senate. Look around at all the empty chairs. Look for the person who sponsored the amendments to this bill. You won't find him.

It is time for us to get down to business in the Senate. People expect us to. This week has been a pretty horrible week when you look at it. We came in here trying to pass a bill that would authorize intelligence agencies across our Government to make America safer, 16 different intelligence agencies, a bipartisan bill, worked on long and hard by Senator ROCKEFELLER, chairman of the Intelligence Committee, and his staff, and Senator BOND and his staff. The bill was ready to go, a bill which should have passed years ago, stopped in its tracks by the Republican minority that said, no. Vice President CHENEY objects to a provision in the bill relative to the interrogation of prisoners; imagine that he would raise that issue again. Therefore, all Republicans, with maybe a couple exceptions, are going to stop debate on the bill. That was strike 1.

Strike 2, a provision to amend the Medicare Prescription Drug Act so that we could have more competition and lower prices for seniors and disabled when they buy drugs. Some agree with it; some disagree. The pharmaceutical industry hates it; it cuts into their profits. It was worth a debate to see whether we could help seniors pay for their drugs and lower prices. But, no, the Republican minority said: No, we are not going to even debate that. We won't let you go to that. It is within their power to stop us, and they did it again.

Now comes this bill for court security, and for the third strike this week, the Republicans have said: No, we want to slow you down. We want to run out the clock. We want to put amendments on the table and not call them for consideration.

It is becoming increasingly clear what the Republican game plan is. We have seen it this week on three pieces of legislation. We see it with this bill. I have spoken to majority leader Senator REID who spoke moments ago. We have important business to do. In fact, we have business which is very bipartisan. This bill, which has been slowed down by one Republican Senator, has as cosponsors Senators SPECTER, CORNYN, COLLINS, and HATCH, all Republican Senators. It is a bipartisan bill. It is not even controversial. Why aren't we doing this? It isn't as if there are other things going on on the Senate floor. We are waiting on the Senators who want to stop or slow down this bill to finally come and do their business. It is not too much to ask. I understand we are all busy. From time to time we have to leave the Hill to go to a committee meeting. I know I filed an amendment and waited a while to call it. But now this Senator has had his time. He has had the whole day. We should call up one amendment before we go home, just in good faith, to indicate that this is really a serious effort, that there is a substantive reason to slow down this important legislation. We need to remind our colleagues of our responsibility to do the people's business.

IRAQ

I just joined the majority leader and others in meeting with the President of the United States to talk about the war in Iraq. I am glad we had this meeting. We didn't reach a new agreement or compromise. I wish we had. We started a dialog, and that is important. There were heartfelt emotions expressed at that meeting by many of us on both sides of the issue, by the President, as well as by Senator REID and myself and many others. Speaker PELOSI was there. The majority leader of the House, STENY HOYER, was in attendance, as was JIM CLYBORN, the majority whip, and the Republican leadership. We talked about the war in Iraq at length and where we need to go.

It is our belief that if we don't include language in the appropriations bill which says to the Iraqis that we are not going to stay there indefinitely, they are going to drag their feet forever when it comes to making the political reforms that are necessary. We are going to leave our soldiers stuck in the middle of a civil war. Mr. President, 3,311 Americans have died in service to this country while serving in Iraq. These are our best and bravest. They have given their lives, and they continue to give their lives while we debate and delay. It is time for us to move forward.

I suggested to the President in the moments that I had to express my point of view, if he won't accept a timetable for starting to bring American troops home, can't we at least hold the Iraqis to the timetable that they have offered us for political reform? They have missed deadline after deadline. They promised to bring their country together. They promised to bring their army into a leadership that will be effective. They have promised to try to resolve the old differences from the Baath Party under Saddam Hussein. Promise after promise after promise they have failed to keep while our soldiers fight and die every single day.

DARFUR

Despite the obvious differences from that meeting, there was one hopeful sign. We started the meeting, and I began by praising President Bush for delivering a speech today at the U.S. Holocaust Museum on the subject of the genocide in Darfur. It was the appropriate venue for the speech. The Holocaust Museum offers a powerful backdrop to consider the horrors of genocide. I am glad the President made this speech. I applaud him for making it. I had hoped that he would be a little bit stronger, but I understand, speaking personally with the President, that he wants to give new U.N. General Secretary Ban Ki-moon some time to use his office effectively.

The President essentially today, though, by every measure, gave Sudan a final warning, and it is about time. The President stated that within a ''short period of time,'' to use his words, President Bashir of Sudan must take the following steps: Allow the deployment of the full joint African Union-United Nations peacekeeping force in the area of Darfur where somewhere near 400,000 people have been murdered and over 2 million displaced. The President of Sudan must also end support for the Jingaweit militia, reach out to rebel leaders, allow humanitarian aid to reach the people of Darfur, and end his obstructionism. If he does not, President Bush stated, the United States will respond.

First, the U.S. will tighten economic sanctions on the Sudanese Government and the companies it controls. Second, the President will also levy sanctions against individuals who are responsible for the violence. Third, the U.S. will introduce a new U.N. Security Council resolution to apply multilateral sanctions against the Government of Sudan and impose an expanded arms embargo. This resolution will impose a ban on Sudanese offensive military flights over Darfur.

Last fall the President's special envoy talked about a January 1st deadline after which the United States would impose sanctions that would cripple the Sudanese oil industry. That deadline is months behind us, and the sanctions the President outlined are not as potent as they might be in terms of truly hitting the oil industry as I hoped they would.

The U.N. resolution and multilateral sanctions would be a major step forward. If we don't see rapid progress from the Sudanese Government, I urge the President to both introduce the U.N. resolution and to call for a vote. Let's put the countries of the world on notice that they must stand and be on the record on ending this genocide in Darfur.

As I said, I understand President Bush is responding to a special request

from U.N. Secretary General Ban Ki-moon who asked for some more time to negotiate. All I can say is, I hope the Secretary General's faith that real progress is being made is justified. At least on paper there has been a breakthrough in the last few days. The Sudanese Government has reportedly agreed to allowing 3,000 U.N. peacekeepers to deploy. But we have had promises like this in the past and no action.

China, Sudan's biggest supporter and biggest customer for its oil, has also started taking mutant, limited, but proactive steps in recent weeks to convince the Sudanese to move forward on peacekeeping. China's Assistant Foreign Minister recently toured refugee camps full of people from Darfur who had fled their homes. That is not a typical stop on a Chinese Government tour, a positive sign that China is not blind to the human rights abuses going on in Sudan. China has reportedly played an important role recently in urging the Sudanese Government to move forward.

At the same time, however, China continues to oppose sanctions even if Khartoum continues to obstruct peacekeeping. The Chinese Defense Minister recently announced that China is interested in developing military cooperation with Sudan, whatever that could possibly mean. As for Sudan, while Khartoum has said it will allow deployment of 3,000 U.N. peacekeepers, a new U.N. report details how the Sudanese Government is flying arms of heavy military equipment into Darfur.

This morning's New York Times has photographs of the Sudanese painting their airplanes to appear to be United Nations aircraft and African Union aircraft so that they can deceptively ship arms into this region that will be used to kill innocent people. That is the government we are dealing with in Khartoum. Sudan has promised to allow 3,000 U.N. peacekeepers and their equipment into Darfur. If it keeps the promise this time, it would be a start, but what is needed, as the President said today at the Holocaust Museum, is the full 21,000 combined U.N.-African Union force with the means and mandate to protect the people of Darfur. The people of Darfur have waited long enough for peace and security and the end of genocide. Now is the time to act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I am about to call up the managers' amendment the distinguished senior Senator from Pennsylvania and I have worked on.

So, Mr. President, I send to the desk, on behalf of myself and Senator SPECTER, an amendment.

The PRESIDING OFFICER. There is already a pending committee amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, parliamentary inquiry: What is currently pending?

The PRESIDING OFFICER. What is currently pending is a committee-reported amendment to the bill.

Mr. LEAHY. Would that be the Feinstein-Kyl amendment?

The PRESIDING OFFICER. It is the language on page 20, starting at line 22: ''Federal Judges For Courts Of Appeals.''

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The committee amendment was agreed to.

AMENDMENT NO. 896

Mr. LEAHY. Mr. President, I believe the managers' amendment is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. SPECTER, proposes an amendment numbered 896.

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

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

The amendment is as follows:

(Purpose: To make technical changes)

On page 5, line 5, strike ''any other court'' and insert ''the United States Tax Court''.

On page 5, line 10, after ''otherwise provide'' insert '', when requested by the chief judge of the Tax Court,''.

On page 5, line 13, strike ''person'' and insert ''persons''.

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike ''§ **118.**'' and insert ''§ **119.**''.

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike ''magistrates'' and insert ''magistrate judges''.

On page 20, line 9, strike ''**MAGISTRATES**'' and insert ''**MAGISTRATE JUDGES**''.

On page 20, strike lines 17 through 22 and insert the following:

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

Mr. LEAHY. Mr. President, this amendment, on behalf of myself and Senator SPECTER, irons out a few remaining technical and jurisdictional issues relating to our Court Security Improvement Act of 2007. We are offering a managers' amendment that contains a few technical fixes, including grammatical changes and proper references to ''magistrate judges.''

This bipartisan amendment will make clear that additional protection provided to the Tax Court by the Marshals Service shall be reimbursed by the funds allocated to the Tax Court. We also clarify the construction of which officers qualify as ''judges'' so that all Federal judges are treated the same with regard to life insurance.

Senator LIEBERMAN raised an objection with regard to section 505, which provided for the reauthorization of the Ethics in Government Act. I understand that Chairman LIEBERMAN is currently working to reauthorize that legislation, so Senator SPECTER and I have agreed to remove it from our court security bill.

I note for my colleagues that no major policy changes relating to improving the security that our Federal judges receive appear in this managers' package. I thank the distinguished Senator from Pennsylvania, Mr. SPECTER, for working with me on this important legislation.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment—

Mr. LEAHY. Mr. President, I understand there is a concern on the other side of the aisle, and as the one who has the floor at this point, I withhold that request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 891

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 891 be called up for its consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 891.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should offset the cost of new spending)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—(1) the national debt of the United States of America now exceeds $8,500,000,000;000;

(2) each United States citizen's share of this debt is approximately $29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

Mr. COBURN. Mr. President, this is a very simple amendment. It says: it is the sense of the Senate that we should not create new spending programs when we have to borrow money to pay for them; that, in fact, we ought to create priorities, that the priorities ought to be the same type of priorities that everybody in this country has to face every day with their own personal budget, that they cannot go out and use their credit card without having a consequence.

This is a very simple amendment. I wish to read it thoroughly so everybody understands what the amendment says. It says the following:

The Senate finds that—

(1) the national debt of the United States of America now exceeds $8,500,000,000,000;

(2) each United States citizen's share of this debt—

from the oldest to the youngest—

is approximately $29,183;

(3) every [penny] that the United States Government borrows and adds to this debt is money [that will be borrowed] from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

It also states:

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints [every American faces] everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources. . . .

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. LEAHY. Mr. President, would this also include the hundreds of billions of dollars we have borrowed so far for the war in Iraq?

Mr. COBURN. Absolutely. I agree with that.

Mr. LEAHY. Would this mean we would not be able to continue to borrow money for the war in Iraq?

Mr. COBURN. This is a sense of the Senate. I would be happy for us not to borrow money. We had $200 billion a year in waste, fraud, abuse, and duplication outlined by the Federal Financial Management Subcommittee last year. Appropriators refused to look at that, ways to fund it. Mr. President, $200 billion—we could spend $100 billion on the war and $100 billion to lower the deficit. I would be very happy to apply this to everything we do. Every American has to do exactly the same thing with their own budget every day.

Mr. LEAHY. Mr. President, if I could continue for a moment, without the Senator losing his right to the floor. I share his concern about expenditures. I wish we were back in the days of President Clinton, where we built up a surplus and started paying down the Federal debt; other than what a Republican-controlled Congress voted for, which has tripled the national debt.

Mr. COBURN. The Senator makes a great point. The realistic fact is, we decreased the Federal debt $2 billion under the entire Clinton administration. Mr. President, $2 billion. One year we had a true surplus—a true surplus. That was the extent of it. And since then, and before then, we have borrowed the future of our children away.

To continue, this resolution states:

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security. . . .

I say to Social Security recipients, we borrowed $140 billion, last year, from Social Security to pay for things we were not willing to either trim down, make more efficient or eliminate in duplicative programs.

We also are borrowing from foreign governments. That is affecting our financial status. But most importantly, we are borrowing from future generations of Americans.

The amendment states:

(b) . . . It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

It is very simple. A resolution has no impact of law. It says: We agree, here are the rules under which we ought to operate. It does not bind anybody. It says, if we are going to create new programs, we either ought to find a way where we do not borrow to pay for them or we ought to offset them by eliminating ineffective programs.

In 2001, as the Senator rightly noted, the Federal debt per person in this country was $21,000. It has risen almost $10,000 since 2001. A lot of people are quick to dismiss that figure, say it does not matter, we only need to worry about the debt and the deficits as compared to the economic growth in the size of our economy. A better rule of thumb is how Government growth compares to the growth of wages and earnings. Last fiscal year alone, the real Federal deficit increased in excess of $300 billion—a debt our children and grandchildren will repay. So $7.2 billion was spent each day, or $84,000 was spent per second—per second. If regular Americans must tighten their belts to live within their means, the Federal Government should do the same instead of authorizing new spending without offsetting similar spending.

Last year's interest costs alone were 8 percent of the total Federal budget. In contrast, the average American spends about 5 percent of their income as a percentage of their interest costs. The Federal Government spent $226 billion on interest costs alone. According to the Government Accountability Office, by the year 2030, interest will consume 25 percent—25 percent—of the Federal debt.

So why do I bring this resolution to the floor? I bring the resolution to the floor to make the point that when we authorize new programs, we ought to find the money to pay for them and we ought to reduce programs that aren't effective. We ought to look at the programs that aren't accomplishing what we want them to, we ought to eliminate duplicate programs where one works well and one doesn't work quite so well and put the money into the one that works well so we get good value for our dollars, and we ought to change the habits under which we work so we can all accomplish what we would like to see.

I would like to see middle-income wages rise in this country at a rate faster than they rise for the wealthy

class. I would like to see opportunity enhanced in this country. I would like to see a balanced budget so we don't steal opportunity from our children and our grandchildren. I don't think most people disagree with that.

The reason we are out here debating this is I had a simple request: Let's just find some deauthorization amendments so that when we bring this new and very needed bill to the floor—and I agree and I think everybody on the Judiciary Committee agrees this is a good bill; it is going to pass—shouldn't we make some hard choices, just like every family makes? Instead, we choose not to. We decide we will pass a new bill. We will add $40 million a year to the cost to run the Government, but we won't deauthorize anything that is out there that is not working effectively. We won't fix the improper payments that are going on in this country to the tune of about $40 billion—that is billion with a ''b.'' That is a thousand times more in improper payments than this bill costs. We won't do the hard work that is necessary.

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

Mr. COBURN. I am happy to yield to the Senator. By the way, I enjoyed the Senator's speech on Darfur, and as the Senator from Illinois knows, I agree with him very much. I thank him for his efforts on the genocide that is now occurring in Darfur.

Mr. DURBIN. I thank the Senator from Oklahoma. He has been a stalwart in the effort for Darfur.

I would like to read a sentence to the Senator from Oklahoma and ask him what it means. It is a sentence from the underlying bill, which is an authorization bill. It relates to section 105. Here is what it says:

> In addition to any other amounts authorized to be appropriated for the U.S. Marshals Service, there are authorized to be appropriated for the U.S. Marshals Service to protect the judiciary $20 million for each of the fiscal years 2007 through 2011.

Now I would like to ask the Senator this: If we pass this bill authorizing $20 million to be appropriated to the U.S. Marshals Service to protect judges and then do not appropriate the money for that purpose, how much money will come out of the Federal Treasury going to the U.S. Marshals pursuant to this bill?

Mr. COBURN. None.

Mr. DURBIN. I would like to ask the Senator another question.

Mr. COBURN. I am happy to answer it.

Mr. DURBIN. Isn't that what this is all about?

Mr. COBURN. No, it is not.

Mr. DURBIN. You were claiming a reauthorization——

Mr. COBURN. Mr. President, reclaiming the floor, here is what it is about. The Senator from Illinois is a great advocate for those who are less fortunate in this country. That is what this is about. It is about changing the habits of the Senate.

I understand the appropriations process. I understand the authorization process. Changing the habits says we are not going to authorize new programs until we have done our homework on the programs that aren't effective. That is the whole purpose of this amendment.

I understand the Senator's consternation with my desire. I understand that most people inside Washington disagree. But I also understand that most people outside of Washington say that if you increase spending—authorized spending, not appropriated spending but authorized spending—$40 million and never look at what you can deauthorize, whenever we get to a surplus or when we get to a balanced budget, we are going to spend more money. We are not going to make the hard choices. That is exactly what happens. We can disagree with that but, in fact, that is how we got an $8.9 trillion deficit. That is how we ran a $300 billion-plus deficit this year. It is the process. It is the process where we have decided that authorization has minimal power to influence in this body and that appropriations has all power.

My point in making us debate this resolution on this bill and bringing it up is to say: Let's start the process where we start looking, as our oath charges us to do, at what doesn't work. Let's bring a bill that authorizes something that is very good and bring a bill that deauthorizes something that might get funding even though it is not effective.

I will give an example: the COPS Program. It is a very good program. It helps a lot of cities. Why shouldn't it be competitively bid? Why shouldn't the cities with the most need get the help with their police force rather than the cities whose Members put an earmark in for the COPS Program, and any money that doesn't go to true need comes back to the Federal Treasury? Why wouldn't we do that? Because that is hard work. Because we might alienate one group as we do what is best for everybody in America.

I understand the resistance to my efforts in challenging the way we operate in the Senate, and I understand the opposition to my techniques and methods in trying to accomplish that. However, as the Senator from Illinois knows, if I am a champion for anything, I am a champion for making sure we don't waste one penny anywhere. The best way to do that is to start having good habits in how we arrange what we are going to spend.

The fact is, it is very easy to find offsets in authorization because we have three times as much authorized as we actually spend. So the Senator's point is exactly true, but it doesn't direct us down to the problem. If we get in the habit of making the decision we are going to look at the programs that don't work, we are going to deauthorize the programs that don't work, guess what we will do. We eventually might get rid of the one $1 of every $5 on the discretionary side today that is either waste, fraud, abuse, or duplication—$1 in $5. No one in this body blows 20 percent of their personal budget on stuff that doesn't mean anything or have any return. Yet in the discretionary budget, everything except Medicare, Medicaid, and Social Security, that is exactly what we do. It is exactly what we do. So why would we not say: Let's change. Let's fulfill an obligation to two generations from us now. I know what I am doing today isn't going to have a great impact on the next appropriations bill or the next one after that or the one after that, but 5 years from now, it might have an impact.

The point is, let's live like everybody else out there. Let's not take the credit card and not look at the things we really should be looking at. Let's do some extra work. Let's try to accomplish what is best for everybody in this country, no matter what their economic station in life, no matter what their background, no matter what their position is. They all have a limited budget. They have to make choices. They have to make choices, and they have to prioritize things. The Senate doesn't; they just authorize another bill and never deauthorize anything else.

Mr. President, with that, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I respect the Senator from Oklahoma. I respect his fiscal conservatism. I respect his belief that our budget deficit is a source of growing concern for all of us. He says we need to start with good habits. I believe we need to start with the right language. We need to understand what the Senator is asking us to consider.

He started by saying that no family in America has the luxury the Federal Government has of spending more than they bring in year after year after year, which is what our deficit does at the Federal level. No argument there. Let me use another family example. My wife and I have raised three children. Occasionally, we have given them some choices. A father could say to his son: You have $200 coming up for your birthday. Here are the choices you can make: You can buy a new suit—it wouldn't be a bad idea if you are going to go out for an interview—or you can buy that bicycle you have had your eye on for a long time that you want to take to college or I know you want to buy an iPod. OK. Make a choice, but you only get $200. Make one of those choices. I authorize your birthday gift to be spent on those three things, but I will not appropriate—I will not give you the $200 for all three, only for one. Three choices are on the table; you only get to choose one.

Authorization bills put choices on the table, and then the appropriations bills make a choice. It doesn't mean my son is going to get $600 at the end of the day; he only gets $200. He has to make a choice from the gifts I have authorized. The Senator from Oklahoma is arguing that giving my son a choice of three things means he is going to demand all three and get them. Wrong. It is a matter of discipline when it comes to the appropriations process. The authorization process is not the problem. We could authorize much more than we ultimately spend, and we do, but in the final reckoning, the budget resolution says you can only spend so much money. You can only spend $200 on your birthday, I say to my son, even though you are being given three authorized choices.

So when the Senator offers us this sense of the Senate, it sounds an awful lot like pay-go, which is now the process we are following in the Senate which says: If you want to spend some money, you have to find a way to increase a tax or cut spending in other areas. It is pay as you go. But the Senator from Oklahoma applies it to authorizations. It is a different world. Confusing the two is not going to help us reach a balanced budget; confusing the two creates confusion. Authorization is not appropriation.

Earmarks can be appropriations. I have seen them. I have done them. I have announced them in press releases. I am happy to do so to bring money back to my State as best I can for good reasons, and I stand by them and defend them. People challenge them. That is the nature of this business as I consider it.

The bottom line is, if I am authorized to have three bridges in Illinois, authorized to have three bridges in Illinois and only have money for one bridge to be appropriated, I have to make a choice. The people in my State have to make a choice. Life is about choices. It is not about what I might choose; it is what I ultimately have to choose—one bridge, one birthday gift. That is the appropriation. That is why this is so different.

Ordinarily, this resolution, until it gets to its resolved sense-of-the-Senate clause, is pretty easy to take. I might disagree with some of the rhetoric here and there, but when you end by arguing that an authorization is an expenditure of money, it is just not accurate. It doesn't state what happens here in Congress.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. COBURN. Under your premise, only bills that are authorized get funded, correct?

Mr. DURBIN. But all bills that are authorized do not get appropriated.

Mr. COBURN. Except you are wrong. Last year, $220 billion of unauthorized programs were appropriated.

If I may—will the Senator yield to me? I am happy to yield back in a moment.

Mr. DURBIN. Sure.

Mr. COBURN. Let's carry your analogy a little further. What has really happened is you give your son $200, but the mandate is—you are going to spend $100 on a broken iPod or a used iPod, and you have $100 to buy down towards a good one, but you mandate that you spend $100 on the bad one. That is the analogy. That is why we ought to deauthorize programs that aren't working. That is why we ought to oversight aggressively every area of the Federal Government.

Let me take one other exception, and then I will be happy to yield back to the Senator.

Mr. DURBIN. Could I interrupt the Senator just to say this: This is getting painfully close to a debate, which rarely occurs on the floor of the Senate, so please proceed.

Mr. COBURN. I love it. I love to debate the Senator from Illinois.

I take a different tact, and the Senator knows that. I look at the oath I took when I came to the Senate. It didn't say ''Oklahoma'' in it; the Senator's didn't say ''Illinois.'' What the oath says is to defend the Constitution of the United States and do what is best for the country as a whole and in the long term.

Now, the Senator—and I admire him greatly—admitted that he plays the game the way it is played. I am telling him that the American people are ready for the game to be played a different way—a totally different way. Part of that is looking at the authority under which we allow money to be spent and recognizing that if we are going to authorize something new, given the jam we are in, all you have to do is talk to David Walker and look at what is going to happen in the next two generations. Don't we have an obligation to look at the programs that are not authorized?

Would the Senator answer this question: When was the last time he saw a program deauthorized in this body?

Mr. DURBIN. I am happy to respond. I think the Senator has asked a good question but not the right question. When we fail to appropriate money for an authorized program, we are saying there is a higher priority. We are saying that authorized program may not be as valid or as valuable today as when it was enacted, and we make the choice. The Senator referred to this, and I know he didn't mean to demean the process in saying that I am ''playing the game.'' I don't think I am ''playing the game'' when I do the best I can to help the 12½ million people I represent. If the Senator ran into a problem—and occasionally Oklahoma has a challenge—I will be there to help him, too. That is the nature of it. We try to represent our States and also do what is good for the Nation.

Secondly, if authorization is broken, as the Senator from Oklahoma says, the obvious answer is, either don't appropriate money for it, or when the appropriations bill comes to the floor, strike it and move the money to another program. You have the right to do that as a Senator. But the fact that the options or choices are out there doesn't mean that every one of them is going to be honored and appropriated.

Mr. COBURN. Mr. President, reclaiming the floor, if I might, the thing that strikes me is the Senator is a wonderful debater, except when he says the appropriators appropriating money on an authorized program—that is great, except the American public needs to know that 22 percent of what we appropriate has never been authorized. Never.

So the fact is, we say authorization means something, but it means nothing as far as the appropriations process goes. The real point of this debate is how do we grab hold of this problem, this behemoth of a problem that will face our children and grandchildren in the next 20 to 25 years, and do it in a way that will give us the greatest opportunity for them?

My idea—and obviously many people disagree with it—is I think we ought to start looking at every program. We ought to ask a couple of questions: Can we measure its effectiveness? Is there a metric on it that says this program is supposed to do this? Is there a metric there so we can measure it? I am of the mind to say that if you cannot measure something, you cannot manage it. Ninety percent of the programs have no metric in the Federal Government, so we don't know if they are working.

No. 2, is it a program that is still needed? We don't ever look at the authorizing level. The Senator would have us defer everything to appropriations, and that is what we actually do because 20 percent of what we appropriate is not authorized and everything we authorize isn't appropriated. So, obviously, authorizations are meaningless. So what we should do is eliminate authorizing committees and just have appropriations committees and we will all be on appropriations committees.

Third, we should ask, is this still a legitimate function of the Federal Government? When we ran a $300 billion-plus true deficit last year and every State, save one, had big surpluses, should we not ask the question: If we are doing things that really are not the Federal Government's role to do, and we have a deficit and the States have a surplus, should we not let them do it without our fingers taking 15 percent of the money as we send it back?

Mr. DURBIN. If the Senator will yield, I will make a constructive suggestion, not to make a debate point or anything else, but to serve his purposes. Can I suggest that instead of a sense-of-the-Senate resolution, the Senator from Oklahoma, when an authorization bill comes along, offer a sunset provision to be added to it to say that at a certain period of time this authorization ends and has to be

reauthorized? Would that not serve his purpose?

Mr. COBURN. As a matter of fact, I did just that on the last 9/11 bill, and the Senator from Illinois voted against it. I voted to sunset it. I actually offered the amendment that said we should sunset it and look at it in 5 years, and the Senator from Illinois disagreed. He thought, no, we should not do that. This Senator must admit that he does have a constructive suggestion. I just wish he had voted that way when we had the amendment up.

Mr. DURBIN. I was reluctant to do this, but I am going to refer to a couple of votes of the Senator from Oklahoma. His amendment was to sunset the entire Department of Homeland Security. Also, on two separate occasions he voted against pay-as-you-go requiring 50 votes. Here are two different rollcalls where the Senator's vote would have made the difference.

Mr. COBURN. My amendment did not sunset the whole Department of Homeland Security. It was the grants process.

Mr. DURBIN. That is what keeps our country safe.

Mr. COBURN. It is made up of how we dole money out to the States rather than looking at the best interests of the country and looking at the risk base for national security and homeland security. I am basically for a true pay-go that says the options are two. One option said the only option is, if we won't cut spending, we will raise taxes. That is a pay-more, not a pay-go. It is pay more.

I am proud of those votes. I had consternation over it because I want to try to hold to those things. But the pay-go as outlined two times in the language was a vote for pay-more.

Will the Senator agree with me that there is waste, fraud, and abuse in the duplication of the Federal Government.

Mr. DURBIN. Absolutely.

Mr. COBURN. Will the Senator agree that since we had a $300 billion-plus deficit last year—$200 billion-plus if we weren't in the war in Iraq—if we took that off the table, would it not make sense for us to try to get rid of the waste, fraud, duplication, and abuse?

Mr. DURBIN. Of course. But I include the war in Iraq——

Mr. COBURN. It doesn't include the war. Let me finish my point.

Mr. DURBIN. I said I do include the war in Iraq.

Mr. COBURN. It was in there, but say we were not in the war and we were still down to $200 billion—let's take that off the table. Say we have a $200 billion deficit, and we can demonstrate from our subcommittee hearings $200 billion a year in waste, fraud, and abuse. Yet we did nothing about it. We did nothing.

I have enjoyed my debate with the Senator from Illinois. I ask that we vote on the question at hand. I thank him for his kindness.

Mr. DURBIN. Mr. President, I understand Senator SPECTER may have a comment he wants to make. I respect the Senator's view on the budget, though we disagree. We both understand the seriousness of the deficit. I don't think authorizations are the problem. For that reason, I will vote against this amendment. When we vote on a pay-go amendment, I hope you can join us.

Mr. COBURN. As long as it is not a pay-more amendment.

Mr. DURBIN. Frankly, it has to include taxes instead of spending.

I will yield the floor to the Senator from Pennsylvania, if he is prepared to speak. If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

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

Mr. COBURN. Mr. President, I have an amendment in my hand by Senator John Ensign. I will send it to the desk. I ask unanimous consent to set aside the pending amendment and to have this called up.

Mr. LEAHY. Reserving the right to object, and I may, we are about to have a vote in connection with the amendment of the Senator from Oklahoma. If we are going to start talking about amendments for a couple of hours and bring up another one, we are not going to get anywhere on the bill for court security, which has been passed twice by this body. So I object.

The PRESIDING OFFICER (Ms. CANTWELL). Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, a great deal of what the Senator from Oklahoma has offered, I agree with; that is, that we ought to live within our means as a society. I have consistently supported constitutional amendments for balanced budgets, to require the Congress to live within its means, like States, cities, and we personally must live within our means. I have supported the line-item veto. I think the transparency for awards, also known as earmarks, will be an improvement of the current system.

I agree with what the Senator from Oklahoma has said about the problems created by the national debt and by the deficit. But the sense-of-the-Senate conclusion, I think, goes further than we can, realistically. The last paragraph says:

> It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

When you talk about living within our means and a balanced budget, in the line-item veto, I would agree with that; but when you talk about offsetting the authorizations, that goes to a point that I think goes too far because the legislative process has two steps. One step is the authorization and the second step is the appropriation.

It is common practice to have authorizations that will be substantially beyond what an appropriation will be. The real decisive factor is what money is appropriated, what money is spent, not what moneys can be authorized. But in structuring programs and authorizations, it is the common practice to put a figure in that is larger than may be used, but it is there for purposes of contingency, if more should be used, so that the real critical factor is the appropriations process.

I cannot agree with what the Senator from Oklahoma seeks to accomplish on tying the hands of the authorizers because of the established practice that I think is appropriate. For that reason, I regrettably cannot support what my colleague has offered, although I think the underlying purpose is very valid.

Mr. LEAHY. Madam President, if this was our Department of Justice authorization bill, these kinds of amendments could certainly be considered.

We are talking about a court security bill which has passed this body twice, which is urgently needed. I am trying to keep extraneous matters off it and have them offered on legislation where it is more appropriate.

AMENDMENT NO. 896

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment be set aside and that the managers' package be considered and agreed to, and we revert to the pending amendment.

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

The amendment (No. 896) was agreed to.

AMENDMENT NO. 891

Mr. LEAHY. Madam President, my understanding is the managers' package has been agreed to and we are back on the Coburn amendment.

The PRESIDING OFFICER. Amendment No. 896 is agreed to, and the Coburn amendment is pending.

Mr. LEAHY. Madam President, I don't want to surprise my colleague from Oklahoma, I will in a moment move to table his amendment. Again, if this was a DOJ authorization bill—and I have presented and passed in this body DOJ authorization bills before—then if he wanted to bring the amendment up, we could vote it up or down. This is a different bill. We want it to be a clean bill.

Therefore, Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

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

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

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

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—59

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Bennett	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Landrieu	Salazar
Byrd	Lautenberg	Sanders
Cantwell	Leahy	Schumer
Cardin	Levin	Snowe
Carper	Lieberman	Specter
Casey	Lincoln	Stabenow
Clinton	Lugar	Stevens
Cochran	McCaskill	Voinovich
Collins	McConnell	Warner
Conrad	Menendez	Webb
Dodd	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	

NAYS—38

Allard	DeMint	Kohl
Baucus	Dole	Kyl
Bayh	Ensign	Martinez
Brownback	Enzi	Roberts
Bunning	Feingold	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Sununu
Coleman	Hagel	Tester
Corker	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	

NOT VOTING—3

Johnson	Lott	McCain

The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent that I be able to speak in morning business.

Mr. REID. Madam President, I ask the distinguished Senator from Iowa, my dear friend, I have to file a cloture motion. It will take me just a minute.

Mr. GRASSLEY. Surely.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 107, S. 378, the Court Security Improvement bill.

Robert Menendez, Sherrod Brown, Dick Durbin, Harry Reid, Ron Wyden, Debbie Stabenow, Patrick Leahy, Sheldon Whitehouse, Ted Kennedy, Tom Carper, Kent Conrad, Frank Lautenberg, Joe Lieberman, Claire McCaskill, Robert P. Casey, Patty Murray, Jay Rockefeller.

MORNING BUSINESS

Mr. REID. Madam President, I now ask unanimous consent we be allowed to proceed to a period of morning business with Senators permitted to speak therein. The Senator from Iowa wishes to speak for a half hour. After that, Senators will be recognized for up to 10 minutes each.

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

FINISHING CONSIDERATION OF S. 378

Mr. REID. Madam President, if I could take another minute of the time of the distinguished Senator, we hope we can finish this bill tomorrow. That would be my desire. Tomorrow is Thursday. I am filing this tonight. The time ripens for voting on this Friday morning. But Friday morning occurs at 1 a.m. We have to finish this bill as soon as we can. I am alerting everyone, there could be a vote Friday morning at 1 a.m.

I also suggest that I have been trying for some time now to do a bipartisan bill that has been worked on by many Senators. There are 50 cosponsors of this legislation, dealing with competitiveness. On our side it will be managed by Senator BINGAMAN. It is my understanding on the other side it will be managed by Senator ALEXANDER. I hope we can have an agreement to move to that. I hope I do not have to file a motion to proceed to that piece of legislation. Remember, next week we need to complete work to send to the President the supplemental appropriations bill.

Having said that, I want to alert everyone I think it is too bad. This bill that is before the body now, the Court Security bill, has been passed by the Senate on two separate occasions. We have filed cloture; cloture was invoked. I appreciate very much the minority allowing us to move to the bill. But this afternoon I had a meeting with Mr. Clark, head of the U.S. Marshals Service. This year, threats to Federal judges have gone up 17 percent. We have had vile things done to judges all over the country, even in the State of Nevada, and we need to give Federal courts and local courts protection. We need to be a country that is ruled by the finest judicial system in the world, which we have now, and we cannot have bad people take away our court system—and violence can do that.

I hope we can finish this bill in a reasonable time tomorrow. If not, tomorrow will be a long night.

I appreciate very much my friend from Iowa allowing me to speak for a minute.

The PRESIDING OFFICER. The Senator from Iowa.

DRUG SAFETY

Mr. GRASSLEY. Madam President, today I wanted to speak on an issue I speak on many times, drug safety. Today is a little different approach to it, though, because earlier today the Committee on Health, Education, Labor, and Pensions began marking up S. 1082, the Food and Drug Administration Revitalization Act. For the first time in almost a decade we have an opportunity to reform, to improve, and to reestablish the FDA as an institution committed to making patient safety as important as bringing new drugs to the market.

S. 1082 presents a framework for the future of drug and device safety. I am gratified by some of its current contents and I express some disappointment about others. That is the purpose of my speaking to my colleagues.

First, I am gratified the bill attempts to address some of the overarching issues plaguing the FDA that have been repeatedly revealed by the investigations I conducted of the FDA over the last 3 years. In particular, S. 1082 takes a number of steps to address the issue of transparency, the issue of accountability, and the issue of respect for the scientific process that has been lacking for some time at the FDA. S. 1082, for example, requires that within 30 days of approval, the action package for approval of a new drug must be posted on the FDA's Web site. This requirement, however, only applies to a drug with an active ingredient that has not been previously approved by the FDA. The action package would contain all documents generated by the FDA related to the review of a drug application, including a summary review of all conclusions and, among other things, any disagreements and how these disagreements were resolved. If a supervisor disagreed with the review, then the supervisor's opposing review would be available to the public. And to address the many allegations that the Food and Drug Administration safety reviewers are sometimes coerced into changing their findings, I greatly welcome the provision that states a scientific review of an application is considered the work of the reviewer and must not be changed by FDA managers or the reviewer once that review is final.

The bill also takes steps to bring more resources to the FDA for drug safety, another matter I have been discussing for years. In addition, the bill requires the Food and Drug Administration's Drug Safety and Risk Management Advisory Committee to meet

at least two times a year to address safety questions and to make recommendations regarding post-market studies.

I am also heartened to see that the bill incorporated several elements from the Dodd-Grassley bill entitled the Fair Access to Clinical Trials Act of 2007. S. 1082 ensures that the clinical trial registry includes trials of devices approved by the FDA. The bill requires a drug sponsor to certify at the time of the submission of a drug, biologics, or device application to the agency, that the sponsor has met all of the clinical trial registry requirements.

Last but not least, S. 1082 attempts to give the Food and Drug Administration some teeth by requiring specific civil penalties, monetary penalties for submission of false certification, and false or misleading clinical trial information.

These are, in my mind, some of the good things that are proposed in S. 1082. I wish to thank Chairman KENNEDY and Ranking Member ENZI in this regard.

I hope additions such as these, which strengthen S. 1082, will make it through the HELP Committee's vote as the committee considers further changes. As I said earlier, I am both gratified and disappointed by the contents of S. 1082.

I turn now to some of what I consider to be lacking in the bill, that in my mind fails to address some of the issues that are critical to reestablishing the FDA's mission and putting John Q. Public and not PhRMA at the helm of the FDA.

I commend the HELP Committee's attempt to ensure that the office responsible for post-market drug safety is involved in, among other things, decisions made regarding labeling and post-market studies by making specific references to that office throughout S. 1082. However, the bill does not address the outstanding critical problem that the office responsible for post-market drug safety lacks the independence, lacks the authority to promptly identify serious health risks and take necessary steps that will protect the public.

As I think we all agree, the Federal Drug Administration is in desperate need of major overhaul. Over the past 3 years, my investigations have demonstrated that the depth and the breadth of the problems plaguing the FDA on both the drug and device side ought to stand out in everybody's mind as something Congress ought to be dealing with. Senator DODD and I have written two bills that we believe will greatly enhance drug and device safety and improve transparency at the FDA and, most importantly, prevent another Vioxx debacle.

The Federal Drug Administration's Safety Act of 2007 and the Fair Access to Clinical Trials Act of 2007 are intended to address some of the problems plaguing the FDA at its very core. Those are the bills that are the Grassley-Dodd bill and the other is a Dodd-Grassley bill.

Let me be clear: Big PhRMA does not like these bills. FDA management does not like these bills. Lobbyists are spending hours upon hours lobbying against these bills. The Food and Drug Administration Revitalization Act does not embrace all the critical elements of the Dodd-Grassley and the Grassley-Dodd bill.

Let me ask each and every Member of the Senate the following: What is wrong with establishing a separate center within the FDA—not outside the FDA, within the FDA—with its only job being that of a watchdog for those drugs already in the market? What is wrong with supporting a group of committed FDA scientists who only watch for serious adverse effects that may pop up only occasionally, perhaps only 1 in 10,000 or 1 in 20,000? What is wrong with ensuring that all clinical trial results, regardless of their outcome, are available to the scientific community, health care practitioners, and the public? What is wrong with supporting a clinical trial registry and results database that also requires sponsors to reveal their negative trials? And what is wrong with giving the FDA strong enforcement tools to combat bad players?

I propose there is nothing wrong with any of these proposals, particularly the proposals that a new, separate, and independent center be created to address post-market surveillance, a proposal supported by Senator DODD and me, not once but twice.

I have heard the naysayers and the naysayers' many bogus arguments about why a new post-market drug safety center will not work. The arguments range from the absurd to the ridiculous.

I will also address a few of those for you today. One argument is the creation of a separate center will slow down the drug approval process and delay much needed drugs from those who need them.

This argument is, in plain English, a nonstarter. Why? Because this new center will be devoted to keeping an eye on drugs once they are already on the market, postmarketing surveillance.

Another argument is that a new postmarket drug safety center will create an unmanageable bureaucracy at the FDA. That is a bogus argument. Why would taking an already existing office at the Food and Drug Administration, moving it on an organizational chart and providing it with new authority to watch for unknown and unexpected adverse events be bad? It does not make sense.

These arguments at first blush made an impression on Dr. Steven Nissen, chair of the Department of Cardiovascular Medicine at Cleveland Clinic and immediate past president of the American College of Cardiology, who was not an original supporter of establishing a separate center within the FDA to address postmarketing surveillance.

But, over time, his views have changed. Dr. Nissen probed more, evaluated the facts more, and as he talked more to on-the-ground FDA staff members, Dr. Nissen changed his mind and told the American public so.

Dr. Nissen recently sent me a letter stating that not only does he support the Fair Access to Clinical Trials Act but also the Food and Drug Administration Safety Act. In other words, Dr. Nissen said:

> In particular, I support the creation of a new independent center within the FDA called the Center for Post-Market Evaluation and Research for drugs and biologics. Although I had previously expressed some concern about creating this center, I have become convinced that the separation of post-market surveillance from the Office of New Drugs represents the best opportunity to improve the performance of the FDA in handling drug safety issues.

I ask unanimous consent to have that letter printed in the RECORD.

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

CLEVELAND CLINIC,
Cleveland, OH, March 29, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I share your concern about the need for a significant overhaul of the Food and Drug Administration to improve drug safety. Over the last several years, we have endured a series of disturbing revelations about the lack of vigilance by the FDA in monitoring drugs following approval. I have reviewed the two Bills that you and Senator DODD introduced, the Food & Drug Administration Safety Act of 2007 and the Fair Access to Clinical Act of 2007. I strongly support the passage of both of these Acts and believe that they will help protect the public health.

In particular, I support the creation of a new and independent center within the FDA called the Center for Post-Market Evaluation and Research for drugs and biologics (CPER). Although I had previously expressed some concern about creating this center, I have become convinced that the separation of postmarket surveillance from the Office of New Drugs represents the best opportunity to improve the performance of the FDA in handling drug safety issues.

Finally, I want to thank you and Senator DODD for your tireless efforts to promote public health through aggressive oversight of the Food and Drug Administration. Your leadership in this vital area has been invaluable and all of the 300 million Americans who rely upon drugs to protect their health are grateful for your steadfast efforts.

The views expressed in this letter are my own personal opinion and do not necessarily reflect the official views of my employer or the American College of Cardiology.

Sincerely,

STEVEN E. NISSEN, M.D.,
Chairman, Department of Cardiovascular Medicine, Cleveland Clinic, Immediate Past President, American College of Cardiology.

Mr. GRASSLEY. Coupled with Dr. Nissen's letter of support, I also received a letter from Dr. Curt Furberg, professor of public health science at

Wake Forest University School of Medicine. Dr. Furberg is not only a professor of medicine, but he is also a member of the Food and Drug Administration Drug Safety and Risk Management Advisory Committee.

Dr. Furberg knows the FDA from the inside, and you might say he knows it inside-outside, in and out. In fact, even Dr. Furberg has written me to say he is supportive of creating a new center, and he is particularly supportive of creating a new enforcement tool to be used against bad players in the drug industry.

I also have that letter and would ask unanimous consent to have it printed in the RECORD as well.

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

WAKE FOREST,
SCHOOL OF MEDICINE,
March 15, 2007.

Hon. CHUCK GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am pleased that members of the U.S. Congress are taking constructive actions to address the major problems with drug safety. Your Bills—FDASA and the FACT Act—are excellent and, if passed, would greatly benefit the U.S. public.

My major concern relates to the FDA's lack of enforcement tools. Regulations and commitments of any kind have limited value if major and repeated violations involve no consequences. Drugmakers who suppress or delay submission of safety information to the FDA, stall label changes (especially new Black Box warnings) or fail to honor their commitments to complete post-market safety studies are rarely (if ever) penalized for their unacceptable behaviors. Thus, I particularly applaud the way your FDASA Bill would give the Director of the Center for Postmarket Evaluation and Research for Drugs and Biologics wide-ranging authority to take corrective action.

If I can be of any assistance in facilitating passage of this legislation, do not hesitate to call me.

Respectfully,

CURT D. FURBERG, MD, PHD,
Professor of Public Health Sciences, Member of the FDA Drug Safety and Risk Management Advisory Committee.

Mr. GRASSLEY. Madam President, if these two thoughtful leaders can come forward and support a new center that is devoted to watching drugs once they are on the market so that American consumers and their doctors know about a problem promptly, what is wrong with that? That is why I hope the HELP Committee will take a second look at the Dodd-Grassley bill. We have seen time and again that the FDA is not as good at this function as it should be. However, the reality is that the FDA needs to perform this function well because lives of American citizens and maybe around the world depend on it.

I wish to see a bill passed that prevents another Vioxx debacle. This Congress has an opportunity to make meaningful and positive changes. Let's not allow that opportunity to slip through our fingers.

MEDICARE

Madam President, I have another set of remarks that I wish to make dealing with the issue that we had before the Senate today, and that we had a cloture vote on, S. 3. Members on the other side of the aisle, including the assistant majority leader, said that Republicans do not want this debate. What are they talking about, do not want a debate about anything dealing with Medicare prescription drugs and all those sorts of things?

This body has debated the so-called prohibition on Government negotiation. The Senate had four votes on this issue. What is rather amusing to me about the statement that we do not want the debate is that they did not seem to want the debate when the Senate considered S. 1.

S. 1 was the Senate version of the Medicare drug law. That bill had a noninterference clause in it just like the current law does. It is that clause that the other side has distorted to come up with the absurd claim that no negotiations occur under the Medicare drug benefit. Not once, I repeat, not once during the entire time that S. 1 was on the Senate floor in the year 2003 did anyone on the other side of the aisle bring up this issue.

That is because this is not an issue of merit, it is simply one born out of political pandering. The assistant majority leader also talked about how Medicare should look like the VA because the VA seems to get lower prices.

The VA gets lower prices because the Government passed a law to guarantee itself an automatic discount that no one else can get. By law, that price is automatically 24 percent less than the average price paid by basically all non-Federal purchasers. That is not negotiation, that is a federally mandated price dictation, or you might call it a 24-percent discount, but it is federally mandated.

I agree that the logical question then is: Why not have Medicare get that price? Experts who testified at the Senate Finance Committee, even the VA itself at a 2001 hearing before the Committee on Veterans' Affairs gave us the answer: They said that giving the Medicare VA prices will increase prices for veterans. Now, why would anybody in this body want to increase prices for veterans?

Now I wish to turn to how the VA uses its own pharmacy benefit manager or PBM as we refer to them. The pharmacy benefit manager for the VA—the VA has one. In 1995, as part of an effort to better manage and monitor drug usage and purchasing and utilization oversight across the entire Veterans' Administration, the VA established its own benefit manager.

The VA did it because it wanted to have its pharmacy operation work similar to the private sector. They did it because, as stated in the VA news release, they wanted to maximize a developing business strategy in the private sector. That business strategy was getting lower prices on drugs in the private sector.

So here we have people holding out the VA as a model, which uses its own PBM to negotiate, and at the same time they are saying: Using PBMs in Medicare is wrong.

Remember, that process has brought 35-percent lower costs on the 25 most used drugs by seniors under the Medicare Program. I cannot help but see how that is a bit of irony when people say they want Medicare to negotiate like the VA negotiates.

Well, the VA negotiates through its PBM. So the funny thing is, the VA actually negotiates similar to Medicare drug plans. You heard that right, but let me state it again. The VA system for negotiating is just like the one already used by Medicare through prescription drug plans that seniors join.

If the VA's PBM looked at itself in the mirror, it would see a Medicare drug plan's PBM staring right back at it. There is another important difference between the VA and Medicare. The VA prescription drug benefit is just one part of the VA's health care delivery system. It is a very different system than Medicare.

The VA system requires veterans to use VA hospitals, to use VA physicians, to use the VA national formulary, to use their pharmacies, and to use their mail order pharmacy. Now, don't get me wrong. The VA has a good system that works for veterans. But what it comes down to is choice. So I have a chart I want you to look at. Under the Medicare prescription drug benefit, beneficiaries have choices. They can choose the plan they want, a plan that covers all their medicines. They can choose the doctor and the hospital they want. They can go to their local pharmacy.

Even the VA recognizes this fact. On its own Web site in a ''frequently asked questions'' page, the VA does not recommend that veterans cancel or decline coverage in Medicare because a veteran may want to consider the flexibility afforded by enrolling in both the VA plan and the Medicare plan.

For example, veterans enrolled in both programs may obtain prescription drugs that are not on the VA formulary if prescribed by a non-VA physician and filled at a local pharmacy.

Making all Part D programs look like the VA and its formulary then will severely restrict access and will severely restrict choice to the 44 million Medicare beneficiaries. Now, the other side says: No. No. We are not going to limit access to drugs. Yes, as I pointed out this morning, every Democrat on the Finance Committee cast a vote against my amendment that would have prohibited the Secretary from creating a national preferred drug list.

I had thought, for all the talk about not allowing a Government formulary, the proponents of S. 3 would embrace a

provision banning preferred drug lists. If they do not want to limit beneficiaries' access to drugs, my amendment should have been easy for them to support.

But by voting against my amendment, they were voting in favor of the Government setting a preferred drug list. Now, the preferred drug list might sound like a good thing, but in reality it is not. It is a Government-controlled list of drugs that you can or cannot have because the Government is not going to pay for what they say you cannot have.

The preferred drug list then operates similar to a formulary. In my opinion, if it walks like a duck, if it quacks like a duck, then it is a duck. But that is not what the courts have found. So what does that mean for Medicare beneficiaries? It means that even though S. 3 prohibits the Secretary from using a formulary, it does not prohibit the Secretary from using a preferred drug list. It is clear now then from all this analysis and their votes on this amendment that supporters of this Senate bill want the Government to set a preferred drug list. They want the Government to determine for what seniors can get coverage.

A number of States have implemented preferred drug lists. Michigan, for example, has a preferred drug list. Here is what the Kaiser Family Foundation found in a 2003 case study on that preferred drug list:

> Fearing opposition from the pharmaceutical industry, the State sought virtually no input from providers, pharmacists, beneficiaries and manufacturers.

Continuing the quote:

> Ultimately the department [meaning Michigan] made only a few changes to the list of drugs on the Michigan preferred drug list in response to beneficiaries and provider concerns.

Both the Illinois House and the Illinois Senate resolutions were introduced in 2002 to establish a committee to oversee that State's preferred drug list.

The resolution noted that the creation of Illinois' preferred drug list ''could lead to unintended consequences such as inferior health care, increased hospitalizations and emergency care, increased admissions into long-term care, and unnecessary patient suffering and potentially death.''

In a statement about this bill, S. 345, the assistant majority leader said that: The Medicare-administered plan envisioned under this bill would have a preferred drug list.

So this morning I talked about fitting all of the pieces of a legislative puzzle together.

Here are some of those pieces: The bill approved by the House allows price controls. The bill that was before the Senate does not prohibit the Secretary from dictating the drugs beneficiaries can get. We have Senator DURBIN's statement about his own bill and how he envisioned a preferred drug list.

So despite claims by those on the other side of the aisle, this bill is not harmless to senior citizens. If this Trojan horse attack succeeds in a Government takeover of the drug benefit, here is what seniors can look forward to: They can look forward to fewer choices. They can look forward to fewer opportunities to choose a plan that best meets their needs—the needs of 44 million senior citizens in America.

If the Senate bill were to pass, seniors will get only the drugs some Government bureaucrat determines they can have. All other Americans will see the prices of their prescription drugs going up. That is not me saying it. Professor Scott Morton of Yale University testified before the Senate Finance Committee to that mathematical fact, that if you have 44 million senior citizens, and you have the Government dictating the price, when you deal with that number of people, the price is going to go up for everybody. If that is what the other side calls harmless, I shudder to think what their definition of ''harmful'' might be.

We should have and did stop this bill in its tracks. Voting no was a vote against Government-controlled drug lists, Government setting prices, and Government restrictions on seniors' access to drugs. That was the right thing to do today, and I am glad the vote came out the way it did. I hope it stays that way because if it ain't broke, don't fix it.

(Mr. CASEY assumed the Chair.)

NATIONAL INFANT IMMUNIZATION WEEK

Mr. REID. Mr. President, I rise in recognition of National Infant Immunization Week, which is being held this year from April 21–28. In Nevada and throughout the country, State and local health departments, health care providers, parents, and other partners will be working together to make sure that all infants are protected against vaccine-preventable diseases. This week is also an opportunity for all of us to spread the message about getting immunized. Not only do immunizations give our children a healthy start to life, they also save lives and protect the American public's health.

Immunization against vaccine-preventable diseases is a tremendous success story. Due to the development of vaccines and immunization campaigns, infectious diseases that used to devastate entire communities have been reduced to record lows or eradicated outright. Thanks to immunizations, few Americans today have any direct knowledge of once commonplace scourges like polio, smallpox, measles, and diphtheria. For most of us, the deaths, suffering, and disability associated with these diseases are now known only through textbooks and old newspaper accounts.

The National Infant Immunization Week is a time to reflect on these achievements. More importantly, this week is also a reminder that we cannot lose ground by becoming complacent or taking the benefits of immunizations for granted. Approximately 1 million children in this country are not fully immunized by age two and many regions of the country have disturbingly low immunization rates. In my home State of Nevada, the immunization rate for infants and young children is ranked last in the country.

Fortunately, there are Federal and State programs that work to provide lifesaving vaccinations to children and adults who would otherwise have to go without. During this year's National Infant Immunization Week, I urge my colleagues in the Senate to support these efforts. By promoting access to immunizations against serious but preventable diseases, we can work to ensure that all Americans will benefit from this invaluable public health tool for generations to come.

EARTH DAY

Mr. REID. Mr. President, Sunday is the 37th anniversary of Earth Day. I have been pleased to read reports that people across the country are planning to come together to celebrate our environmental accomplishments and to renew their environmental commitment to future and current generations. Everyone should celebrate the major steps forward we have taken to achieve clean air and water, to reduce pollution, and to clean up hazardous waste sites.

Earth Day is celebrated because of the great work of former Senator Gaylord Nelson of Wisconsin. In 1970, he founded Earth Day to celebrate the environment and to bring attention to the legislative challenges facing those who want to want to protect the environment. Senator Nelson also cosponsored the Wilderness Act of 1964, a law that has been amazingly important to protecting Nevada's beauty.

Nevada is one of the many States that has greatly benefited from the increased environmental awareness that former Senator Nelson helped to cultivate. Nevada's dramatic landscapes from the high alpine lakes of the Ruby Mountains to the stark open spaces of the Black Rock Desert to the incredible Joshua tree forests in the Piute Valley have provided inspiration to generations of Nevadans. Protecting Nevada's wild lands ensured that those who follow us will have the same opportunity to find and experience these incredible places as we had.

The Wilderness Act of 1964, which was cosponsored by former Senator Nelson, has done tremendous things in Nevada. I have been proud to help designate nearly 2 million acres of wilderness across Nevada, in addition to creating the Sloan Canyon, Red Rock Canyon, and Black Rock Desert-High Rock Canyon National Conservation Areas and Great Basin National Park.

Protecting and serving our environment has always been one of my passions, and I have twice had the privilege to chair the Environment and

Public Works Committee. During that time, I had the chance to write the Safe Drinking Water Act Amendments of 1996, to revise the Clean Air Act, and to improve the Endangered Species Act, Superfund, and the Clean Water Act. In each case, I advocated for laws that not only protect the environment but that are flexible, take advantage of market mechanisms, and reflect the unique needs and circumstances of the West.

I was always pleased that I was able to work in a bipartisan manner with my colleagues on the Environment and Public Works Committee. Republicans, Democrats, and Independents all understood that protecting the environment did not have to be a partisan issue, and I was glad that various presidents joined in our efforts. That is why it is so distressing today to see the current administration's policies pursued in such a manner because environmental issues could and should be bipartisan.

Each year, our understanding grows about how important it is to conserve and protect our land and its rich resources. While the current administration's environmental rollbacks are far too numerous to count, it started with attempts to loosen arsenic standards for drinking water and centers today around their total unwillingness to work together on a plan that will first stabilize and then reduce greenhouse gas emissions.

Global warming and climate change is the single greatest environmental challenge that will confront current and future generations. We have a moral obligation to address this issue and choosing to ignore this problem is madness and a luxury we do not have the time for. I once again urge my colleagues not to fall for the temptation of the administration's voluntary ''technology-only'' strategy. That strategy has only increased emissions and the risks associated with global warming.

The negative impacts that have been linked to global warming and climate change are also far too numerous to mention, but I am continually concerned about the impacts that climate change will have on water in Nevada. Most recently, the National Resources Conservation Service recorded that snowpack throughout the Sierra Nevada Mountains is only at 40 to 50 percent or normal. In eastern Nevada, due to decreases in the snowpack, the stream flow for the Humboldt River is expected to only be at 34 percent and the lower Colorado River at 19 percent of its average. A recent study published in Science said all but one of the 19 major climate models project that the Southwest is at the beginning of a deepening drought largely due to greenhouse gas concentration increases and global warming.

The challenge of eliminating our Nation's overdependence on oil and other greenhouse gas emitting fossil fuels will be a great test for our country and for the world. I believe that America can lead the way in developing new technologies to meet and pass this test. We can and must become more energy independent through the rapid development and diversification of clean, alternative, and renewable sources of energy. They will provide a steady, reliable energy supply, bolster our national security, protect the environment, and create new jobs and whole new industries. We must tap into our Nation's spirit of innovation and bring a new environmental ethic to our energy policy.

Every day, not just on Earth Day, we have to work together to protect our environment from threats so our children and our grandchildren and so on can drink clean water, breath clean air, and enjoy the vast open spaces and the natural beauty of Nevada, America, and the world. That much is for certain, and I look forward to bringing that commitment to everything that I and this Senate undertake.

TRIBUTE TO JOHN L. KIRKWOOD

Mr. DURBIN. Mr. President, today I honor the distinguished career of John L. Kirkwood and to congratulate him on his upcoming retirement. John Kirkwood is the current president and chief executive officer of the American Lung Association.

Mr. Kirkwood graduated from Northwestern University in Evanston, IL. Since then, his life has been dedicated to improving the health of our country.

Mr. Kirkwood served as executive director of the American Lung Association of Metropolitan Chicago from 1975 to 2001. During his tenure, he was instrumental in organizing the American Lung Association Asthma Clinical Research Network, the International Tuberculosis Foundation, the Illinois Coalition against Tobacco, the Chicago Asthma Consortium and the Combined Health Appeal of Illinois. His efforts have made it possible for more Illinoisans in the Chicago metropolitan area to breathe better today.

Luckily for the rest of the country, Mr. Kirkwood decided to expand his commitment beyond the Chicago area to improving the health of the entire Nation. As president and CEO of the American Lung Association, Mr. Kirkwood has expanded the ALA's commitment to research nationwide, strengthened the organization's advocacy programs, and improved knowledge and information transfer systems to assist patients suffering from lung disease.

As the leader of America's oldest national voluntary health organization, Mr. Kirkwood has shown an exemplary commitment to the health and social well-being of all Americans. Thanks to his work and his heartfelt dedication to the public's health, individuals in my State of Illinois and the Nation as a whole will breathe cleaner air and lead healthier, happier lives. We are fortunate for his years of dedication to the American Lung Association, and his leadership will be deeply missed.

Mr. President, I congratulate Mr. Kirkwood on his many accomplishments throughout a long and successful career. As he concludes this chapter of his professional life, I wish him many more years of happiness and accomplishment.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on April 16, I was unable to vote on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 130, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 17, I was unable to vote, upon reconsideration, on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 131, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 3, the Medicare Prescription Drug Price Negotiation Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 132, on the motion to invoke cloture on S. 3, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 378, the Court Security Improvement Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 133, on the motion to invoke cloture on S. 378, I would have voted to invoke cloture. My vote would not have altered the result of this motion.

CIVIL WAR BATTLEFIELD PRESERVATION PROGRAM

Mr. WEBB. Mr. President, today I wish to discuss an issue that has held a special place in my life for many years, the preservation of our Nation's civil war battlefields. Our historic battlefields—outdoor classrooms where visitors may walk in the very footsteps of heroes from past generations—are

under threat. More than 200,000 acres of historically significant battlefield land remain unprotected and are threatened by development pressures. That is why I urge my colleagues to fully fund the Civil War Battlefield Protection Program. This arm of the National Park Service is an invaluable tool to preserve our Nation's history.

In 1990, Congress established the Civil War Sites Advisory Commission, a blue-ribbon panel empowered to investigate the status of America's remaining Civil War battlefields. Congress also tasked the Commission with the mission of prioritizing these battlefields according to their historic importance and the threats to their survival. The Commission ultimately looked at the 10,000-plus battles and skirmishes of the Civil War and determined that 384 priority sites should be preserved. The results of the report were released in 1993 and they were not encouraging.

The 1993 Commission report recommended that Congress create a $10 million-a-year emergency program to save threatened Civil War battlefield land. The result was the Civil War Battlefield Preservation Program. To date, the Preservation Program, working with its partners, has saved 14,100 acres of land in 15 States.

The key to the success of the Preservation Program is that it achieves battlefield preservation through collaborative partnerships between State and local governments, the private sector and nonprofit organizations, such as the Civil War Preservation Trust. Matching grants provided by the program protect lands outside of the National Park Service boundaries and do not add to the Park Service's maintenance costs.

But for the Preservation Program and their partners with the Civil War Preservation Trust, we would have lost key sites from such national shrines at Antietam. Chancellorsville, Fredericksburg, Manassas, Harpers Ferry, Bentonville, Mansfield, and Champion Hill. Their names still haunt us to this day. Had the Civil War Battlefield Preservation Program not intervened, the sites would have been lost forever to commercial and residential development. Now they have been protected for future generations to enjoy and learn about our Nation's history. They are islands of greenspace in a seemingly endless sea of commercial sprawl.

The need to protect our Nation's battlefields is far too great for any one well-intentioned Federal program. That is why the partnership with the Civil War Preservation Trust is so critical. This visionary preservation group is able to work with other foundations, State and local governments and their membership to match Federal funds by 100 percent. How often can we tout such an achievement with other Federal programs? The trust receives no financial gain from the Preservation Program and, working with their non-Federal partners, has raised more than $30 million to secure key battlefield sites in 15 States. They are in this fight for all the right reasons. This partnership truly serves as a model in bringing all stakeholders to the table to tackle pressing national issues.

For me, these hallowed grounds, these living memorials to the 620,000 Americans who sacrificed their lives to fight in the Civil War, have special, personal significance. Ancestors of mine fought on both sides during the war, including William Jewell, who was wounded in the Battle of Cedar Mountain in Culpeper County, VA, wounded again at Antietam and was finally killed in action at Chancellorsville on May 3, 1863. It is not every day you can visit these battlefield sites and have an immediate, direct connection with your ancestors. We must preserve these sites so that future generations might see and touch the very places where so many sacrifices were made, by soldiers and civilians alike, to settle the unresolved issues from the American Revolution of slavery and sovereignty. We are a stronger, more diverse and genuinely free nation because of these sacrifices.

I would remind my colleagues that the Preservation Program has enjoyed bipartisan, bicameral support since its creation. In 2002, program funding was authorized through the Civil War Battlefield Preservation Act at the level recommended by the Civil War Sites Advisory Commission—$10 million a year. The clock is ticking against these threatened historical sites given the pace of commercial development. Just last month, the Civil War Preservation Trust released its list of the 10 most threatened battlefield sites. Among them: Gettysburg; Fort Morgan, Alabama; Marietta, Georgia and three sites in the Commonwealth of Virginia. In 5 years there may be little left to protect. That is why I am here today to urge my colleagues to join me in requesting the full, authorized amount for the Preservation Program. These Federal funds will leverage millions more in private and other charitable donations; thereby increasing the trust's ability to preserve more threatened battlefield sites.

When the ''Soldiers' National Cemetery'' was dedicated at the Gettysburg battlefield in November 1863, President Lincoln spoke eloquently of the imperative to honor those who had given their ''last full measure of devotion'' 4 months earlier. The Civil War Battlefield Preservation Program allows us to carry on Lincoln's vision. I urge my colleagues to join me in seeking full funding for the program this fiscal year.

HONORING GARY J. LANG

Mr. GRASSLEY. Mr. President, I would like to take a moment today to honor the distinguished civil service career of a particularly remarkable senior law enforcement official. Mr. Gary J. Lang recently retired from his position as chief of staff of U.S. Immigration and Customs Enforcement in the Department of Homeland Security and in doing so, this special agent will leave behind a legacy of exceptional accomplishment and dedication to his country.

Over the years, Mr. Lang has successfully handled a series of professional challenges that truly distinguish him as one of our Nation's outstanding leaders. His entry into the Federal service in 1978 as an investigator with the Food and Drug Administration began a tradition in law enforcement to protect the public interest that exists to this day.

From his time at the FDA, through the Defense Investigative Service, and as a special agent with the U.S. Customs Service working in south Florida during an era known for its smuggling, drug trafficking and the related criminal violence, Mr. Lang demonstrated courage, honesty, and leadership in positions of increasing responsibility that have become defining characteristics of his career. He earned the respect of his colleagues and supervisors for his operational and managerial expertise in the field.

The Hill benefited from Mr. Lang's expert Federal law enforcement knowledge during the more than 4 years he spent supporting me through his work on various committees, including serving as special assistant for the Caucus on International Narcotics Control, as well as his time working with staff on the Judiciary and Finance Committees. The positive impact Gary had upon our initiatives through his expertise, dedication and memorable dignity was truly meaningful to me and our work effort.

More recently, in a headquarters management position as deputy executive director of operations/transition teams, Mr. Lang participated at the very center of the decision making that defined the investigative role the DHS would have in its mission to protect the public against acts of terror, and resulted in the creation of U.S. Immigration and Customs Enforcement, the second largest investigative agency in the Federal Government. And, as a senior executive, Mr. Lang served as assistant director for ICE's Office of Investigations, managing the operational activities of a staff of 7,000 across the Nation and around the world.

Mr. Lang most recently served as the chief of staff at ICE, where he spearheaded the advancement of the Assistant Secretary's mission-critical goals across the full spectrum of the agency's operations and administrative lines of business, through its staff of 16,000. He worked diligently to ensure that ICE maximizes the application of its strategic resources to enforce U.S. trade and immigration laws and to target and neutralize national-level homeland security risks under ICE's legal authorities. Mr. Lang leads by example, by holding himself and others accountable in achieving ICE's highest

priority goals, in demanding a proactive approach in addressing emerging homeland security issues, and by setting the standard for dedication, morale and integrity throughout the ICE workforce.

Mr. Lang has distinguished himself at every level of Federal law enforcement and has engendered respect and appreciation from subordinates, peers, and leadership alike. I am glad to be able to congratulate him and honor his memorable career as it comes to a close after nearly 29 years in the Federal Government. We on the Hill wish both Gary and his wonderful wife Karyn the very best of luck for the future and thank them for their years of public service.

MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 20, 2007, in Polk County, FL, Ryan Skipper, a gay man, picked up William Brown walking along the side of the road. Some time later Brown stabbed Skipper to death, then bragged about the killing. According to police, witnesses have said that Brown and another man planned the murder in advance and that their motivation was based on Skipper's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PEARL HARBOR

Mr. DORGAN. Mr. President, 2,403 American servicemembers lost their lives during the Japanese attack on Pearl Harbor. The men and women who survived that day of infamy led the United States, and our Allies, to victory in the Pacific during World War II.

Today I would like to specifically honor four of those survivors, the members of the North Dakota Pearl Harbor Survivor's Association. This group of four active members helps keep the memory of those who served so bravely alive: John Martin of Bismarck, ND; Clem Lonski of Jamestown, ND; Harold Bruchwein of Wahpeton, ND; and Agnes Shurr of Grand Forks, ND.

On behalf of the U.S. Senate, my fellow North Dakotans, and all Americans, I would like to commend and thank these four individuals not only for their bravery and valor in leading the fight over fascism 60 years ago, but also for their commitment and dedication to keep alive the memory of those who gave their lives in defense of freedom on December 7, 1941.

UNIVERSITY OF WYOMING WNIT CHAMPIONSHIP

Mr. ENZI. Mr. President, today I commend the University of Wyoming Cowgirls on winning the 2007 Women's National Invitation Tournament.

On March 31, 2007, the University of Wyoming women's basketball team won this exciting national tournament by defeating the University of Wisconsin team by a score of 72–56. They made it to the final by defeating Kansas State in triple overtime.

This historic win was the first WNIT championship for the Cowgirls and was witnessed by a record crowd of over 15,000 fans at the University of Wyoming Arena-Auditorium.

But as any Cowgirl fan can tell you, this victory was the result of months of hard practice, courageous leadership by the players and coaches, and a commitment to excellence both on the court and in the classroom. The teamwork and discipline demonstrated all year by the Wyoming Cowgirls allowed them to be successful on game day. And we do not have to look far to see examples of this success: This year, the Wyoming Cowgirls won the most games in program history, including thrilling late-game comebacks and overtime wins. Equally as important, however, they earned the respect of women's basketball programs across the Nation.

I am proud to stand here today on the floor of the Senate and congratulate the University of Wyoming Cowgirls on a championship season and recognize the student athletes, coaches, faculty, and fans who were essential in achieving this great victory.

MORE WATER, MORE ENERGY, LESS WASTE ACT

Mr. SALAZAR. Mr. President, on Monday my colleagues, Senator BINGAMAN, Senator DOMENICI, Senator THOMAS and I introduced legislation, S. 1116, the More Water, More Energy, and Less Waste Act of 2007, to facilitate the use of water produced in connection with development of energy resources for irrigation and other beneficial uses in ways that will not adversely affect water quality or the environment.

The bill is similar to one that has been introduced during this Congress in the House by Representative MARK UDALL, H.R. 902, More Water and More Energy Act of 2007.

The bill's purpose is to help turn what is today an energy-industry problem into an opportunity. The development of energy resources frequently results in bringing to the surface water from underground sources. Energy producers seek to minimize the waters that are produced during extraction operations, but inevitably waters are produced and they must either be treated before being released to the surface or returned to the ground. In a few cases, the waters are clean enough to be used for livestock watering, irrigation or other beneficial purposes.

Especially in the water-short West, increasing the amount of water that can be used without adversely affecting water quality or the environment can increase water supplies for irrigation of crops, livestock watering, wildlife habitat, and recreational opportunities. Everyone will benefit from increased supplies of useable water, even if the supplies are temporary in nature, provided that the new water is of good quality and will not adversely affect the environment now or in the future.

Our bill would do two things:

First, it would direct the Commissioner of Reclamation, the Director of the U.S. Geological Survey, and the Director of the Bureau of Land Management to conduct a study to identify the technical, economic, environmental, and other obstacles to, one, reducing the quantity of produced water and, two, increasing the extent to which produced water can be used for irrigation and other purposes, without adversely affecting water quality or the environment, during or after energy development. The study would consider the legislative, administrative, and other actions that could reduce or eliminate those obstacles and the costs and benefits associated with reducing or eliminating those obstacles. Results of the study are to be reported to Congress within a year after enactment.

Second, it would provide grants for at least five projects to demonstrate, one, ways to optimize energy resource production by reducing the quantity of produced water generated or, two, feasibility, effectiveness, and safety of processes to increase the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

The bill directs these pilot plants to be located in each of the Upper Basin States of the Colorado River, Colorado, Utah, Wyoming, and New Mexico, and in at least one of the Lower Basin States of the Colorado River, Arizona, Nevada or California. This is to assure that, together, the projects would demonstrate techniques applicable to a variety of geologic and other conditions.

Under the bill, the Federal Government could pay up to half the cost of building each plant. However, no more than $1 million would be paid for anyone project, and no Federal funds would be used for operating the projects.

In the water-short West, the produced waters are a virtually untapped resource, and the benefits of using them for irrigation and other purposes could be substantial. It is estimated

that up to 18 million barrels of produced waters are generated each year from oil and gas operations. Finding ways to minimize the waters that are produced during oil and gas extraction and then putting to beneficial use those waters that are produced, is a win/win for everyone.

However, there are significant hurdles that must be overcome before produced waters can be used as a water resource in ways that do not adversely affect our water quality or harm our environment. The study required in our bill will bring our country closer to using this important untapped resource.

For the benefit of our colleagues, here is a summary of the bill's provisions:

SECTION BY SECTION SUMMARY OF THE ''MORE WATER, MORE ENERGY, LESS WASTE ACT OF 2007''—S. 1116

Section One—provides a short title (the ''More Water, More Energy, Less Waste Act of 2001''), sets forth several findings regarding the basis for the bill, and states the bill's purpose: ''to optimize the production of energy resources by minimizing the amount of produced water, and by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment, and to demonstrate ways to accomplish these results.''

Section Two—defines terms used in the bill.

Section Three—requires the Secretary of the Department of Interior, acting through the Commissioner of Reclamation, the Director of the United States Geological Survey, and the Director of the Bureau of Land Management, to conduct a study to identify (1) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water; (2) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes, without adversely affecting water quality or the environment; (3) the legislative, administrative, and other actions that could reduce or eliminate those obstacles; and (4) the costs and benefits associated with reducing or eliminating those obstacles. Results of the study are to be reported to Congress within a year after enactment.

Section Four—provides that, subject to appropriation of funds, the Interior Department is to provide financial assistance for development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase use of produced water for irrigation, municipal or industrial uses, or other purposes without adversely affecting water quality or the environment. The section specifies that assistance shall be provided for at least one project in each of the Upper Basin States (Colorado, Utah, Wyoming, and New Mexico) and one project in one of the Lower Basin States (Arizona, Nevada or California). Assistance to any facility cannot exceed $1 million and cannot be used for operation or maintenance. The section specifies that assistance under this bill can be in addition to other federal assistance under other provisions of law.

Section Five—requires the Interior Department to—(1) consult with the Department of Energy, EPA, and appropriate Governors and local officials; (2) review relevant information developed in connection with other research; (3) include as much of that information as Interior finds advisable in the report required by section 1; (4) seek the advice of people with relevant professional expertise and of companies with relevant industrial experience; and (5) solicit comments and suggestions from the public.

Section Six—specifies that nothing in the bill is to be construed as affecting—(1) the effect of any State law, or any interstate authority or compact, regarding the use of water or the regulation of water quantity or quality; or (2) the applicability of any Federal law or regulation.

Section Seven—authorizes appropriation of—(1) $1 million for the study required by section 1; and (2) $7.5 million to implement section 4.

ADDITIONAL STATEMENTS

CONGRATULATING THE OKLAHOMA GIRL SCOUTS

• Mr. INHOFE. Mr. President, I am honored today to congratulate 19 girls from Oklahoma for receiving the highest youth award in Girl Scouting, the Gold Award. I would like to honor Jamie Andrews, Tiffany Marie Cathey, Anna Elizabeth Davis, Alonna Marie Dray, Bridget Gibbons, Ashley Goodman, Justinn N. Hamby, Molly Elizabeth Henry, Laura Hopkins, Beth Johnson, Grace E. Lewis, Pammy Mackiewicz, Sarah Pierce, Alexanne E. Schallner, Haley Taylor, Joy-Lee Stowe, Kimberly L. Watson, Kaitlyn Willit, and Alicia Koch.

Girl Scouts of the USA, an organization serving more than 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the beginning of the program in 1980. To receive the award, a Girl Scout must fulfill four requirements: earn the Girl Scout Gold Leadership Award, earn the Girl Scout Gold Career Award, earn the Girl Scout Gold Become, Belong, Believe, Build Award, and design and implement a Girl Scout Gold Award Project. They also have to complete a plan for fulfilling the requirements of the award and follow through with close cooperation between a community consultant and an adult Girl Scout volunteer.

The Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. In achieving this prestigious award these young women show their dedication and commitment to their families, community, the Girl Scouts, and their country. I am honored to congratulate these recipients of this award from the State of Oklahoma.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 309. An act to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes.

H.R. 609. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

H.R. 786. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes.

H.R. 815. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

H.R. 865. An act to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.

H.R. 886. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

H.R. 1191. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

H.R. 1515. An act to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program.

H.R. 1677. An act to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach.

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

H. Con. Res. 100. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 309. An act to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 609. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 786. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 815. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

H.R. 886. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1191. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park; to the Committee on Energy and Natural Resources.

H.R. 1515. An act to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1677. An act to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments; to the Committee on Foreign Relations.

H. Con. Res. 100. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1549. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Suspension of Container Regulations'' (Docket No. AMS–FV–07–0031) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1550. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. AMS–FV–06–0225) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1551. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Modification of Administrative Rules Governing Committee Representation'' (Docket No. AMS–FV–06–0182) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1552. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Outgoing Quality Control Requirements'' (Docket No. AMS–FV–06–0181) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1553. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Exemption of Onions for Export'' (Docket No. AMS–FV–07–0043) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1554. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 and Class 3 Spearmint Oil for the 2006–2007 Marketing Year'' (Docket No. AMS–FV–07–0039) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1555. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. FV07–932–1 FR) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1556. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Hourly Fee Rates for Science and Technology Laboratory Services—Fiscal Year 2007–2009'' ((RIN0581–AC48) (Docket No. ST–05–01)) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1557. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2006–07 Crop Natural Seedless Raisins'' (Docket No. AMS–FV–07–0027) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1558. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Army's Recruiter Incentive Pay Pilot Program; to the Committee on Armed Services.

EC–1559. A communication from the Assistant Secretary of the Army (Installations and Environment), transmitting, pursuant to law, a report relative to the costs, benefits, feasibility, and suitability of locating support functions for Fort Belvoir and the Engineering Proving Grounds on property in Springfield, Virginia; to the Committee on Armed Services.

EC–1560. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final List of Fisheries for 2007'' (RIN0648–AU19) received on April 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1561. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act during fiscal year 2005; to the Committee on Environment and Public Works.

EC–1562. A communication from the Secretary of Energy, transmitting, the report of draft legislation intended to implement the Convention on Supplementary Compensation for Nuclear Damage; to the Committee on Environment and Public Works.

EC–1563. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–61—2007–78); to the Committee on Foreign Relations.

EC–1564. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC–1565. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Relations.

EC–1566. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of the required determination to waive certain restrictions on maintaining a Palestine Liberation Organization Office and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC–1567. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, the report of a proposal intended to extend the authorization of appropriations for the 1998 Tropical Forest Conservation Act through fiscal year 2010; to the Committee on Foreign Relations.

EC–1568. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Pay Administration (General)'' (RIN3206–AK74) received on April 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1569. A communication from the Director, Insurance Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Requirements for Continued Coverage During Retirement'' (RIN3206–AI62) received on April 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1570. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination'' (RIN0651–AB77) received on April 16, 2007; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Douglas G. Myers, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

*Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

Mr. KENNEDY. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Public Health Service nominations beginning with Sunee R. Danielson and ending with Mary E. Evans, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

*Public Health Service nominations beginning with Arturo H. Castro and ending with David J. Lusche, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

*Public Health Service nominations beginning with David G. Addiss and ending with Allyson M. Alvarado, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

*Public Health Service nominations beginning with Daniel S. Miller and ending with Darin S. Wiegers, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. SALAZAR, Ms. CANTWELL, and Mr. SANDERS):

S. 1139. A bill to establish the National Landscape Conservation System; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 1140. A bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Ms. SNOWE, and Mr. HARKIN):

S. 1141. A bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. COCHRAN, Mr. WARNER, Mr. WYDEN, Mr. KENNEDY, Mr. LIEBERMAN, Ms. SNOWE, Mrs. BOXER, Mr. KERRY, Mr. MENENDEZ, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. REED, Mrs. MURRAY, Ms. COLLINS, and Mr. SUNUNU):

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1144. A bill to provide for an assessment of the achievements by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CORNYN, and Mr. WHITEHOUSE):

S. 1145. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. TESTER, Mr. BURR, Mrs. MURRAY, Mr. GRASSLEY, Mr. WYDEN, Ms. COLLINS, Mr. PRYOR, Mr. ENZI, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, and Mr. DORGAN):

S. 1146. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 1147. A bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8''); to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. LEAHY, and Mr. SANDERS):

S. 1148. A bill to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 1149. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. ENZI):

S. 1150. A bill to enhance the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA:

S. 1151. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Finance.

By Ms. CANTWELL:

S. 1152. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. COLEMAN):

S. 1153. A bill to require assessment of the impact on small business concerns of rules relating to internal controls, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. CRAIG):

S. 1154. A bill to promote biogas production, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BROWNBACK, Ms. LANDRIEU, Mr. ALLARD, Mr. HARKIN, Mrs. MURRAY, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. THUNE, and Mr. LEVIN):

S. 1155. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, and Mr. BROWN):

S. 1156. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLARD:

S. Res. 154. A resolution demanding the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LEAHY):

S. Res. 155. A resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. LEAHY, and Mr. OBAMA):

S. Res. 156. A resolution commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes; considered and agreed to.

By Mr. REID (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 157. A resolution extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORKER, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS):

S. Res. 158. A resolution designating April 20, 2007, as ''National and Global Youth Service Day''; considered and agreed to.

By Mr. LOTT (for himself and Mr. CONRAD):

S. Res. 159. A resolution commending the Association for Advanced Life Underwriting on its 50th anniversary; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. Res. 160. A resolution recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation; considered and agreed to.

By Mr. WEBB (for himself and Mr. WARNER):

S. Res. 161. A resolution honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday; considered and agreed to.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. STEVENS):

S. Con. Res. 28. A concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 67

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 378

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 534

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 534, a bill to bring the FBI to full strength to carry out its mission.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 551

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 551, a bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 600

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 731

At the request of Mr. SALAZAR, the names of the Senator from Tennessee

(Mr. CORKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Delaware (Mr. BIDEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 796

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 875

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 875, a bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 937

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 970

At the request of Mr. SMITH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 992

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 992, a bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes.

S. 1012

At the request of Ms. LANDRIEU, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1025

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1025, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 1042

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Rhode Island (Mr. REED) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1065

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1122

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1122, a bill to improve the calculation of highway mileage to medium and large hub airports, and for other purposes.

S.J. RES. 1

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to

human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 134

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 134, a resolution designating September 2007 as ''Adopt a School Library Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today with my colleague from Indiana, Senator BAYH, to introduce the Nuclear Safeguards and Supply Act of 2007.

The future of the Nuclear Non-Proliferation Treaty and the larger nonproliferation system it supports is in doubt. The existing safeguards regime used by the International Atomic Energy Agency (IAEA) has succeeded in forestalling nuclear weapons programs in the world's advanced industrial states, several of which were weighing the nuclear option 40 years ago. Unfortunately, this regime has failed to keep pace with the increase in the global availability of nuclear weapons technology, especially the technology and equipment for uranium enrichment and spent nuclear reactor fuel reprocessing, which can produce fissile material for weapons. Now the road to nuclear weapons can be traveled by determined countries with only a minimal industrial base. While the number of recognized nuclear weapon states has not dramatically increased over the years, the dangers of proliferation have become all too apparent as demonstrated by the A.Q. Khan network, the Iranian, North Korean, and Libyan examples.

The construction of facilities for the enrichment of uranium and reprocessing of spent nuclear fuel in new states, even for ostensibly peaceful purposes, poses an unacceptable long-term risk to the national security of the United States. The enrichment technology intended to produce fuel for reactors can also be used to create highly-enriched uranium for a nuclear weapon, and the plutonium that is produced from reprocessing spent fuel is also suitable for nuclear weapons and susceptible to diversion to terrorists. The spread of enrichment and reprocessing capabilities will dangerously increase the chances that new nations will develop nuclear weapons and that terrorists might obtain fissile or radiological materials for crude devices. It is therefore incumbent on the United States to lead an international effort to halt the expansion of enrichment and reprocessing to new countries.

We know President Bush shares our assessment of this situation. On February 11, 2004, he stated, ''The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.''

The threats posed by new nuclear fuel cycle facilities in new states are made worse by the fact that the use of nuclear power is likely to increase, both in developed and developing countries. As energy costs have soared in recent years, many states are reexamining nuclear power as a potential source of electricity. Importantly, however, the expansion of nuclear power does not require—either technically or economically—the construction of enrichment or reprocessing facilities in countries that do not currently have them.

Senator BAYH and I believe the United States should adopt as a basic nonproliferation principle that countries who give up their own enrichment and reprocessing programs have an assurance, either bilateral or multilateral or both, of nuclear reactor fuel at reasonable prices. Today, the market provides the basic framework for commerce in and access to nuclear fuel, and should not be interrupted by government action, but the exchange of nuclear fuel and fuel services for enrichment and reprocessing capabilities is not currently explicit. This would also require that states agreeing to accept fuel services and leasing of fuel, in return for giving up joining the group of states possessing reprocessing and enrichment capabilities, would also consent to wide access and close monitoring of their nuclear energy activities, exceeding the requirements of the IAEA Additional Protocol. Related efforts in this area should also move forward in the [Nuclear Suppliers Group, where various nations have advocated a criteria-based approach to nuclear fuel supply.

Unfortunately, as the world looks to increase the number of civilian nuclear power plants, the IAEA, charged with ensuring that energy programs do not stray into weapons efforts through the verification of safeguards agreements, operates on a shortsighted budget with old equipment. This situation threatens the institution, and to some degree the nuclear stability that the IAEA's safeguards verification mandate supports. The IAEA is responsible for verifying that states do not violate their obligations under the Nuclear Nonproliferation Treaty (NPT). The IAEA monitors states' nuclear programs through safeguards agreements and additional protocols to ensure that nuclear material, equipment, and technology are used for declared, peaceful purposes.

Last November, I visited the IAEA and its Safeguards Analytical Laboratory (SAL), located just outside Vienna, Austria. Samples collected by IAEA inspectors during inspections are brought to the SAL to verify that safeguards obligations are being met and that there are no undeclared materials and activities. Unfortunately the laboratory's aging equipment and dangerous working conditions will hamper the important work done there, particularly as more samples arrive there and as more states expand their nuclear power infrastructure. Such a situation could, in the future, shut down a critical nonproliferation facility. The IAEA's nuclear materials analysis capability is vulnerable to a single point of failure given the situation at SAL. Laboratory staff is also severely limited in the time they can spend analyzing evidence in the ''hot'' or nuclear part of SAL because of the dilapidated air purification system in one part of the laboratory. Equally disturbing, SAL is still using equipment manufactured in the 1970's. If the IAEA is supposed to be the world's nuclear watchdog, the least we can do is to provide the people who work there with appropriate and effective tools to do their job.

Absent refurbishment of SAL, or the construction of a new IAEA facility with modem equipment, President Ronald Reagan's charge ''trust but verify'' will be abandoned because we have not taken action.

The SAL helped to discover the inconsistencies in Iran's cover-up of its nuclear weapons program. The analysis and questioning by inspectors prompted stonewalling by Tehran. The Iranian failure to provide information and access led the IAEA Board of Governors to refer the matter to the United Nations Security Council. While I wish this might have happened more quickly, the fact is that SAL, the network of laboratories in other Member States, and the IAEA's inspectors provided the evidence necessary to build consensus on Iranian violations.

The Lugar-Bayh legislation works to create both bilateral and multilateral assurances of nuclear fuel supply by specifically authorizing the President to pursue such mechanisms. Importantly, our legislation takes note of the fact that merely ensuring fuel supply is not enough to truly deal with the potential proliferation that could arise as a result of many more nuclear reactors being built around the world. Proliferation of fuel cycle technologies may continue, regardless of the ability of our Nation and others to craft layers of assurance in fuel supply. Our bill makes an important point—that fuel supply for new nuclear power is as important as the safeguards applied to nuclear power.

The Lugar-Bayh legislation makes it the policy of the United States to discourage the development of enrichment and reprocessing capabilities in additional countries, and to encourage the creation of bilateral and multilateral assurances of nuclear fuel supply,

and ensure that all supply mechanisms operate in strict accordance with the IAEA safeguards system and do not result in any additional unmet verification burdens for the system. To ensure that SAL does not cease to function, we authorize an additional $10,000,000 for the refurbishment or possible replacement of the IAEA Safeguards Analytical Laboratory. We also authorize the Secretary of State, in cooperation with the Secretary of Energy and the Directors of the National Laboratories, and in consultation with the Secretary of Defense and the Director of National Intelligence, to pursue a program that will improve nuclear safeguards technology development.

With regard to fuel supply, our bill authorizes the President to create, consistent with existing law, bilateral and multilateral mechanisms to provide a reliable supply of nuclear fuel to those countries and groups of countries that adhere to policies designed to prevent the proliferation of nuclear weapons and that decide to forgo a national uranium enrichment program and spent nuclear fuel reprocessing facilities. Such mechanisms must confront the challenges of international politics, thus the authority contained in the bill is designed to provide a flexible framework, rather than a final set of requirements, for such mechanisms. The bill embraces both bilateral and multilateral fuel supply mechanisms, and calls for a report on the establishment of an International Nuclear Fuel Authority.

The United States cannot fix the IAEA's problems alone, but we must lead. An international diplomatic effort is required to raise the funds necessary to ensure that the IAEA has the resources and leadership it needs to continue its important mission. But the IAEA, its Member States and Board of Governors must also act. The Board must review and revise SAL staffing policies as they apply to professional staff working at SAL to ensure that it attracts and retains key personnel. Current policies are self-defeating and force experts out just as they are accumulating the level of experience and expertise necessary to succeed.

Not only is the existing IAEA infrastructure in desperate need of modernization, but a global nuclear power expansion will require a commensurate increase in IAEA capability. We must strengthen the organization to ensure that multiplying nuclear power facilities are not diverted to weapons work. This can and should be accompanied by better support to our own efforts in verification activities and technologies, such as through the Key Assets Verification Fund at the Department of State and the U.S. Program of Technical Assistance to IAEA Safeguards or POTAS.

If the world is at the dawn of a new nuclear power age, then there will be more facilities and materials for the IAEA to inspect and verify. The IAEA is not prepared for such a future, but there is still time to put the necessary investments in place to ensure that it continues its important role. The United States and other Member States have the ability to plan and make decisions now that will ensure a safer nuclear power option in the future. It is incumbent upon the United States to assist in the construction of the best possible safeguards system to provide for international peace and security. Peaceful uses of nuclear energy are only as good as the means to verify them.

The current budget of the IAEA cannot sustain further stress, nor can the world afford to allow another state to develop nuclear weapons in secret. The IAEA is underfunded to perform its current tasks and would be required to do much more should nuclear energy become more widespread. The Bush Administration must significantly increase funding to the IAEA to improve its ability to exercise its rights and meet its obligations. We hope this legislation will begin that process.

I look forward to working with my colleagues on the Committee on Foreign Relations on these important matters. I thank Senator BAYH for his partnership in this endeavor.

By Mr. BINGAMAN (for himself, Mr. SALAZAR, Ms. CANTWELL, and Mr. SANDERS):

S. 1139. A bill to establish the National Landscape Conservation System; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, together with Senators SALAZAR, CANTWELL, and SANDERS, I am pleased today to introduce legislation to codify the National Landscape Conservation System, the collection of national monuments, national conservation areas, wilderness areas, wild and scenic rivers and other remarkable landscapes on our public lands administered by the Bureau of Land Management.

The National Landscape Conservation System was established administratively by the Department of the Interior in 2000 and consists of all areas the BLM administers for conservation purposes. The concept behind grouping all of these areas into one system was to increase public awareness of the importance of these lands and to highlight the BLM's conservation of these areas and their cultural, historical, scientific, and ecological significance to the Nation.

Within my own State of New Mexico, the National Landscape Conservation System encompasses several nationally significant areas, including the rugged lava flows of El Malpais National Conservation Area, the unique cone-shaped rock formations of the Kasha-Katuwe Tent Rocks National Monument, the Rio Grande Wild and Scenic River, the Continental Divide National Scenic Trail and the El Camino Real de Tierra Adentro and Old Spanish Trail National Historic Trails, as well as over one million acres of wilderness and wilderness study areas.

However, because the NLCS was established administratively, it does not have the permanence that it would have if enacted legislatively. In addition, legislative enactment of the NLCS will help increase the attention to these important, congressionally protected areas, and hopefully will help ensure that the system remains a high priority within the BLM and the Department of the Interior. The bill does not create any new management authority and does not change the authorities for any of the previously designated areas within the system.

Given the broad public support for these areas, I expect this bill to be noncontroversial and it is my hope that it will be able to move quickly through the Congress and enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Landscape Conservation System Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 3(a).

SEC. 3. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) an outstanding natural area;

(D) a wilderness study area;

(E) a component of the National Trails System;

(F) a component of the National Wild and Scenic Rivers System; or

(G) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area, as designated under section 101(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn–11(a));

(B) the Headwaters Forest Reserve; and

(C) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SALAZAR. Mr. President, today Senator BINGAMAN and I are introducing the National Landscape Conservation System Act, a bill that will help protect some of our Nation's most treasured landscapes.

This bill, which we are introducing with Senators Cantwell and Sanders, will make permanent a system of management for the 26 million most spectacular acres of the 260 million acres that the Bureau of Land Management oversees.

The National Landscape Conservation System was created administratively in 2000 to guide the management of the national monuments, national conservation areas, national wild and scenic rivers, wilderness areas, wilderness study areas, and national historic and scenic trails that are under the BLM's authority.

Many of these lands are on par with our national parks in their beauty and value to the American people. Unfortunately, the National Landscape Conservation System has taken a backseat in our country's land conservation efforts. The NLCS has been shortchanged in funding in the President's budget year in and year out. There are not enough resources or staff to properly manage these lands, and we are hearing a growing number of reports that natural, cultural, and archaeological sites on NLCS lands are being overrun or destroyed. Last year, a report by the National Trust for Historic Preservation painted a disappointing portrait of how cultural resources are being managed on BLM lands.

At Colorado's Canyons of the Ancients National Monument, home to the highest density of cultural sites in America, 47 ancestral Puebloan sites were looted in the first half of 2006. With only one law enforcement officer for the entire monument, it is almost impossible to prevent this type of vandalism.

At McInnis Canyon National Conservation Area, also in Colorado, the one law enforcement officer splits his time with other lands overseen by the BLM field office. How is one officer to be expected to protect 1.3 million acres of BLM land?

This same unit of the NLCS shares an archaeologist with the Grand Junction, CO, field office. There is no way that an individual can oversee the archaeological surveys under way in the area's booming oil and gas fields while still ensuring that the conservation area's petroglyphs, fossils, and archaeological treasures are documented and protected.

The Secretary of the Interior took a good step in 2000 when he established the National Landscape Conservation System. The BLM should have additional resources and tools for the management of lands that the American people have determined to be of exceptional natural, cultural, recreational, scenic, or historic value. Unfortunately, this system has not come far in the last 7 years.

The administration provides no line item in the President's budget for the system, NLCS units have endured repeated funding cuts, and there are meager plans for where the system is going over the coming decades.

The bill that Senator BINGAMAN and I are introducing today takes the first step in improving the stewardship of these crown jewel BLM lands. It is a straightforward bill: it simply writes the National Landscape Conservation System into law, making it permanent for the enjoyment of future generations.

The bill does not change how any of the units in the system are managed. Grazing rights, water rights, and public access to the national monuments, the wilderness areas, and the conservation areas are unchanged.

The bill does, however, recognize that these landscapes are of great interest to the American people and should be managed to protect their values.

Over the coming decades, these lands will become more widely used and known. Americans are already coming to see these landscapes—places like canyons of the Ancients National Monument or Gunnison Gorge National Conservation Area—as treasures that match our great national parks and wildlife refuges.

This bill is a logical and needed step toward improving the management of the units that comprise the National Landscape Conservation. I thank Chairman BINGAMAN for his leadership on this issue, and I hope we will have an opportunity to move this bill through the Senate as quickly as possible.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. COCHRAN, Mr. WARNER, Mr. WYDEN, Mr. LIEBERMAN, Ms. SNOWE, Mrs. BOXER, Mr. KERRY, Mr. MENENDEZ, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. REED, Mrs. MURRAY, Ms. COLLINS, and Mr. SUNUNU):

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

Mr. GREGG. Mr. President, I rise today along with Senator LAUTENBERG to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators COCHRAN, WARNER, WYDEN, KENNEDY, LIEBERMAN, SNOWE, BOXER, KERRY, MENENDEZ, CANTWELL, FEINSTEIN, REED, MURRAY, COLLINS, and SUNUNU. In addition, this legislation is supported by the Trust for Public Land, The Nature Conservancy, Association of Fish and Wildlife Agencies, the Land Trust Alliance, The Conservation Fund, Restore America's Estuaries, The Ocean Conservancy, American Fly Fishing Trade Association, Society for the Protection of New Hampshire Forests, National Estuarine Research Reserve Association, Association of National Estuary Programs, Coastal States Organization, New Jersey Audubon Society, and the NY/NJ Baykeeper.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and Federal, State, and local governments. As clearly outlined by the U.S. Commission of Ocean Policy, these efforts are urgently needed. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of State and local communities. This new program, administered by the National Oceanic and Atmospheric Administration, would provide Federal matching funds to states with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much needed support for local coastal conservation initiatives throughout the country. In New Hampshire, we have worked collaboratively with local communities, environmental groups, willing sellers, and the State to conserve lands around Great Bay, Sagamore Creek, Massacre Marsh, Hurd Farm, Moose Mountain, Winnicut Headwaters, Marden Woods, Sleeper Wetlands, and the Piscassic River Greenway. These lands are home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs like the Coastal and Estuarine Land Protection program will further enable other states to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the country.

I welcome the opportunity to offer this important legislation, with my good friend from New Jersey, Senator LAUTENBERG. I am thankful for his leadership on this issue, and look forward to working with him to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

Mr. LAUTENBERG. Mr. President, I rise today to join Senator GREGG in our introduction of legislation that would help protect and preserve the valuable coastal and estuarine lands of our Nation.

Development of the Nation's coastal and estuarine areas poses an increasing threat to water quality, wildlife habitat, flood protection, and recreational opportunities. The U.S. Commission on Ocean Policy emphasized that intact coastal lands are vital to ensuring the ecological and economic health of coastal communities. However, as these areas are fragmented and disappear, so do the benefits they provide. The Coastal and Estuarine Land Protection Act (CELP) would authorize the National Oceanic and Atmospheric Administration (NOAA) as the lead Federal agency supporting State, local or private acquisition of land or conservation easements in undeveloped coastal areas in order to ensure their protection from development. The Joint Ocean Commission Initiative has identified enactment of the Coastal and Estuarine Land Protection Act as a high priority for improving our coastal resource management. This legislation builds upon the existing Coastal and Estuarine Land Conservation Program (CELCP) within NOAA. The Program allows States to compete for matching funds to acquire land or easements for the protection of sensitive coastal ecosystems. The Federal funds provided through this program help leverage additional State, local and private funding.

The CELCP complements private, Federal and State conservation programs. This program is based on the highly successful Forest Legacy program which is a Federal-State partnership program that supports efforts to protect environmentally sensitive forest lands. Permanent protection of lands in the coastal zone is also necessary to maintain and enhance coastal and estuarine areas for the benefit of the Nation, including protecting water quality, keeping public beachfront accessible, conserving wildlife habitat, and sustaining sport and commercial fisheries.

Coastal and estuarine areas are some of the most productive ecosystems on earth. They are home to countless plants, animals, birds, and fish. These are complex ecosystems that provide a foundation for marine life as well as protection of inland areas from storm damage. Over the last 150 years the national system of estuaries has decreased in size because of our growing coastal populations and short-sighted land-use planning. Today our coastal areas are home to over 150 million Americans, about 53 percent of the U.S. population, and over 180 million people visit the coasts each year. Due to the increasing pressures from development in low-lying areas, NOAA has estimated 80 percent of our Nations' coastal waters are impaired for human use and marine life.

The National Estuarine Research Reserve System (NERRS) established under the Coastal Zone Management Act is a network of 27 protected estuaries throughout the United States, including the Jacques Cousteau NERRS site in New Jersey. These are pristine areas that provide public education and conservation awareness, and serve as living laboratories for scientific research. The funds provided through the CELP program established by our legislation would promote the expansion of these estuarine areas and assist in keeping coastal ecosystems healthy and productive.

Federal funds help make New Jersey conservation possible. New Jersey's treasured natural resources—from the Meadowlands to the marshlands of Barnegat Bay—have substantially benefited from Federal support. The existing CELCP has aided in securing protection for over a thousand acres in New Jersey including lands for Gunning Island, Tuckerton Creek, and the Harbor Herons project. This week there will be a formal dedication of a 115-acre property, acquired with the aid of CELCP, on Potter Creek in Berkeley Township for public use and recreation. Lands have been protected in the Manahawkin Marsh, for wildlife habitat, including migratory birds along the Atlantic Flyway. In Ocean County, the CELCP helped secure the acquisition of 800 acres on Tuckerton Creek in Little Egg Harbor which is vital to protecting Atlantic white cedar stands and improving the water quality of the Barnegat Bay. These projects have successfully protected our coasts while sustaining human activity.

The coastal zone is essential to our country's prosperity and well-being. The coastal and estuarine lands are areas of national importance and they are vulnerable to human activities. From 2002 through 2006 twenty-five States have benefited from the CELCP. Now is the time for Congress to authorize this program to conserve lands that are vital to our Nation.

The bill Senator GREGG and I are introducing today, the Coastal and Estuarine Land Protection Act, will ensure an ongoing partnership between Federal, State, and local governments to support the economic and natural resource base of communities through the acquisition of coastal and estuarine lands. This legislation offers the opportunity for States to protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values and are threatened by conversion to other uses.

The organizations supporting this legislation include The Trust for Public Land, The American Littoral Society, NY/NJ Baykeeper, Association of Fish and Wildlife Agencies, Land Trust Alliance, Restore America's Estuaries, American Fly Fishing Trade Association, Society for the Protection of New Hampshire's Forests, National Estuarine Research Reserve Association, Association of National Estuary Programs, The Ocean Conservancy, Coastal States Organization, The Conservation Fund, The Nature Conservancy, and the New Jersey Audubon Society. I ask unanimous consent that a letter of support from these groups be printed in the RECORD.

I would like to thank Senator GREGG for his long-time leadership on this issue. I would also like to thank Senator MIKULSKI for her many years of support for this legislation. I look forward to continuing to work with Senator GREGG and my colleagues in the Senate to ensure its passage so that we can fill this vital need for coastal and estuarine protection.

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

APRIL 16, 2007.

Hon. JUDD GREGG,
Russell Senate Office Building,
Washington, DC.
Hon. FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS GREGG AND LAUTENBERG: On behalf of the organizations listed below, we would like to thank you for your long-standing support of coastal zone management and coastal land conservation. We are writing today in support of the Coastal and Estuarine Land Protection Act (CELP), which would formally codify the Coastal and Estuarine Land Conservation Program. This program was created by Congress in FY 2002 in order to ''protect those coastal and estuarine areas with significant conservation, recreation, ecological, historical or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses.'' Thus far, this program has invested over $177 million towards 119 conservation projects in 25 of the nation's 35 coastal states. This federal investment has leveraged more than an equal amount of state, local and private funding, demonstrating the importance of coastal protection throughout the nation and the critical role of federal funding to its success.

Our nation's coastal zone is under significant pressures from unplanned development. In fact, it is estimated that by 2025, nearly 75 percent of the nation's population will live within 50 miles of the coast, in addition to millions more who enjoy America's storied coastlines. Across the nation, beaches and waterfronts have always been the destination of choice for Americans. Fully one-half of the nation's gross domestic product, $4.5

trillion annually, is generated in coastal watershed counties, inexorably linking our coastal zone with the economic health of the nation.

As a result of this economic boom, rapid, unplanned development has marred the once-pristine viewshed and substantially reduced public access to the coast. The resulting increase in impervious surfaces has correspondingly increased non-point source pollution and seriously degraded coastal and estuarine waters. The loss of coastal wetlands has drastically impaired estuaries, some of the most productive habitat on earth, and has exacerbated damage from coastal storms. The U.S. Commission on Ocean Policy has also stressed the importance of land conservation as part of its broader recommendations to Congress and the nation.

From our first-hand experience at the local level, we know that CELP will significantly leverage ongoing community-based conservation, and will provide a much needed boost to local efforts. Given the importance of healthy, productive and accessible coastal areas, a federal commitment to state and local coastal protection is a sound investment. The new legislation codifies the existing investment that Congress has already made to coastal protection and authorizes the program formally. We believe this is an important and necessary step to enhance efforts to ensure safe and accessible coastal waters.

We thank you for introducing this legislation, and look forward to working with you towards its enactment.

Sincerely,

Gary J. Taylor, Legislative Director, Association of Fish and Wildlife Agencies; Russell Shay, Director of Public Policy, Land Trust Alliance; Alan Front, Senior Vice President, The Trust for Public Land; Steven Bosak, Vice President for External Affairs, Restore America's Estuaries; Robert Ramsay, President, American Fly Fishing Trade Association; Jane A. Difley, President-Forester, Society for the Protection of New Hampshire's Forests; Angela Corridore, Executive Director, National Estuarine Research Reserve Association; Rich Innes, Executive Director, Association of National Estuary Programs; David Hoskins, Vice President for Government Affairs and General Counsel, The Ocean Conservancy; Kacky Andrews, Executive Director, Coastal States Organization; Lawrence A. Selzer, President, The Conservation Fund; Jimmie Powell, Director of Government Relations, The Nature Conservancy; Eric Stiles, Vice President for Conservation and Stewardship, New Jersey Audubon Society; Tim Dillingham, Executive Director, American Littoral Society (NJ).

By Mr. NELSON of Florida:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, today I am introducing a bill designating the Jupiter Inlet Lighthouse and the 126 surrounding acres in Jupiter, Florida, as an ''Outstanding Natural Area.'' The Jupiter Lighthouse is a local and regional icon, full of rich history and home to many endangered plant and animal species. Designating the lighthouse as an ''Outstanding Natural Area'' will preserve the rich cultural heritage and important ecological value of the site. This designation would give the Jupiter Inlet the distinction of being the sole East Coast representative of the National Landscape Conservation System—the eastern counterpart to the Yaquina Head Lighthouse in Oregon.

This bill is the product of the hard work and cooperation of many people in Florida, including the Town of Jupiter Island, the Town of Jupiter, the Board of County Commissioners of Palm Beach County, the Loxahatchee River Historical Society, and numerous others. I am also pleased that Representative TIM MAHONEY is introducing similar legislation in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the area surrounding the Jupiter Inlet Lighthouse in the State of Florida—

(A) is at the confluence of the Loxahatchee River and the Indian River Lagoon; and

(B) supports significant ecological values, including—

(i) endangered species of flora and fauna; and

(ii) imperiled natural communities rapidly vanishing in south Florida;

(2) the area surrounding the Lighthouse was first used by Native Americans over 4,000 years ago;

(3) Europeans made contact with the area surrounding the Lighthouse in the 17th century;

(4) the Lighthouse and the associated Oil House, which was constructed in 1860, are nationally recognized historical structures that should be preserved for present and future generations of people in the United States;

(5) the Lighthouse tells an important story about—

(A) the maritime history of southeast Florida;

(B) the prehistory and history of southeast Florida; and

(C) the role of southeast Florida in the Civil War, World War II, and the creation of the National Weather Service;

(6) the Lighthouse is listed on the National Register of Historic Places;

(7) the Lighthouse has been, and continues to be, a physical manifestation of the commitment of the Federal Government to maritime safety and security;

(8) the current operations and activities of the Coast Guard at Jupiter Inlet perpetuate the commitment described in paragraph (7);

(9) the Jupiter Inlet Lighthouse Outstanding Natural Area—

(A) would make a significant addition to the National Landscape Conservation System administered by the Bureau of Land Management; and

(B) would be the only unit of the National Landscape Conservation System located east of the Mississippi River;

(10) statutory protection is needed for the Lighthouse and the Federal land surrounding the Lighthouse to ensure that the natural and cultural resources continue to be—

(A) a part of the historic, cultural, and natural heritage of the United States; and

(B) a source of inspiration for the people of the United States;

(11) the actions of the Federal Government to protect and conserve the land and historic structures associated with the Outstanding Natural Area should not be construed, interpreted, or allowed to diminish or control ongoing or future Coast Guard operations or activities; and

(12) the Lighthouse and the Federal land surrounding the Lighthouse represent a true partnership of the highest order in which collaboration is, and would continue to be, an everyday reality leading to successful management and land stewardship by the Bureau of Land Management, Palm Beach County, Florida, the Town of Jupiter, Florida, the Village of Tequesta, Florida, the Loxahatchee River Historical Society, and the Coast Guard (collectively known as the ''Jupiter Working Group'') and other partners.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term ''Lighthouse'' means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term ''Local Partners'' includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 5(a).

(5) MAP.—The term ''map'' means the map entitled ''Jupiter Inlet Lighthouse: Outstanding Natural Area'' and dated February 2007.

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by section 4(a).

(7) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STATE.—The term ''State'' means the State of Florida.

SEC. 4. ESTABLISHMENT OF THE JUPITER INLET LIGHT HOUSE OUTSTANDING NATURAL AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in subsection (b) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(b) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(1) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(2) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the Eastern States Office of the Bureau of Land Management in the State of Virginia.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, section 7, and any existing withdrawals under the Executive orders and public land order described in paragraph (2), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in paragraph (1) are—

(A) the Executive Order dated October 22, 1854;

(B) Executive Order No. 4254 (June 12, 1925); and

(C) Public Land Order No. 7202 (61 Fed. Reg. 29758).

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(1) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(2) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(b) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(1) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, the Loxahatchee River Historical Society, and other partners; and

(2) in a manner that ensures full public participation.

(c) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(d) INCLUSIONS.—The management plan shall include—

(1) objectives and provisions to ensure—

(A) the protection and conservation of the resource values of the Outstanding Natural Area; and

(B) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(2) objectives and provisions to maintain or recreate historic structures;

(3) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(4) a proposal for administrative and public facilities to be developed or improved that—

(A) are compatible with achieving the resource objectives for the Outstanding Natural Area described in section 6(a)(1)(B); and

(B) would accommodate visitors to the Outstanding Natural Area;

(5) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(6) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(e) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

SEC. 6. MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(A) as part of the National Landscape Conservation System; and

(B) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems.

(2) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(b) USES.—Subject to valid existing rights and section 7, the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further—

(1) the purposes for which the Outstanding Natural Area is established;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable laws.

(c) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary shall, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area

(d) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in section 4(b).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(A) adjacent to the Outstanding Natural Area; and

(B) identified in the management plan as appropriate for acquisition.

(2) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under paragraph (1) only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(3) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under paragraph (1) shall be added to, and administered as part of, the Outstanding Natural Area.

(f) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(1) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(2) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(3) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(g) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

SEC. 7. EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.

Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guad missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Ms. SNOWE:

S. 1144. A bill to provide for an assessment of the achievements by the Government of Iraq of benchmarks for

political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, I rise to speak to the monumental and consequential matter regarding the future course of the United States and our courageous men and women in uniform in Iraq.

Today, we are at a profoundly challenging moment in time, and at a critical crossroads with respect to our direction in this war. I know that none of us arrive at this question lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. And indisputably, myriad, deeply-held beliefs and arguments were expressed on those pivotal matters—some in concert, some complementary, some in conflict. Yet, without question, all were rooted in mutual concern for—and love of—our great Nation. And there was—and should not be today—no question about our support for our brave and extraordinary troops.

It is therefore with the utmost respect for our troops that I today introduce a bill which allows them the ability to complete the mission they have selflessly undertaken, while assuring them that their valor shall not be unconditionally expended upon an Iraqi government which fails to respond in kind. This amendment requires that government to actually achieve previously agreed political and security benchmarks while the Baghdad Security Plan—commonly referred to as the ''surge''—is in effect, or face the redeployment of those U.S. troops dedicated to that plan.

Specifically, this legislation would require that, 120 days after enactment—a point in time at which our military commanders have stated that they should know whether the surge will succeed—the Commander of Multi-National Forces, Iraq would report to Congress as to whether the Iraqi government has met each of six political and security-related benchmarks which it has already agreed to meet by that time. These six benchmarks are:

Iraqi assumption of control of its military . . .

Enactment of a Militia Law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq . . .

Completion of the constitutional review and a referendum held on special amendments to the Iraqi Constitution that ensure equitable participation in the government of Iraq without regard to religious sect or ethnicity . . .

Completion of provincial election law and preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity . . .

Enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and

Enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

The Iraqi Government must know that any opportunity gained from our increased troop levels in Baghdad is a window that we will soon close if it fails to take urgent action and show tangible results in tandem. If, at the end of 120 days, the Commander of Multi-National Forces, Iraq reports the Iraqi Government has not met the benchmarks, then the Commander should plan for the phased redeployment of the troops we provided for the Baghdad Security Plan, period.

That is why, under this amendment, after 120 days, should the Commander report that the Iraqi Government has failed to meet the benchmarks listed, he will then be required to present a plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan and to provide plans detailing the transition of the mission of the U.S. forces remaining in Iraq to one of logistical support, training, force protection, and targeted counter-terrorism operations—i.e., those functions set forth in the Iraq Study Group Report. As General Petraeus stated in March, ''I have an obligation to the young men and women in uniform out here, that if I think it's not going to happen, to tell them that it's not going to happen, and there needs to be a change.''

The message must be loud and clear—the Iraqi government must understand in no uncertain terms that our presence is neither open-ended nor unconditional, and I support setting conditions for a phased withdrawal. My concern with the supplemental appropriations bill stems from the fact that it mandates a specific date for troop withdrawal by requiring it to occur within 120 days of passage. This arbitrary timeline would telegraph a precise and immediate departure date to our enemies that I believe would jeopardize the security of our men and women remaining on the ground.

Moreover, this mandated, 120-day timetable does not place the necessary pressure and conditions on the Iraqi government to implement national reconciliation and solidify their own security. Rather, we should require that the Iraqi government complete work within 120 days on the specific, concrete benchmarks they have already agreed to that would lead to national reconciliation. If the Iraqis cannot meet these benchmarks within this 120-day period, our commanders should begin planning for the phased redeployment of the troops we deployed for the Baghdad Security Plan.

My colleagues may recall that I opposed the surge because I did not—and still do not—believe that additional troops are a substitute for political will and capacity. General Petraeus said last month that a political resolution is crucial because that is what will determine in the long run the success of this effort. I could not agree more. The fact is, America and the world require more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation—we must see actual results. The Iraqi Government must find the will to ensure that it represents and protects the rights of every Iraqi.

After our four-year commitment, Iraq's Government should not doubt that we must observe more than incremental steps toward political reconciliation we require demonstrable changes. While limited progress has been made on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a sheaf of laws and not just a single measure that must pass to ensure that all Iraqis have a share and stake in their government. Chief among these are constitutional amendments which will permit Iraqis of all ethnicities and confessions to be represented at the local level of government. Yet, so far, the review committee has yet to even finish drafts of these critical amendments.

I believe we were all encouraged by the recent Ambassadorial meetings in Baghdad and the follow-on ministerial conference called at the Iraqi government's request. These talks are vital to securing Iraq's border, reversing the flow of refugees, and stemming the foreign interference which exacerbates sectarian divisions. But we also look for the Iraqi government's leadership in dismantling the militias and strengthening the National Army so that it is truly a national institution that can provide the security so desperately desired by all Iraqis in every province.

We are now three months into the surge, and our troops have made gains in reducing the still horrific levels of violence on Baghdad through their heroic efforts. Yet it is deeply concerning to me that—mirroring the slowness with which the Iraqi government has moved on political reforms—their sacrifice remains by and largely unmatched by their Iraqi counterparts.

Two weeks ago, Leon Panetta, a member of the Iraq Study Group, wrote the following in a New York Times Op-Ed, ''. . . every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, 'if the Iraqi government does not make political progress on reforms, all the troops in the world will not provide security.' '' He went on to enumerate the progress or, more to the point, the lack of progress toward the agreed upon benchmarks and concluded that 'unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.'''

In fact, over the past few months, many have come to the realization that political action by the Iraqi government is a paramount precursor to

national reconciliation and stability and, without it, the Baghdad Security Plan is only a temporary, tactical fix for one specific location. And while we are hearing about incremental successes, I agree with Thomas Friedman who said recently in an interview, ''there's only one metric for the surge working, and that is whether we're seeing a negotiation among Iraqis to share power, to stabilize the political situation in Iraq, which only they can do . . . telling me that the violence is down 10 percent or 8 percent here or 12 percent there, I don't really think that's the metric at all.''

To this day, the public looks to the United States Senate to temper the passions of politics and to bridge divides. And if ever there were a moment when Americans are imploring us to live up to the moniker of ''world's greatest deliberative body,'' that moment is upon us.

If I had a son or daughter or other family member serving in Iraq, I would want at least the assurance that someone was speaking up to tell the Iraqi government—and frankly our government as well—that my family's sacrifice must be matched by action and sacrifice on the part of the Iraqi government. I would want to know that the most profound of all issues was fully debated by those who are elected to provide leadership. For those of us who seek success in Iraq, and believe that a strategy predicated on political and diplomatic solutions—not merely increased troop levels—presents the strongest opportunity to reach that goal, let us coalesce around this bill, which will allow us to speak as one voice strong . . . together . . . and united in service to a purpose we believe to be right.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CORNYN, and Mr. WHITEHOUSE):

S. 1145. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our patent system is grounded in the Constitution. Among the specifically enumerated powers of Congress in Article I, Section 8, stands the command to ''promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective discoveries.'' Those discoveries have, since the founding of our Nation, made us the envy of the world. Our inventors, our research institutions, and the many companies that commercialize those discoveries have brought a wealth of new products and processes to our society; we have all been the beneficiaries of that creativity and hard work.

Vermont has long played an important role in bringing such inventions to the public, combining 'Yankee ingenuity' with lots of sweat equity. In fact, the very first U.S. patent was granted to Samuel Hopkins, a farmer in Pittsford, VT, who discovered a process for making potash. That ethic continues to the present day; just last year, inventors in IBM's Essex Junction plant received 360 patents 10 percent of IBM's total U.S. patents.

Vermont is special, of course, but not unique in this regard. American inventors are in every community, every company and school. They are individuals tinkering on the weekends in their garages. They are teams of PhDs in our largest corporations. They are scientists training students in laboratories at our colleges and universities. Our patent laws should support and reward all American innovators—independent inventors, small businesses, venture capitalists, academic researchers, and large corporations. To do so, we must update our patent laws. Crafted for an earlier time, when smokestacks rather than microchips were the emblems of industry, those laws have served well but need some refinements.

Senator HATCH and I introduced an earlier version of this bill, S. 3818, last August. At that time, I said we had taken the first step down a road to real, constructive patent reform, which could reduce the unnecessary burdens of litigation in the patent system and enhance the quality of patents granted by the Patent and Trademark Office. Senator HATCH wisely noted that we would have to have continuing conversations about issues that remained unresolved. We have spent the time since then hearing from all manner of interested parties, and indeed we have learned as much since we introduced S. 3818 as we had in the two years prior to its introduction.

In this Congress, the partnership is not only bipartisan but bicameral. We have reached not only across the aisle but across the Hill to work out a bill that joins the Senate and the House, Democrats and Republicans, so that today we are introducing a Leahy-Hatch bill in the Senate that mirrors a Berman-Smith bill in the House. The message is both strong and clear: We have a unified and resolute approach to improving the nation's patent system. We will all have time to focus on the bill's many provisions in the weeks to come, but I would highlight three significant changes we have made since last summer, aided by the many stakeholders in this process.

First, the Patent Reform Act of 2007 now includes a pure ''first-to-file'' system, which will inject needed clarity and certainty into the system. The United States stands alone among nations that grant patents in giving priority for a patent to the first inventor, as opposed to the first to file a patent application for a claimed invention. The result is a lack of international consistency, and a complex and costly system in the United States to determine inventors' rights. At the same time, our legislation provides important protections for inventors at universities, by permitting them to discuss publicly their work without losing priority for their inventions.

Second, poor patent quality has been identified as a key element of the law that needs attention. After a patent is issued, a party seeking to challenge the validity and enforceability of the patent has two avenues under current law: by reexamination proceeding at the USPTO or by litigation in federal district court. The former is used sparingly and some see it as ineffective; the latter, district court litigation, can be unwieldy and expensive. S. 3818 had created a new, post-grant review to provide an effective and efficient system for considering challenges to the validity of patents. The Patent Reform Act of 2007 has improved that system, and in particular, we have addressed concerns about misuse of the procedure. Post-grant review will include protections to avoid the possibility of misuse of the post-grant process. The Director is instructed to prescribe rules to prevent harassment or abuse, successive petitions are prohibited, and petitioners are barred from raising the same arguments in court.

Third, we are keenly aware that a sound patent system needs fair and equitable remedies. As products have become more complex, often involving hundreds or even thousands of patented aspects, litigation has not reliably produced damages awards in infringement cases that correspond to the value of the infringed patent. Our bill last summer was our first effort to ensure that damages awards accurately reflected the harm caused by infringement. Subsequent conversations with many affected parties have led us to language that, we believe, better serves that purpose and avoids potential pitfalls.

The Patent Reform Act of 2007 is also significant for what is not included. S. 3818 would have made three considerable changes to the patent laws that, upon further consideration and after listening to the affected parties, we have decided not to make in this year's legislation. First is the requirement that patent applicants not intentionally misrepresent a material fact or fail to disclose material information to the PTO. Candor and truthfulness are the backbone of the patent application system, and are protected by the inequitable conduct doctrine. S. 3818 would have weakened that doctrine, but it is preserved this year. Second, we maintain the traditional rule on attorneys' fees, instead of shifting fees and other expenses to the non-prevailing party as was proposed in S. 3818. Finally, we do not inject Congress into the ongoing litigation over the extra-territorial provision, section 271(f). S. 3818 would have repealed the provision in its entirety; the Patent Reform Act of 2007 does not, while the interpretation of the provision is currently pending before the Supreme Court. If the Court does not resolve that issue, we will revisit it in the legislative process.

If we are to maintain our position at the forefront of the world's economy, if

we are to continue to lead the globe in innovation and production, if we are to continue to enjoy the fruits of the most creative citizens, then we must have a patent system that produces high quality patents, that limits counterproductive litigation over those patents, and that makes the entire system more streamlined and efficient. This bill is an important step towards that goal. I look forward to immediate and intense debate that will inform both the Members of Congress and the public about these improvements, that will allow us to further refine our legislation, and that will lead us to consideration on the Senate floor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Patent Reform Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 35, United States Code.
Sec. 3. Right of the first inventor to file.
Sec. 4. Inventor's oath or declaration.
Sec. 5. Right of the inventor to obtain damages.
Sec. 6. Post-grant procedures and other quality enhancements.
Sec. 7. Definitions; patent trial and appeal board.
Sec. 8. Study and report on reexamination proceedings.
Sec. 9. Submissions by third parties and other quality enhancements.
Sec. 10. Venue and jurisdiction.
Sec. 11. Regulatory authority.
Sec. 12. Technical amendments.
Sec. 13. Effective date; rule of construction.

SEC. 2. REFERENCE TO TITLE 35, UNITED STATES CODE.

Whenever in this Act a section or other provision is amended or repealed, that amendment or repeal shall be considered to be made to that section or other provision of title 35, United States Code.

SEC. 3. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.

''(j) The term 'joint invention' means an invention resulting from the collaboration of inventive endeavors of 2 or more persons working toward the same end and producing an invention by their collective efforts.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, or in public use or on sale—

''(A) more than one year before the effective filing date of the claimed invention; or

''(B) one year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before the applicable date under such subparagraph (B), been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor, joint inventor, or applicant.

''(2) DERIVATION AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor; or

''(B) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon one or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 is amended to read as follows:

''§ 103. Conditions for patentability; non-obvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104, and the item relating to that section in the table of sections for chapter 10, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157, and the item relating to that section in the table of sections for chapter 14, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291, and the item relating to that section in the table of sections for chapter 29, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 12 months after the date of first publication of an application containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) REQUIREMENTS.—A proceeding under this subsection may not be commenced unless the party requesting the proceeding has filed an application that was filed not later than 18 months after the effective filing date of the application or patent deemed to interfere with the subsequent application or patent.

''(3) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(4) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant that filed the earlier application.

''(5) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the Patent and Trademark Office.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Subsection 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2007), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

SEC. 4. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a), that commences the national stage under section 363, or that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application

for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 10 is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 is amended—

(1) in the first paragraph——

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification'';

(B) by striking ''of carrying out his invention'' and inserting ''or joint inventor of carrying out the invention''; and

(2) in the second paragraph—

(A) by striking ''The specifications'' and inserting ''(b) CONCLUSION.—The specifications''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

SEC. 5. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) DAMAGES.—Section 284 is amended—

(1) in the first paragraph—

(A) by striking ''Upon'' and inserting ''(a) AWARD OF DAMAGES.—

''(1) IN GENERAL.—Upon'';

(B) by aligning the remaining text accordingly; and

(C) by adding at the end the following:

''(2) RELATIONSHIP OF DAMAGES TO CONTRIBUTIONS OVER PRIOR ART.—The court shall conduct an analysis to ensure that a reasonable royalty under paragraph (1) is applied only to that economic value properly attributable to the patent's specific contribution over the prior art. In a reasonable royalty analysis, the court shall identify all factors relevant to the determination of a reasonable royalty under this subsection, and the court or the jury, as the case may be, shall consider only those factors in making the determination. The court shall exclude from the analysis the economic value properly attributable to the prior art, and other features or improvements, whether or not themselves patented, that contribute economic value to the infringing product or process.

''(3) ENTIRE MARKET VALUE.—Unless the claimant shows that the patent's specific contribution over the prior art is the predominant basis for market demand for an infringing product or process, damages may not be based upon the entire market value of that infringing product or process.

''(4) OTHER FACTORS.—In determining damages, the court may also consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.'';

(2) by amending the second undesignated paragraph to read as follows:

''(b) WILLFUL INFRINGEMENT .—

''(1) INCREASED DAMAGES.—A court that has determined that the infringer has willfully infringed a patent or patents may increase the damages up to three times the amount of damages found or assessed under subsection (a), except that increased damages under this paragraph shall not apply to provisional rights under section 154(d).

''(2) PERMITTED GROUNDS FOR WILLFULNESS.—A court may find that an infringer has willfully infringed a patent only if the patent owner presents clear and convincing evidence that—

''(A) after receiving written notice from the patentee—

''(i) alleging acts of infringement in a manner sufficient to give the infringer an objectively reasonable apprehension of suit on such patent, and

''(ii) identifying with particularity each claim of the patent, each product or process that the patent owner alleges infringes the patent, and the relationship of such product or process to such claim,

the infringer, after a reasonable opportunity to investigate, thereafter performed one or more of the alleged acts of infringement;

''(B) the infringer intentionally copied the patented invention with knowledge that it was patented; or

''(C) after having been found by a court to have infringed that patent, the infringer engaged in conduct that was not colorably different from the conduct previously found to have infringed the patent, and which resulted in a separate finding of infringement of the same patent.

''(3) LIMITATIONS ON WILLFULNESS.—(A) A court may not find that an infringer has willfully infringed a patent under paragraph (2) for any period of time during which the infringer had an informed good faith belief that the patent was invalid or unenforceable, or would not be infringed by the conduct later shown to constitute infringement of the patent.

''(B) An informed good faith belief within the meaning of subparagraph (A) may be established by—

''(i) reasonable reliance on advice of counsel;

''(ii) evidence that the infringer sought to modify its conduct to avoid infringement once it had discovered the patent; or

''(iii) other evidence a court may find sufficient to establish such good faith belief.

''(C) The decision of the infringer not to present evidence of advice of counsel is not relevant to a determination of willful infringement under paragraph (2).

''(4) LIMITATION ON PLEADING.—Before the date on which a court determines that the patent in suit is not invalid, is enforceable, and has been infringed by the infringer, a patentee may not plead and a court may not determine that an infringer has willfully infringed a patent. The court's determination of an infringer's willfulness shall be made without a jury.''; and

(3) in the third undesignated paragraph, by striking ''The court'' and inserting ''(c) EXPERT TESTIMONY.—The court''.

(b) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''of a method''; and

(ii) by striking ''review period;'' and inserting ''review period; and'';

(B) in paragraph (2)(B), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraphs (3) and (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for a method''; and

(ii) by striking ''at least 1 year before the effective filing date of such patent, and'' and all that follows through the period and inserting ''and commercially used, or made substantial preparations for commercial use of, the subject matter before the effective filing date of the claimed invention.'';

(B) in paragraph (2)—

(i) by striking ''The sale or other disposition of a useful end result produced by a patented method'' and inserting ''The sale or other disposition of subject matter that qualifies for the defense set forth in this section''; and

(ii) by striking ''a defense under this section with respect to that useful end result'' and inserting ''such defense''; and

(C) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(3) in paragraph (7), by striking ''of the patent'' and inserting ''of the claimed invention''; and

(4) by amending the heading to read as follows:

''§ 273. Special defenses to and exemptions from infringement''.

(c) TABLE OF SECTIONS.—The item relating to section 273 in the table of sections for chapter 28 is amended to read as follows:

''273. Special defenses to and exemptions from infringement.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of enactment of this Act.

SEC. 6. POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS.

(a) REEXAMINATION.—Section 303(a) is amended to read as follows:

''(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's own initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents and publications discovered by the Director, is cited under section 301, or is cited by any person other than the owner of the patent

under section 302 or section 311. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) REEXAMINATION.—Section 315(c) is amended by striking ''or could have raised''.

(c) REEXAMINATION PROHIBITED AFTER DISTRICT COURT DECISION.—Section 317(b) is amended—

(1) in the subsection heading, by striking ''FINAL DECISION'' and inserting ''DISTRICT COURT DECISION''; and

(2) by striking ''Once a final decision has been entered'' and inserting ''Once the judgment of the district court has been entered''.

(d) EFFECTIVE DATES.—Notwithstanding any other provision of law, sections 311 through 318 of title 35, United States Code, as amended by this Act, shall apply to any patent that issues before, on, or after the date of enactment of this Act from an original application filed on any date.

(e) POST-GRANT OPPOSITION PROCEDURES.—

(1) IN GENERAL.—Part III is amended by adding at the end the following new chapter:

''CHAPTER 32—POST-GRANT REVIEW PROCEDURES

''Sec.
''321. Petition for post-grant review.
''322. Timing and bases of petition.
''323. Requirements of petition.
''324. Prohibited filings.
''325. Submission of additional information; showing of sufficient grounds.
''326. Conduct of post-grant review proceedings.
''327. Patent owner response.
''328. Proof and evidentiary standards.
''329. Amendment of the patent.
''330. Decision of the Board.
''331. Effect of decision.
''332. Relationship to other pending proceedings.
''333. Effect of decisions rendered in civil action on future post-grant review proceedings.
''334. Effect of final decision on future proceedings.
''335. Appeal.

''§ 321. Petition for post-grant review

''Subject to sections 322, 324, 332, and 333, a person who is not the patent owner may file with the Office a petition for cancellation seeking to institute a post-grant review proceeding to cancel as unpatentable any claim of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim). The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable.

''§ 322. Timing and bases of petition

''A post-grant proceeding may be instituted under this chapter pursuant to a cancellation petition filed under section 321 only if—

''(1) the petition is filed not later than 12 months after the grant of the patent or issuance of a reissue patent, as the case may be;

''(2)(A) the petitioner establishes a substantial reason to believe that the continued existence of the challenged claim in the petition causes or is likely to cause the petitioner significant economic harm; or

''(B) the petitioner has received notice from the patent holder alleging infringement by the petitioner of the patent; or

''(3) the patent owner consents in writing to the proceeding.

''§ 323. Requirements of petition

''A cancellation petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies the cancellation petitioner; and

''(3) the petition sets forth in writing the basis for the cancellation, identifying each claim challenged and providing such information as the Director may require by regulation, and includes copies of patents and printed publications that the cancellation petitioner relies upon in support of the petition; and

''(4) the petitioner provides copies of those documents to the patent owner or, if applicable, the designated representative of the patent owner.

''§ 324. Prohibited filings

''A post-grant review proceeding may not be instituted under paragraph (1), (2), or (3) of section 322 if the petition for cancellation requesting the proceeding identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under the same paragraph of section 322.

''§ 325. Submission of additional information; showing of sufficient grounds

''The cancellation petitioner shall file such additional information with respect to the petition as the Director may require. The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented provides sufficient grounds to proceed.

''§ 326. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall—

''(1) prescribe regulations, in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) prescribe regulations setting forth the standards for showings of substantial reason to believe and significant economic harm under section 322(2) and sufficient grounds under section 325;

''(3) prescribe regulations establishing procedures for the submission of supplemental information after the petition for cancellation is filed; and

''(4) prescribe regulations setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding, and the procedures for obtaining such evidence shall be consistent with the purpose and nature of the proceeding.

''(b) POST-GRANT REGULATIONS.—Regulations under subsection (a)(1)—

''(1) shall require that the final determination in a post-grant proceeding issue not later than one year after the date on which the post-grant review proceeding is instituted under this chapter, except that, for good cause shown, the Director may extend the 1-year period by not more than six months;

''(2) shall provide for discovery upon order of the Director;

''(3) shall prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(4) may provide for protective orders governing the exchange and submission of confidential information; and

''(5) shall ensure that any information submitted by the patent owner in support of any amendment entered under section 328 is made available to the public as part of the prosecution history of the patent.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each post-grant review proceeding authorized by the Director.

''§ 327. Patent owner response

''After a post-grant proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the cancellation petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

''§ 328. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 shall not apply in a challenge to any patent claim under this chapter.

''(b) BURDEN OF PROOF.—The party advancing a proposition under this chapter shall have the burden of proving that proposition by a preponderance of the evidence.

''§ 329. Amendment of the patent

''(a) IN GENERAL.—In response to a challenge in a petition for cancellation, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a substitute claim.

''(3) Amend the patent drawings or otherwise amend the patent other than the claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted only for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

''§ 330. Decision of the Board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 329.

''§ 331. Effect of decision

''(a) IN GENERAL.—If the Patent Trial and Appeal Board issues a final decision under section 330 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

''(b) NEW CLAIMS.—Any new claim held to be patentable and incorporated into a patent in a post-grant review proceeding shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by such new claim, or who made substantial preparations therefore, prior to issuance of a certificate under subsection (a) of this section.

''§ 332. Relationship to other pending proceedings

''Notwithstanding subsection 135(a), sections 251 and 252, and chapter 30, the Director may determine the manner in which any reexamination proceeding, reissue proceeding, interference proceeding (commenced before the effective date of the Patent Reform Act of 2007), derivation proceeding, or post-grant

review proceeding, that is pending during a post-grant review proceeding, may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding.

"§ 333. Effect of decisions rendered in civil action on future post-grant review proceedings

''If a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28 establishing that the party has not sustained its burden of proving the invalidity of any patent claim—

''(1) that party to the civil action and the privies of that party may not thereafter request a post-grant review proceeding on that patent claim on the basis of any grounds, under the provisions of section 311, which that party or the privies of that party raised or had actual knowledge of; and

''(2) the Director may not thereafter maintain a post-grant review proceeding previously requested by that party or the privies of that party on the basis of such grounds.

"§ 334. Effect of final decision on future proceedings

''(a) IN GENERAL.—If a final decision under section 330 is favorable to the patentability of any original or new claim of the patent challenged by the cancellation petitioner, the cancellation petitioner may not thereafter, based on any ground which the cancellation petitioner raised during the post-grant review proceeding—

''(1) request or pursue a reexamination of such claim under chapter 31;

''(2) request or pursue a derivation proceeding with respect to such claim;

''(3) request or pursue a post-grant review proceeding under this chapter with respect to such claim; or

''(4) assert the invalidity of any such claim, in any civil action arising in whole or in part under section 1338 of title 28.

''(b) EXTENSION OF PROHIBITION.—If the final decision is the result of a petition for cancellation filed on the basis of paragraph (2) of section 322, the prohibition under this section shall extend to any ground which the cancellation petitioner raised during the post-grant review proceeding.

"§ 335. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant proceeding under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant proceeding shall have the right to be a party to the appeal.''.

(f) CONFORMING AMENDMENT.—The table of chapters for part III is amended by adding at the end the following:

"32. Post-Grant Review Proceedings .. 321".

(g) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (e) of this section

(2) APPLICABILITY.—The amendments made by subsection (e) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that date, except that, in the case of a patent issued before that date, a petition for cancellation under section 321 of title 35, United States Code, may be filed only if a circumstance described in paragraph (2), (3), or (4) of section 322 of title 35, United States Code, applies to the petition.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a cancellation petition for a post-grant opposition proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 7. DEFINITIONS; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITIONS.—Section 100 (as amended by this Act) is further amended—

(1) in subsection (e), by striking ''or inter partes reexamination under section 311'';

(2) by adding at the end the following:

''(k) The term 'cancellation petitioner' means the real party in interest requesting cancellation of any claim of a patent under chapter 31 of this title and the privies of the real party in interest.''.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 is amended to read as follows:

"§ 6. Patent Trial and Appeal Board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30; and

''(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

''(4) conduct post-grant opposition proceedings under chapter 32.

Each appeal and derivation proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings. The Director shall assign each post-grant review proceeding to a panel of 3 administrative patent judges. Once assigned, each such panel of administrative patent judges shall have the responsibilities under chapter 32 in connection with post-grant review proceedings.''.

SEC. 8. STUDY AND REPORT ON REEXAMINATION PROCEEDINGS.

The Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office shall, not later than 3 years after the date of the enactment of this Act—

(1) conduct a study of the effectiveness and efficiency of the different forms of proceedings available under title 35, United States Code, for the reexamination of patents; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any of the Director's suggestions for amending the law, and any other recommendations the Director has with respect to patent reexamination proceedings.

SEC. 9. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

(a) PUBLICATION.—Section 122(b)(2) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking ''(A) An application'' and inserting ''An application''; and

(B) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively.

(b) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—Section 122 is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the submitter affirming that the submission was made in compliance with this section.''.

SEC. 10. VENUE AND JURISDICTION.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Any civil action arising under any Act of Congress relating to patents, other than an action for declaratory judgment or an action seeking review of a decision of the Patent Trial and Appeal Board under chapter 13 of title 35, may be brought only—

''(1) in the judicial district where either party resides; or

''(2) in the judicial district where the defendant has committed acts of infringement and has a regular and established place of business.

''(c) Notwithstanding section 1391(c) of this title, for purposes of venue under subsection (b), a corporation shall be deemed to reside in the judicial district in which the corporation has its principal place of business or in the State in which the corporation is incorporated.''.

(b) INTERLOCUTORY APPEALS.—Subsection (c)(2) of section 1292 of title 28, United States Code, is amended by adding at the end the following:

''(3) of an appeal from an interlocutory order or decree determining construction of claims in a civil action for patent infringement under section 271 of title 35.

Application for an appeal under paragraph (3) shall be made to the court within 10 days after entry of the order or decree, and proceedings in the district court under such paragraph shall be stayed during pendency of the appeal.''.

SEC. 11. REGULATORY AUTHORITY.

Section 3(a) is amended by adding at the end the following:

''(5) REGULATORY AUTHORITY.—In addition to the authority conferred by other provisions of this title, the Director may promulgate such rules, regulations, and orders that the Director determines appropriate to carry out the provisions of this title or any other law applicable to the United States Patent and Trademark Office or that the Director determines necessary to govern the operation and organization of the Office.''.

SEC. 12. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph, by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 is amended—

(1) in the first paragraph, by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) REISSUE OF DEFECTIVE PATENTS.—Section 251 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provision'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(d) EFFECT OF REISSUE.—Section 253 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(e) CORRECTION OF NAMED INVENTOR.—Section 256 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(f) PRESUMPTION OF VALIDITY.—Section 282 is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

SEC. 13. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (3)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 3(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the Patent and Trademark Office.

Mr. HATCH. Mr. President, I rise today to introduce with Senate Judiciary Committee Chairman PATRICK LEAHY the Patent Reform Act of 2007, S. 1145. S. 1145 represents years of careful negotiation and input from a wide-spectrum of stake holders. In fact, the 2006 Hatch-Leahy bill has served as a blueprint for this year's legislation and contains substantially similar language. Chairman LEAHY's desire to have a piece of legislation that is both bipartisan and bicameral is a great undertaking and represents a tremendous commitment by Congress to move forward in streamlining and strengthening our patent system.

The patent system is the bedrock of innovation, especially in today's global economy. Last year, more than 440,000 patent applications were filed at the United States Patent and Trademark Office (USPTO). The sheer volume of patent applications reflects the vibrant, innovative spirit that has made America a world-wide leader in science, engineering, and technology. Because America's ingenuity continues to fund our economy, we must protect new ideas and investments in innovation and creativity. Patents encourage technological advancement by providing incentives to invent, invest in, and disclose new technology. Now, more than ever, it is important to ensure efficiency and increased quality in the issuance of patents. This in turn creates an environment that fosters entrepreneurship and the creation of jobs: two significant pillars in our economy. In my home State of Utah alone, there are over 3,200 technology and 500 life science companies, and eight percent year-over-year growth. Utah leads the western States region in creating and sustaining these companies.

Additionally, the concentration of college graduates in Utah is contributing to the State's technological friendliness, attracting growth companies to Utah and creating new ones. There is a large, young adult population in Utah attending not only the two world-class research universities of the University of Utah and Utah State University, but also Brigham Young University, Utah Valley State College and Weber State University. These universities and colleges are strong economic drivers that encourage technology industry growth in my State.

For years, Chairman LEAHY and I have been working together to craft meaningful patent reform to address problems that have been identified through a series of hearings and discussions with stake holders. This bill addresses many of the problems with the substantive, procedural, and administrative aspects of the patent system, which governs how entities here in the United States apply for, receive, and eventually make use of patents.

The Patent Reform Act of 2007 includes provisions to improve patent quality. Many complaints about the current patent system deal with the number of suspect and over-broad patents that are issued. Because bad patents are generally of little value to productive companies, in many cases their value is maximized by using them as a basis for infringement suits against deep-pocket defendants. This bill institutes a robust post-grant review process so that third parties can challenge suspect patents in an administrative process, rather than through costly litigation. In the bill we introduced today, Section 6 has been tightened by including an anti-harassment provision to discourage companies from colluding and perpetually harassing one company. I am hopeful this will serve as a deterrent to those who seek to abuse post-grant review process.

In addition, S. 1145 is designed to harmonize U.S. law with the law of other countries by instituting a first-to-file system. The United States is the only significant country following the first-to-invent system, in which the right of the patent lies with the first inventor, rather than the first inventor to file for a patent. The Patent Reform Act of 2007 provides greater certainty because the filing date of an application can very rarely be challenged.

S. 1145 also seeks to provide fair and equitable remedies. Some claim that courts have allowed damages for infringement to be based on the market for an entire product when all that was infringed is a minor component of the product. The bill's language preserves the current rule that mandates that a damages award shall not be less than a reasonable royalty for the infringed patent, and further requires the court to conduct an analysis to ensure that when a reasonable royalty is the award, it reflects only the economic value of the patent's specific contribution over the prior art.

There are a few provisions I believe need further discussion. I was disappointed that the inequitable conduct provision from last year's bill was removed. Attorneys well know that the inequitable conduct defense has been overpleaded and has become a drag on the litigation process. I think last year's language struck the correct balance by focusing on the patentability of the claims in dispute and properly prevented parties from asserting the defense frivolously. Let me hasten to add that I do believe there should be consequences for misconduct. I believe that reforms to the inequitable conduct defense should focus on the nature

of the misconduct and not permit the unenforceability of a perfectly valid patent on a meritorious invention. And, sanctions should be commensurate with the misconduct.

Moreover, establishing inequitable conduct is supposed to require independent proof that: (1) the information at issue was material; and (2) the person who failed to disclose it or made the misrepresentation had the specific intention of misleading the USPTO. The two elements have become linked, and courts often discount the intent requirement by finding that the information is ''highly material.'' In fact, the materiality standard has become so inclusive that virtually anything now is portrayed as material. Information should only be considered material when it causes the USPTO to improperly grant patent claims. Using a standard of whether USPTO examiners would reject the claims is a good approximation of materiality because of the prima facie standard they use to determine whether the claims meet the requirements for patentability. Unfortunately, this bill preserves the status quo.

A provision that would provide attorneys' fees and costs to a prevailing party was also left out of this bill. I included this provision in last year's bill to discourage weak cases from clogging the already-burdened judicial system. This is not a new concept in the realm of intellectual property. In fact, I note, Section 505 of the Copyright Act clearly provides courts the discretion to award attorneys' fees and costs. It seems logical that we would provide the same discretion in S. 1145 and I look forward to discussing this issue with Chairman LEAHY.

We opted this year not to include a provision that would repeal Section 271(f) of Title 35, pending a Supreme Court decision that is expected soon. Section 271(f) creates a cause of action for infringement due to foreign sales when a component of a patented invention is supplied from this country, knowing that a component will be combined in an infringing manner outside the United States. In the event of an unfavorable ruling, Chairman LEAHY and I are committed to addressing this issue using the legislative process.

Patent law is vital to our Nation's ability to compete in the global economy. S. 1145 is designed to ensure that the United States remains at the forefront of developing and translating new ideas into tangible goods and services through an effective patent review and protection system

This bill represents a commitment from Congress to move forward in streamlining and strengthening our patent system. I am hopeful that further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that we can join efforts to refine and enact this important bill.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. TESTER, Mr. BURR, Mrs. MURRAY, Mr. GRASSLEY, Mr. WYDEN, Ms. COLLINS, Mr. PRYOR, Mr. ENZI, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, and Mr. DORGAN):

S. 1146. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SALAZAR. Mr. President, today I am introducing the Rural Veterans Healthcare Improvement Act of 2007, with my colleague from South Dakota, Senator THUNE, and my colleague from Montana, Senator TESTER. We are pleased to be joined by Senators BURR, MURRAY, GRASSLEY, WYDEN, COLLINS, PRYOR, ENZI, LINCOLN, SNOWE, KERRY, BINGAMAN, SMITH, BAUCUS, and DORGAN.

Over the last two years my colleagues have heard me speak repeatedly about the challenges that are facing rural America. In the America where I grew up—the America of farmers, ranchers, small business owners, and generations of close-knit families—it is getting more difficult to make a living, to access affordable healthcare, and to provide opportunities for kids to learn and grow.

The challenges facing veterans in rural communities are particularly grave. For generations, men and women from rural America have devoted themselves to the cause of freedom without hesitation and in numbers greatly beyond their proportion of the U.S. population. Yet we consistently overlook the unique challenges these men and women face after they return home to their families and friends in the heartland of America. When it comes to the VA healthcare system, we fail our Nation's rural veterans by not doing more to ensure they can access the high-quality health care they have earned. We owe them much better.

Over and over, I hear from veterans in my state about obstacles to care. In northwest Colorado, veterans must brave three and four hour drives on winding mountain roads to reach the VA hospital in Grand Junction.

In northeast Colorado I have heard from a veteran who must travel 500 miles round trip just to get a simple blood test at a VA hospital. I think most of my colleagues would agree with me that this is ludicrous.

I wish I could say these are isolated circumstances. Unfortunately, they are not. Because of gaps in the network of VA hospitals and clinics, we hear stories like this all the time.

Every day, veterans from rural communities throughout the country are forced to put off crucial treatment because they live too far from VA facilities and can't get the care they need. As a result, rural veterans die younger and suffer from more debilitating illnesses—all because our system is not equipped to address their needs and provide care accordingly. A 2004 study of over 750,000 veterans conducted by Dr. Jonathan Perlin, the Under Secretary for Health at the VA, consistently found that veterans living in rural areas are in poorer health than their urban counterparts.

Last year, we took an important first step in improving care for rural veterans. Thanks to the bipartisan efforts of my colleagues on the Veterans' Affairs Committee, we were able to create the Office of Rural Health within the VA. The Office of Rural Health is charged with working to reduce the wide disparities between care for rural and non-rural veterans by developing and refining policies and programs to improve care and services for rural veterans. Because nearly one in every four veterans is from a rural area, the creation of this Office of Rural Health is crucial if we are to live up to our promise to provide all of our Nation's veterans with high-quality services.

The bill we are introducing today, the Rural Veterans Healthcare and Improvement Act of 2007, builds on last year's work by giving direction and resources to the Office of Rural Health and by making healthcare more accessible to veterans in rural areas.

The bill tasks the Office of Rural Health with developing demonstration projects that would expand care in rural areas through partnerships between the VA, Centers for Medicare and Medicaid Services, and the Department of Health and Human Services at critical access hospitals and community health centers. The bill also instructs the Director of the Office of Rural Health to carry out demonstration projects in partnership with the Indian Health Service to improve healthcare for Native American veterans.

In addition, the Rural Veterans Healthcare Improvement Act of 2007 establishes centers of excellence to research ways to improve care for rural veterans. The centers would be based at VA medical centers with strong academic connections. The Office of Rural Health would establish between one and five centers across the country with the advice of an advisory panel.

The Rural Veterans Healthcare Improvement Act includes two key provisions that will help veterans in rural areas reach healthcare facilities.

First, the bill establishes the VetsRide grant program to provide innovative transportation options to veterans in remote rural areas. The bill tasks the Director of the Office of Rural Health to create a program that would provide grants of up to $50,000 to veterans' service organizations and State veterans' service officers to assist veterans with travel to VA medical

centers and to improve healthcare access in remote rural areas. The bill authorizes $3 million per year for the grant program through 2012.

Secondly, the bill increases the reimbursement rates for veterans for their travel expenses related to VA medical care so that they are compensated at the same rate paid to federal employees.

Finally, our bill requires the VA to report to Congress on the assessment it is conducting of its fee-based healthcare policies. We need to improve the VA's fee-based healthcare policies to be more equitable and efficient in helping veterans in rural areas get the care they deserve.

With almost one-quarter of our Nation's veterans living in rural communities, and with the obstacles they face in accessing high-quality care, it is evident that we need to do a better job of making sure they receive the care they deserve. The creation of the Office of Rural Veterans Healthcare was a first step, and this legislation will move us further down the path toward improved care.

I want to again thank my colleague from South Dakota, Senator THUNE, and my colleague from Montana, Senator TESTER, for their efforts on this bill. We have a strong group of 17 Senators from both sides of the aisle behind this bill so far.

I know that each and every one of my colleagues deals with veterans' issues and feels a deep sense of gratitude towards the brave men and women who have fought for our freedom. I hope we can join together to move this legislation through Congress and send it to the President for his signature.

Mr. President, I yield the floor.

By Mrs. MURRAY:

S. 1147. A bill to amend title 38, United States Code, To terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8''); to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, I rise today to introduce the Honor Our Commitment to Veterans Act.

More than four years ago, the Bush Administration cut off enrollment of Priority 8 veterans in the VA healthcare system. Priority 8 veterans are those veterans without service-connected disabilities whose income is above a means tested level that varies across the country. Many of these so-called ''high-income veterans'' have annual incomes as low as $26,902.

When the Administration announced its intention to suspend healthcare enrollment for new Priority 8 veterans, they said that they were doing so in order to reduce the backlog and alleviate a longstanding funding crisis within the VA.

There is no doubt that the VA has problems. Nearly five years into this war, our veterans are facing lengthy waits just to get in the door to see a primary care physician. They are having trouble accessing critical mental health services, and some are waiting up to two years for benefits claims to be processed. These are real problems facing real people, and they deserve real solutions.

But instead of cutting off enrollment to veterans of modest means four years ago, the Bush Administration should have asked Congress for the resources necessary to address its shortcomings and increase access to this high quality health care system.

It is absolutely unacceptable that veterans in need of care are being prohibited from enrolling in the system that is supposed to serve them. Veterans who have fought hard to secure our freedoms shouldn't have to fight for access to health care at home. Our veterans deserve better.

That is why I am introducing the Honor Our Commitment to Veterans Act today, which would permit new Priority 8 veterans to enroll in the VA healthcare system.

According to a recent Congressional Research Service report, the VA estimates that if the enrollment freeze was lifted, approximately 273,000 Priority 8 veterans would have been eligible to receive medical care from VA in FY2006, and 242,000 Priority 8 veterans would be eligible in FY2007.

This legislation, which has been introduced in the House by Congressman STEVE ROTHMAN of New Jersey, would correct the injustice perpetrated in 2003 by allowing all new Priority 8 veterans to enroll in the VA healthcare system.

By Mr. KOHL (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 1149. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I am today introducing with Senators BAUCUS and CONRAD a bill that will eliminate the prohibition on interstate commerce in State-inspected meat and poultry products. Senator HATCH is also introducing a State meat inspection measure and I congratulate him on his bill. We are working together and in collaboration with the National Association of State Departments of Agriculture and a coalition of national, State, and local agricultural organizations on this effort. I expect our coalition to grow over time. Together, we intend to push for changes that will protect public health and safety and at the same time help state-inspected meat and poultry processors compete in new markets.

Removing the current prohibition will help level the playing field for small businesses and spur additional competition in the marketplace. It will help main street businesses—who often specialize in local, organic, grass-fed or artisinal products—meet emerging markets. And it will help livestock producers who want more options for marketing their livestock.

For too long, processors with State-inspected facilities have been unfairly constrained to selling only within their home States. Meanwhile, foreign-processed meat can be shipped anywhere in the United States so long as the originating Nation's inspection program is deemed equivalent to U.S. Federal standards. We want our State-inspected processors to be treated at least as well. This is an effort to give main street businesses the same opportunity our Government confers on foreign processors.

I look forward to working with Senators HATCH, BAUCUS and CONRAD and a number of our House colleagues on this topic in the months to come.

By Ms. SNOWE (for herself and Mr. COLEMAN):

S. 1153. A bill to require assessment of the impact on small business concerns of rules relating to internal controls, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today with my colleague Senator COLEMAN, to introduce the ''Small Business Regulatory Review Act.'' This is a targeted, non-controversial measure. It would ensure that the Securities and Exchange Commission (SEC) and the Public Company Accounting Oversight Board (PCAOB) fully consider the impacts of their final rules mandating how small public companies must comply with the internal control requirements of the Sarbanes-Oxley Act.

Our Nation's small stock companies are the cornerstone of our entrepreneurial economy, and it is essential that we carefully address the regulatory barriers that impede their growth.

The Sarbanes-Oxley Act was essential in restoring investor confidence after accounting fraud and massive company deceptions shook the public's trust in U.S. markets. The horrendous debacle of corporate greed from companies like Enron and Worldcom forced not only thousands of employees to lose their jobs, but also wiped out the life savings of many retirees. Now, as we refine Sarbanes-Oxley's regulations, we must carefully preserve investor protections and ensure company transparency and accountability.

In my home State of Maine, small publicly-traded companies are indispensable to the strength and renewal of our economy. However, the fact is that many of these small stock companies are struggling mightily with the cost and regulatory burden imposed by Sarbanes-Oxley compliance, regardless of

their industry. Whether it's a utility company, a dairy pharmaceutical company that makes large animal vaccines, or a community bank that fears being smothered by the combined weight of Sarbanes-Oxley and banking regulations, it is crucial that Maine's home grown companies focus their energies on developing new products, entering new markets, and creating jobs—not on compliance.

This is why I rise today, with Senator COLEMAN, to introduce the ''Small Business Regulatory Review Act of 2007.'' Our bill would require the SEC to conduct a small business analysis, consistent with the Regulatory Flexibility Act (RFA), before the SEC publishes its final rules on small business internal controls compliance. This non-controversial provision simply restates existing law, ensuring that the SEC conducts a final RFA analysis. As the SEC should already be conducting this analysis as part of its final rulemaking process, this bill will impose no additional delay.

Our bill would also require the SEC to publish a small business compliance guide, consistent with the Small Business Regulatory Enforcement Fairness Act (SBREFA). This compliance guide would explain, in plain language, the small business requirements under the rule. The SEC should publish this small businesses compliance guide when it publishes its final rule, so that small business understand the new requirements. As this non-controversial provision also restates existing law, this measure would impose no additional delay on the SEC's rulemaking process.

Regulations disproportionately affect small businesses and significantly hinder their competitiveness. In 2004, Senator ENZI and I jointly requested that the Government Accountability Office (GAO) study the effects of the Sarbanes-Oxley Act on small public companies' access to capital. The study found that the costs for complying with Sarbanes-Oxley were nine times greater for smaller companies than for large stock companies. We must reduce the burden imposed by Sarbanes-Oxley so that our small stocks in Maine, Minnesota, and across the country can continue to be some of the world's fastest growing and most innovative companies.

Finally, to address this disproportionate regulatory burden on small businesses, our bill would require that the GAO re-analyze the impact of these rules on small public companies two years after final rules are published. The GAO's report would include an assessment of the costs and time commitments the SEC and PCAOB requirements impose on small businesses and whether these costs are expected to decrease or increase in the future. Additionally, the final report would include recommendations, and regulatory alternatives, on how to simplify or improve the process of complying with SEC and PCAOB small company stock requirements. This provision simply ensures that the rules do not impose unintended, undue burdens on small businesses.

The ''Small Business Regulatory Review Act of 2007'' will help to ensure that small stock companies do not suffer from additional unintended consequences which harm their ability to compete, innovate, and grow—and, most importantly, create jobs.

By Mr. DORGAN (for himself, Mr. BROWNBACK, Ms. LANDRIEU, Mr. ALLARD, Mr. HARKIN, Mrs. MURRAY, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. THUNE, and Mr. LEVIN):

S. 1155. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator BROWNBACK and ten of our colleagues in introducing the Conservation Reserve Program Tax Fairness Act of 2007. This legislation clarifies once and for all that Conservation Reserve Program (CRP) payments received by active or retired farmers, or other landowners for that matter will be treated for Federal tax purposes as rental payments that are not subject to self-employment taxes.

Let me take a moment to describe this problem. For many years now, the Internal Revenue Service (IRS) has been taking the erroneous position that CRP payments received by farmers are self-employment income derived from a trade or business and therefore are subject to Self-Employment Contributions Act (SECA) taxes. Regrettably, the IRS and the Treasury Department proposed a new ruling late last year that not only requires active farmers to pay SECA taxes on CRP payments but expands similar tax treatment to CRP payments received by retired farmers and other landowners.

This latest ruling proposed by the IRS would impose a significant financial hardship on family farmers and others who have voluntarily agreed to take environmentally-sensitive lands out of farm production and place them in the Conservation Reserve Program in return for an annual rental payment from the Commodity Credit Corporation of the U.S. Department of Agriculture.

Today, North Dakota has some 3.4 million acres with about $112 million in rental payments in the CRP program. Left intact, the IRS's ruling would mean that farmers in North Dakota may owe an additional $16 million in Federal taxes this coming year. A typical North Dakota farmer with 160 acres of CRP would owe nearly $750 in new self-employment taxes because of the agency's ill-advised position.

If the IRS decides to pursue back taxes on returns filed by farmers in past years, the amount of taxes owed by individual farmers for CRP payments could amount to thousands of dollars. That would be devastating to many farmers and others who depend on CRP rental payments to make ends meet. As a result, the proposed change in our bill applies to CRP payments made in open tax years before, on, or after the date of its enactment.

We believe the IRS's position on the tax treatment of CRP payments is dead wrong. In our judgment, forcing CRP recipients to pay self-employment taxes on CRP payments is not what Congress intended, nor is it supportable in law. The U.S. Tax Court, the Federal court with the most expertise on tax issues, shares our view that the IRS position is improper. In fact, the U.S. Tax Court ruled in the late 1990's that CRP payments are properly treated by farmers as rental payments and, thus, not subject to self-employment taxes. Unfortunately, the IRS challenged the Tax Court decision and the Tax Court was later reversed by a Federal appellate court.

In February, IRS Commissioner Mark Everson sent a letter to me and a number of our colleagues who are concerned about this issue. In his letter, Commissioner Everson made clear that the IRS would not change its position that CRP payments are subject to self-employment tax as income derived from a trade or business—absent new statutory language passed by the Congress and enacted into law.

With the legislation we are introducing today, Congress will send a clear message to the IRS that its misguided effort to subject CRP payments to self-employment taxes is inappropriate and will not be allowed to stand. Our bill also makes sure that Federal trust funds that would have received SECA revenues but for the enactment of our bill are held harmless through the use of revenue transfers from the Treasury general fund.

Senator BROWNBACK and I ask our colleagues to support this much-needed tax relief for family farmers and other CRP recipients by cosponsoring the Conservation Reserve Program Tax Fairness Act. And we hope you will work with us to get this legislation enacted into law without delay.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, and Mr. BROWN):

S. 1156. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Best Pharmaceuticals for Children Amendments of 2007, which is a bill to reauthorize the Best Pharmaceuticals for Children Act—BPCA. If Congress doesn't act, this successful program will expire on October I, 2007. I thank my colleagues Senators KENNEDY, HARKIN, BINGAMAN, MURRAY, CLINTON and BROWN who are joining me as original cosponsors of this important legislation.

I am pleased that Senators KENNEDY and ENZI, the distinguished chairman and ranking member of the Health Education Labor, and Pensions—HELP—Committee, have included this bill in the chairman's mark for S. 1082, which is expected to be voted on today in the HELP Committee.

I would also like to recognize the contributions and leadership of former Senator Mike De Wine, a friend and colleague, who always fought to ensure children would not be treated as second-class citizens when it came to drug and device development. He was a champion of BPCA along with me even when it wasn't popular to hold that view.

The story of the Best Pharmaceuticals for Children Act is one of huge success for children and their families. Children with a wide range of diseases such as HIV/AIDS, cancer, allergies, asthma, neurological and psychiatric disorders, and obesity can now lead healthier, more productive lives as a result of new information about the safety and efficacy of drugs they use to treat and manage their diseases where previously there was none.

Children are not simply little adults and results of the drug studies conducted under the BPCA have shown us that they should not be treated as such. Pediatric drug studies conducted. under the BPCA showed that children may have been exposed to ineffective drugs, ineffective dosing, overdosing, or side effects that were previously unknown.

Since the BPCA's passage in 1997 and its reauthorization in 2002, FDA has requested nearly 800 studies involving more than 45,000 children in clinical trials. Useful new pediatric information is now part of product labeling for 119 drugs. By comparison, in the 7 years prior to the BPCA's passage, only 11 studies of marketed drugs were completed. In the past 10 years, there has been a twentyfold increase in the number of drugs studied in infants, children, and adolescents since BPCA was enacted.

Labeling changes resulting from clinical studies under the BPCA have informed physicians of the proper dosing in the examples of Viracept, a protease inhibitor used in a combination therapy for the treatment of HIV, and Neurontin, a pain relief medication used to treat children with chronic pain. For children with epilepsy, the BPCA studies informed physicians that the drugs Keppra and Trileptal could be used safely and effectively at an even earlier age than previously known. Studies of Imitrex as a result of the BPCA showed no better results than placebo for the treatment of migraine headaches in adolescents. These same studies also showed serious adverse events due to Imitrex in pediatric populations and therefore the drug is not recommended to treat migraines in anyone less than 18 years of age.

Recent studies of the BPCA by the Government Accountability Office—GAO—and by several authors from Duke University in an article which appeared in the Journal of the American Medical Association—JAMA—have demonstrated that the program is a success and have identified opportunities to strengthen the program. Authors of the recent JAMA article found that outside of the BPCA, the FDA is limited in the number and scope of studies for which it can require pediatric data for existing products on the market.

Data from this article showed that only a minority of drugs studied under the BPC, about 20 percent, had more than $1 billion in annual sales. In fact, the median drug granted exclusivity was a small-market drug with annual sales of $180 million and 30 percent of drugs studied had sales less than $200 million. This article went on to say that a universal reduction in the length of pediatric exclusivity from 6 to 3 months would mean that products with small profit margins may not be submitted for pediatric testing.

The BPCA has always tried to strike the right balance between cost to consumers and benefits to children. I believe there is an ongoing need to evaluate the cost of the incentive as it relates to reaching the goal of having medications properly studied and labeled for children. In fact, that is why I strongly support a 5–year sunset of the BPCA.

After 10 years, experience and data has shown us that for a small number of drugs, pediatric exclusivity has far exceeded the ''carrot'' it was intended to provide for manufacturers. As the authors of the recent JAMA article noted, ''our study shows that the Pediatric Exclusivity Program overcompensates blockbuster products for performing clinical trials in children, while other products have more modest returns on investment under this program.''

The bill I am introducing today contains a reasonable, workable proposal to address cost concerns without jeopardizing the extraordinary success of BPCA. I have worked closely with the chairman and ranking member of the HELP Committee to craft this proposal into the form it appears in this legislation and in the bipartisan chairman's mark which is expected to be voted on in the HELP Committee today.

On March 27, the HELP Committee held a hearing, which I chaired, entitled ''Ensuring Safe Medicines and Medical Devices for Children.'' We learned from pediatricians and a parent of five children, four of whom are HIV-positive, Mrs. Susan Belfiore, about the tremendous impact BPCA has had on the quality of life for countless numbers of children and their families. We received testimony with many suggestions for improvements to BPCA which I believe are reflected in this bill. I would also add that in the month since I circulated this bill as a draft, I received comments from several pharmaceutical companies. Some have been strongly supportive of this effort and many of their ideas and suggestions are incorporated in this bill.

The success of the BPCA has transformed the drug development process for children. It is my hope that we will achieve similar success with another piece of legislation I recently introduced called the Pediatric Medical Device Safety and Improvement Act. It is also contained within the chairman's mark to S. 1082 and I thank Chairman KENNEDY and Ranking Member ENZI for working with me to ensure that medical devices used in children are safe and are designed specifically for their use.

The BPCA has had a long history of bipartisan support and it has been my longstanding hope that this initiative will continue to be bipartisan as the chairman's mark to S. 1082 moves to the Senate floor. The safety of our Nation's children is not a partisan issue.

As the parent of two young children, I know that it is essential that products used in children's growing bodies, whether they be drugs or devices, are appropriately tested and designed specifically for their use. We must continue the tremendous success of BPCA and its complementary program, the Pediatric Research Improvement Act, of which I am an original cosponsor, by strengthening both programs through the reauthorization process this year. It is essential that we use the past experience of both programs to ensure they will continue to thrive in the future.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Best Pharmaceuticals for Children Amendments of 2007''.

SEC. 2. PEDIATRIC STUDIES OF DRUGS.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and, at the discretion of the Secretary, may include preclinical studies'';

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''(D)'' both places it appears and inserting ''(E)'';

(B) in paragraph (1)(A)(ii), by striking ''(D)'' and inserting ''(E)'';

(C) by striking ''(1)(A)(i)'' and inserting ''(A)(i)(I)'';

(D) by striking ''(ii) the'' and inserting ''(II) the'';

(E) by striking ''(B) if the drug is designated'' and inserting ''(ii) if the drug is designated'';

(F) by striking ''(2)(A)'' and inserting ''(B)(i)'';

(G) by striking ''(i) a listed patent'' and inserting ''(I) a listed patent'';

(H) by striking ''(ii) a listed patent'' and inserting ''(II) a listed patent'';

(I) by striking ''(B) if the drug is the subject'' and inserting ''(ii) if the drug is the subject'';

(J) by striking ''If'' and all that follows through ''subsection (d)(3)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—''; and

(K) by adding at the end the following:

''(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.'';

(3) in subsection (c)—

(A) in paragraph (1)(A)(i), by striking ''(D)'' both places it appears and inserting ''(E)'';

(B) in paragraph (1)(A)(ii), by striking ''(D)'' and inserting ''(E)'';

(C) by striking ''(1)(A)(i)'' and inserting ''(A)(i)(I)'';

(D) by striking ''(ii) the'' and inserting ''(II) the'';

(E) by striking ''(B) if the drug is designated'' and inserting ''(ii) if the drug is designated'';

(F) by striking ''(2)(A)'' and inserting ''(B)(i)'';

(G) by striking ''(i) a listed patent'' and inserting ''(I) a listed patent'';

(H) by striking ''(ii) a listed patent'' and inserting ''(II) a listed patent'';

(I) by striking ''(B) if the drug is the subject'' and inserting ''(ii) if the drug is the subject'';

(J) by striking ''If'' and all that follows through ''subsection (d)(3)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—''; and

(K) by adding at the end the following:

''(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.'';

(4) by striking subsection (d) and inserting the following:

''(d) CONDUCT OF PEDIATRIC STUDIES.—

''(1) REQUEST FOR STUDIES.—

''(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

''(B) SINGLE WRITTEN REQUEST.—A single written request—

''(i) may relate to more than 1 use of a drug; and

''(ii) may include uses that are both approved and unapproved.

''(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

''(A) REQUEST AND RESPONSE.—

''(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

''(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

''(II) indicating that the applicant or holder does not agree to the request and the reasons for declining the request.

''(ii) DISAGREE WITH REQUEST.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

''(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

''(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.'';

(5) by striking subsections (e) and (f) and inserting the following:

''(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

''(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

''(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within 1 year of the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such 1 year period.

''(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

''(1) INTERNAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall create an internal review committee to review all written requests issued and all reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, in accordance with paragraphs (2) and (3).

''(B) MEMBERS.—The committee under subparagraph (A) shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

''(i) Pediatrics.

''(ii) Biopharmacology.

''(iii) Statistics.

''(iv) Drugs and drug formulations.

''(v) Legal issues.

''(vi) Appropriate expertise pertaining to the pediatric product under review.

''(vii) One or more experts from the Office of Pediatric Therapeutics, including an expert in pediatric ethics.

''(viii) Other individuals as designated by the Secretary.

''(2) REVIEW OF WRITTEN REQUESTS.—All written requests under this section shall be reviewed and approved by the committee established under paragraph (1) prior to being issued.

''(3) REVIEW OF PEDIATRIC STUDIES.—The committee established under paragraph (1) shall review all studies conducted pursuant to this section to determine whether to accept or reject such reports under subsection (d)(3).

''(4) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The committee established under paragraph (1) shall be responsible for tracking and making available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

''(A) the number of studies conducted under this section;

''(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under this section;

''(C) the types of studies conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

''(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

''(E) the labeling changes made as a result of studies conducted under this section;

''(F) an annual summary of labeling changes made as a result of studies conducted under this section for distribution pursuant to subsection (k)(2); and

''(G) information regarding reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.'';

(6) in subsection (g)—

(A) in paragraph (1)—

(i) by striking ''(c)(1)(A)(ii)'' and inserting ''(c)(1)(A)(i)(II)''; and

(ii) by striking ''(c)(2)'' and inserting ''(c)(1)(B)'';

(B) in paragraph (2), by striking ''(c)(1)(B)'' and inserting ''(c)(1)(A)(ii)'';

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

(D) by striking ''LIMITATIONS.—A drug'' and inserting ''LIMITATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(2), a drug''; and

(E) by adding at the end the following:

''(2) EXCLUSIVITY ADJUSTMENT.—

''(A) ADJUSTMENT.—

''(i) IN GENERAL.—With respect to any drug, if the organization designated under subparagraph (B) notifies the Secretary that the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in any calendar year prior to the time the sponsor or holder agrees to the initial written request pursuant to subsection (d)(2), then each period of market exclusivity deemed or extended under subsection (b) or (c) shall be reduced by 3 months for such drug.

''(ii) DETERMINATION.—The determination under clause (i) of the combined annual gross sales shall be determined—

''(I) taking into account only those sales within the United States; and

''(II) taking into account only the sales of all drugs with the same active moiety of the sponsor or holder and its affiliates.

''(B) DESIGNATION.—The Secretary shall designate an organization other than the Food and Drug Administration to evaluate whether the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in a calendar year as described in subparagraph (A). Prior to designating such organization, the Secretary shall determine that such organization is independent and is qualified to evaluate the sales of pharmaceutical products. The Secretary shall re-evaluate the designation of such organization once every 3 years.

''(C) NOTIFICATION.—Once a year at a time designated by the Secretary, the organization designated under subparagraph (B) shall notify the Food and Drug Administration of all drugs with the same active moiety with combined annual gross sales that exceed $1,000,000,000 during the previous calendar year.''.

(7) in subsection (i)—

(A) in the heading, by striking ''SUPPLEMENTS'' and inserting ''CHANGES'';

(B) in paragraph (1)—

(i) in the heading, by inserting ''APPLICATIONS AND'' after ''PEDIATRIC'';

(ii) by inserting ''application or'' after ''Any'';

(iii) by striking ''change pursuant to a report on a pediatric study under'' and inserting ''change as a result of any pediatric study conducted pursuant to''; and

(iv) by inserting ''application or'' after ''to be a priority''; and

(C) in paragraph (2)(A), by—

(i) striking ''If the Commissioner'' and inserting ''If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Commissioner''; and

(ii) striking ''an application with'' and all that follows through ''on appropriate'' and inserting ''the sponsor and the Commissioner have been unable to reach agreement on appropriate'';

(8) by striking subsection (m);

(9) by redesignating subsections (j), (k), (l), and (n), as subsections (k), (m), (o), and (p), respectively;

(10) by inserting after subsection (i) the following:

''(j) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.'';

(11) in subsection (k), as redesignated by paragraph (9)—

(A) in paragraph (1)—

(i) by striking ''a summary of the medical and'' and inserting ''the medical, statistical, and''; and

(ii) by striking ''for the supplement'' and all that follows through the period and inserting ''under subsection (b) or (c).'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary shall require that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.'';

(12) by inserting after subsection (k), as redesignated by paragraph (9), the following:

''(l) ADVERSE EVENT REPORTING.—

''(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, during the 1-year period beginning on the date a labeling change is made pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this section in response to such reports.

''(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

''(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.'';

(13) by inserting after subsection (m), as redesignated by paragraph (9), the following:

''(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

''(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B. Prior to making such determination, the Secretary may take not more than 60 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate 1 or more of the pediatric studies of such drug referred to in the sentence preceding this paragraph and fund 1 or more of such studies in their entirety. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer such pediatric study or studies to the Foundation for the National Institutes of Health for the conduct of such study or studies.

''(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, determine whether there are funds available under section 736 to award a grant to conduct the requested studies pursuant to paragraph (2).

''(2) FUNDING OF STUDIES.—If, pursuant to paragraph (1), the Secretary determines that there are funds available under section 736 to award a grant to conduct the requested pediatric studies, then the Secretary shall issue a proposal to award a grant to conduct the requested studies. If the Secretary determines that funds are not available under section 736, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

''(3) PUBLIC NOTICE.—The Secretary shall give the public notice of—

''(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision;

''(B) the name of any drug, its manufacturer, and the indications to be studied pursuant to a grant made under paragraph (2); and

''(C) any decision under paragraph (2) to refer a drug for inclusion on the list established under section 409I of the Public Health Service Act.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of Title 18, United States Code.'';

(14) in subsection (p), as redesignated by paragraph (9)—

(A) striking ''6-month period'' and inserting ''3-month or 6-month period'';

(B) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(C) by striking ''2007'' both places it appears and inserting ''2012''.

(b) EFFECTIVE DATE.—Except as otherwise provided in the amendments made by subsection (a), such amendments shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of enactment of this Act.

SEC. 3. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health

and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every 3 years.

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

''(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

''(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.'';

(2) in subsection (c)—

(A) in the heading, by striking ''CONTRACTS'' and inserting ''PROPOSED PEDIATRIC STUDY REQUESTS'';

(B) by striking paragraphs (4) and (12);

(C) by redesignating paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4);

(D) by inserting before paragraph (2), as redesignated by subparagraph (C), the following:

''(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

''(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

''(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act; and

''(B) there is no patent protection or market exclusivity protection for at least 1 form of the drug under the Federal Food, Drug, and Cosmetic Act; and

''(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.'';

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by inserting ''based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1)'' after ''issue a written request'';

(ii) by striking ''in the list described in subsection (a)(1)(A) (except clause (iv))'' and inserting ''under subsection (a)''; and

(iii) by inserting ''and using appropriate formulations for each age group for which the study is requested'' before the period at the end;

(F) in paragraph (3), as redesignated by subparagraph (C)—

(i) in the heading, by striking ''CONTRACTS'';

(ii) by striking ''paragraph (1)'' and inserting ''paragraph (2)'';

(iii) by striking ''or if a referral described in subsection (a)(1)(A)(iv) is made,'';

(iv) by striking ''for contract proposals'' and inserting ''for proposals''; and

(v) by inserting ''in accordance with subsection (b)'' before the period at the end;

(G) in paragraph (4), as redesignated by subparagraph (C)—

(i) by striking ''contract''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(H) in paragraph (5)—

(i) by striking the heading and inserting ''CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS''; and

(ii) by striking ''A contract'' and all that follows through ''is submitted'' and inserting ''A contract, grant, or other funding may be awarded under this section only if a proposal is submitted'';

(I) in paragraph (6)(A)—

(i) by striking ''a contract awarded'' and inserting ''an award''; and

(ii) by inserting '', including a written request if issued'' after ''with the study''; and

(3) by inserting after subsection (c) the following:

''(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress.''

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $200,000,000 for fiscal year 2008; and

''(B) such sums as are necessary for each of the 4 succeeding fiscal years.

''(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.''.

SEC. 4. REPORTS AND STUDIES.

(a) GAO REPORT.—Not later than January 31, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of the amendments made by this Act and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this Act and the amendments made by this Act, and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)), has increased or decreased as a result of the amendments made by this Act;

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this Act, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

(b) IOM STUDY.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to section 505A of the Federal Food, Drug, and Cosmetic Act. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to such section in order to conduct such study. Such study shall—

(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c) of such section 505A;

(2) review and assess such representative pediatric studies conducted under such subsections (b) and (c) since 1997 and labeling changes made as a result of such studies; and

(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials.

SEC. 5. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g–10(2)) is amended by adding before the period at the end the following: '', including pediatric pharmacological research''.

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288–6(a)(1)) is amended by inserting ''including pediatric pharmacological research,'' after ''pediatric research,''.

SEC. 6. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking ''and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of the is Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)'' and inserting ''and studies for which the Secretary issues a certification under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(n)(1)(A))''.

SEC. 7. CONTINUATION OF OPERATION OF COMMITTEE.

Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following:

''(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the

Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.''.

SEC. 8. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a and 355c) with respect to the treatment of pediatric cancers.''; and

(B) by adding at the end the following:

''(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Subcommittee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.''; and

(2) in subsection (d), by striking ''2003'' and inserting ''2009''.

SEC. 9. EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.

(a) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'') and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled ''Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products'', 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(b) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(1) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(2) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(3) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 154—DEMANDING THE RETURN OF THE USS ''PUEBLO'' TO THE UNITED STATES NAVY

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas the USS *Pueblo*, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS *Pueblo* crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS *Pueblo*, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS *Pueblo* resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS *Pueblo*, though still the property of the United States Navy, has been retained by the Government of North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) demands the return of the USS *Pueblo* to the United States Navy; and

(2) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

SENATE RESOLUTION 155—EXPRESSING THE SENSE OF THE SENATE ON EFFORTS TO CONTROL VIOLENCE AND STRENGTHEN THE RULE OF LAW IN GUATEMALA

Mr. DODD (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas warring parties in Guatemala ended a 36-year internal armed conflict with a peace agreement in 1996, but the country has since faced alarming levels of violence, organized crime, and corruption;

Whereas the alleged involvement of senior officials of the National Civilian Police in the murder of three Salvadoran parliamentarians and their driver, and the subsequent killing of four of the police officers while in custody underscored the need to purge and strengthen law enforcement and judicial institutions in Guatemala;

Whereas high-level officials of the Government of Guatemala have acknowledged the infiltration of organized criminal networks into the state apparatus and the difficulty of combating these networks when they are deeply entrenched in public institutions;

Whereas, in its 2006 Country Report on Human Rights Practices in Guatemala, the Department of State noted that police corruption was a serious problem in Guatemala and that there were credible allegations of involvement by individual police officers in criminal activity, including rapes, killings, and kidnappings;

Whereas, in its most recent report on Guatemala, the United Nations High Commissioner for Human Rights notes that impunity continues to undermine the credibility of the justice system in Guatemala and that the justice system is still too weak to confront organized crime and its powerful structures; and

Whereas, the Government of Guatemala and the United Nations signed an agreement on December 12, 2006, to establish the International Commission against Impunity in Guatemala (Comisión Internacional Contra la Impunidad en Guatemala—CICIG), to assist local authorities in investigating and dismantling the illegal security groups and clandestine organizations that continue to operate in Guatemala: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the International Commission against Impunity in Guatemala is an innovative mechanism to support local efforts to confront the entrenched and dangerous problem posed by illegal armed groups and clandestine security organizations in Guatemala and their infiltration into state institutions;

(2) the Senate commends the Government of Guatemala, local civil society organizations, and the United Nations for such a creative effort;

(3) the Senate encourages the Guatemalan Congress to enact necessary legislation required to implement the International Commission against Impunity in Guatemala and other pending legislation needed to fulfill the 1996 peace agreement;

(4) the Senate calls on the Government of Guatemala and all sectors of society in Guatemala to unreservedly support the investigation and prosecution of illegal armed groups and clandestine security organizations; and

(5) the Senate reiterates its commitment to support the Government of Guatemala in its efforts to strengthen the rule of law in that country, including the dismantling of the clandestine groups, the purging of the police and judicial institutions, and the implementation of key justice and police reforms.

SENATE RESOLUTION 156—COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM AND APPLAUDING THE CHARACTER AND INTEGRITY OF THE PLAYERS AS STUDENT-ATHLETES

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. LEAHY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 156

Whereas under head coach C. Vivian Stringer the Rutgers University women's basketball team (referred to in this preamble as the ''Lady Knights'') finished an extraordinary 2006–2007 season with a 27–9 record;

Whereas, after losing 4 of their first 6 games, the Lady Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest the season;

Whereas, on March 6, 2007, the Lady Knights upset the top-seeded University of Connecticut team for their first-ever Big East Championship title;

Whereas the young women of the Lady Knights displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas 5 freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas, through hard work and determination, the young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the third number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers University to play for any national championship;

Whereas, during the 3 weeks of the tournament, the Lady Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the Lady Knights accomplished during the season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas the young women of the Lady Knights are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term ''student-athlete'' with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership, and class: Now, therefore, be it

Resolved, That the Senate—

(1) commends the amazing performance of Rutgers University women's basketball team in the National Collegiate Athletic Association tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women.

SENATE RESOLUTION 157—EXTENDING THE BEST WISHES OF THE SENATE TO NEW JERSEY GOVERNOR JON S. CORZINE AND EXPRESSING THE SENATE'S HOPE FOR HIS SPEEDY AND COMPLETE RECOVERY

Mr. REID (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas The Honorable Jon S. Corzine, the Governor of the State of New Jersey, served with distinction in the United States Senate from January 3, 2001, to January 17, 2006;

Whereas, during his time in the Senate, Governor Corzine made many friends in both political parties;

Whereas, on April 12, 2007, Governor Corzine was seriously injured in a major traffic accident;

Whereas Governor Corzine is in critical but stable condition in the Trauma Intensive Care Unit at Cooper University Hospital in Camden, New Jersey; and

Whereas Governor Corzine's many friends in the Senate are deeply concerned about the Governor and have had him in their thoughts since the tragic accident occurred: Now, therefore, be it

Resolved, That the Senate extends its best wishes to New Jersey Governor Jon S. Corzine and hopes for his speedy and complete recovery.

SENATE RESOLUTION 158—DESIGNATING APRIL 20, 2007, AS ''NATIONAL AND GLOBAL YOUTH SERVICE DAY''

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORKER, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 158

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) support young people in embarking on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 19th consecutive year in 2007;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing real-world issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad other issues;

Whereas a fundamental and conclusive correlation exists between youth service and lifelong adult volunteering and philanthropy;

Whereas, through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decisionmaking, teamwork, needs-assessment, and leadership;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with academic curriculum;

Whereas service-learning supports young people in mastering important curriculum content by helping them make meaningful connections between what they are studying and the challenges that they see in their own communities;

Whereas high quality service-learning has been found to increase student academic engagement, academic achievement scores, civic engagement, character development, and career aspirations;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas service-learning has been found to increase students' cognitive engagement, motivation to learn, and school attendance;

Whereas several private foundations and corporations in the United States support service-learning as a means to develop the leadership and workforce skills necessary for the competitiveness of the United States in the 21st century;

Whereas a report by America's Promise found that 94 percent of young people want to be involved in making the world a better place, but 50 percent say there should be more volunteer programs for people their age;

Whereas the same report found that one-third of young people say they lack adult role models who volunteer and help others;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities could fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day engages millions of young people worldwide with the support of 51 lead agencies, 40 international organizations, and 110 national partners;

Whereas National Youth Service Day inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 8th year;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage youth in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 20, 2007, as ''National and Global Youth Service Day''; and

(3) calls on the people of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decisionmaking opportunities today as an investment in the future of the United States.

SENATE RESOLUTION 159—COMMENDING THE ASSOCIATION FOR ADVANCED LIFE UNDERWRITING ON ITS 50TH ANNIVERSARY

Mr. LOTT (for himself and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

S. RES. 159

Whereas, for 50 years, Association for Advanced Life Underwriting members have been increasingly strong advocates for advanced life insurance planning and its benefits to millions of Americans;

Whereas, the Association for Advanced Life Underwriting has helped educate Congress and the country about the trillions of dollars of protection, savings, and capital and millions of jobs provided by life insurance products;

Whereas, Association for Advanced Life Underwriting members have helped Americans with long-term estate, business, pension, and deferred compensation planning;

Whereas, Association for Advanced Life Underwriting members have been very active participants in our democracy, particularly at the Federal or congressional level, providing their real life, market-based expertise on issues involving life insurance;

Whereas, the Association for Advanced Life Underwriting has provided technical assistance on a variety of life insurance-related matters to the Department of the Treasury, the Internal Revenue Service, the Office of the Comptroller of the Currency, the Department of Labor, and the Financial Accounting Standards Board;

Whereas, the Association for Advanced Life Underwriting has advocated in both the Federal and State legislatures for reforms needed to assure that life insurance is used appropriately for the benefit of clients and the general public;

Whereas, the Association for Advanced Life Underwriting has worked to unify the life insurance industry to better advocate in the interests of the American public; and

Whereas, the Association for Advanced Life Underwriting has worked to reflect the high level of commitment, principles, and expertise of its members and leaders: Now, therefore, be it

Resolved, That—

(1) the Association for Advanced Life Underwriting is congratulated on its 50th anniversary; and

(2) the Association for Advanced Life Underwriting is wished continued success during its next 50 years.

SENATE RESOLUTION 160—RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON THE 175TH ANNIVERSARY OF THE ENACTMENT OF THE ACT THAT AUTHORIZED THE ESTABLISHMENT OF HOT SPRINGS RESERVATION

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas, in 1803, the 47 hot springs that eventually received protection under the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70) formally became the property of the United States as part of the Louisiana Purchase;

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that ''the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever'';

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed ''Hot Springs National Park'' and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

SENATE RESOLUTION 161—HONORING THE LIFE OF OLIVER WHITE HILL, A PIONEER IN THE FIELD OF AMERICAN CIVIL RIGHTS LAW, ON THE OCCASION OF HIS 100TH BIRTHDAY

Mr. WEBB (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas Oliver White Hill was born on May 1, 1907, in Richmond, Virginia, moved with his family to Roanoke, Virginia, and graduated from Dunbar High School in Washington, DC;

Whereas Mr. Hill earned his undergraduate degree from Howard University and received a law degree from Howard University School of Law in 1933, graduating second in his class behind valedictorian and future Supreme Court Justice Thurgood Marshall;

Whereas, in 1934, Mr. Hill became a member of the Virginia Bar and began his law practice in Roanoke, Virginia, and continued in Richmond, Virginia, in 1939, leading the Virginia legal team of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961 and serving as one of the principal attorneys on the historic Brown v. Board of Education case in 1954;

Whereas Mr. Hill interrupted his law practice to serve in the United States Armed Forces from 1943 to 1945, and was later appointed by President Harry S. Truman to a committee to study racism in the United States;

Whereas, in 1948, Mr. Hill became the first African-American elected to the Richmond, Virginia, City Council since Reconstruction, and later served in appointed capacities with the Federal Housing Administration and the then-newly-created Department of Housing and Urban Development;

Whereas Mr. Hill served as legal counsel in many of the Nation's most important civil rights cases concerning equal opportunity in education, employment, housing, transportation, and the justice system;

Whereas Mr. Hill has remained actively engaged with civic enterprises at the community, State, national, and international levels, and earned numerous accolades and awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999; the NAACP Spingarn Medal in 2005; and the dedication of a building on the grounds of the Virginia State Capitol in his honor by the Commonwealth of Virginia in 2005; and

Whereas Mr. Hill served as a mentor to generations of attorneys, activists, and public servants: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

SENATE CONCURRENT RESOLUTION 28—CONGRATULATING THE CITY OF CHICAGO FOR BEING CHOSEN TO REPRESENT THE UNITED STATES IN THE INTERNATIONAL COMPETITION TO HOST THE 2016 OLYMPIC AND PARALYMPIC GAMES, AND ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT CHICAGO AS THE SITE OF THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN (for himself, Mr. OBAMA, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be ''Stir the Soul,'' and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

AMENDMENTS SUBMITTED AND PROPOSED

SA 888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 889. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 890. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 894. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 895. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 896. Mr. LEAHY (for himself and Mr. SPECTER) proposed an amendment to the bill S. 378, supra.

SA 897. Mr. ENSIGN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. OFFSET REQUIREMENT.

Any funds appropriated for the activities authorized by this Act shall be offset by an equal amount of funds appropriated to the Department of Justice that are unobligated which shall be returned to the Treasury for retirement of the national debt.

SA 889. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. PROHIBITION ON FUNDING TO THE DRUG POLICY ALLIANCE OF NEW MEXICO.

Notwithstanding any other provision of law, the Department of Justice may not provide any funds to the Drug Policy Alliance of New Mexico.

SA 890. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. PROHIBITION ON FUNDING TO ORGANIZATIONS THAT DO NOT OPPOSE THE LEGALIZATION OR DECRIMINALIZATION OF ILLEGAL DRUGS.

Notwithstanding any other provision of law, the Department of Justice may not provide any funds to any organization that does not explicitly oppose the legalization or decriminalization of illegal drugs.

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC 5.___ SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the national debt of the United States of America now exceeds $8,500,000,000;000;

(2) each United States citizen's share of this debt is approximately $29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. DEPARTMENT OF JUSTICE CONFERENCE EXPENSES.

(a) DEFINITION.—In this section, the term ''conference'' means a meeting that—

(1) is held for consultation, education, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) LIMITATION.—Notwithstanding any other provision of law, the Department of Justice may not expend more than $35,000,000 for conferences in any fiscal year.

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. COMPETITIVE BIDDING FOR COPS.

(a) GRANT COMPETITIVENESS.—Each grant made under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (COPS program) shall be—

(1) awarded on a competitive basis;

(2) given priority based on—

(A) demonstrated need; and

(B) demonstrated results or effective use of the funds; and

(3) made without consideration of report language accompanying enacted legislation.

(b) UNOBLIGATED FUNDS.—Any funds appropriated for the COPS program that are not obligated to a grantee through a competitive process shall be returned to the Treasury to pay down the national debt.

SA 894. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 5___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(b) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting '', as well as any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

(c) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(2) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(3) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.''.

SA 895. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

DIVISION B—RECIDIVISM REDUCTION AND SECOND CHANCE ACT OF 2007

SEC. __01. SHORT TITLE.

This division may be cited as the ''Recidivism Reduction and Second Chance Act of 2007'' or the ''Second Chance Act of 2007''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled ''Trends in State Parole, 1990–2000'' estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as ''SSAs''), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

SEC. __03. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit each report received under this division or an amendment made by this division during the preceding year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

''(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

''(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

''(4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors—

''(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

''(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

''(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

''(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

''(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

''(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

''(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

''(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;

''(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

''(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

''(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

''(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

''(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

''(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

''(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including—

''(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

''(B) connecting those identified children with services as appropriate and needed;

''(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

''(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

''(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

''(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

''(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

''(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

''(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

''(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

''(19) establishing or expanding the use of reentry courts and other programs to—

''(A) monitor offenders returning to the community;

''(B) provide returning offenders with—

''(i) drug and alcohol testing and treatment; and

''(ii) mental and medical health assessment and services;

''(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

''(D) provide and coordinate the delivery of other community services to offenders, including—

''(i) employment training;

''(ii) education;

''(iii) housing assistance;

''(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

''(v) conflict resolution skills training;

''(vi) family violence intervention programs; and

''(vii) other appropriate services; and

''(E) establish and implement graduated sanctions and incentives;

''(20) developing a case management reentry program that—

''(A) provides services to eligible veterans, as defined by the Attorney General; and

''(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

''(21) protecting communities against dangerous offenders, including—

''(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

''(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(C) using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and

''(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.''.

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking ''may be expended for'' and all that follows through the period at the end and inserting ''may be expended for any activity described in subsection (b).''.

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

''(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

''(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

''(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations; and

''(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program.

''(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

''(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

''(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

''(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

''(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

''(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

''(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(2) include—

''(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

''(C) coordination with families of offenders;

''(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

''(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

''(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

''(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

''(6) target high-risk offenders for reentry programs through validated assessment tools.

''(g) USES OF GRANT FUNDS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

''(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

''(i) waives, in whole or in part, the requirement of this paragraph; and

''(ii) publishes in the Federal Register the rationale for the waiver.

''(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

''(h) REENTRY STRATEGIC PLAN.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

''(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

''(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

''(i) REENTRY TASK FORCE.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

''(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

''(B) provide the analysis described in subsection (e)(4).

''(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

''(A) relevant State, tribal, territorial, or local leaders; and

''(B) representatives of relevant—

''(i) agencies;

''(ii) service providers;

''(iii) nonprofit organizations; and

''(iv) stakeholders.

''(j) STRATEGIC PERFORMANCE OUTCOMES.—

''(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

''(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

''(B) reduction in crime;

''(C) increased employment and education opportunities;

''(D) reduction in violations of conditions of supervised release;

''(E) increased payment of child support;

''(F) increased housing opportunities;

''(G) reduction in drug and alcohol abuse; and

''(H) increased participation in substance abuse and mental health services.

''(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

''(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

''(5) REPORT.—Each grantee under this section shall submit an annual report to the Attorney General that—

''(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

''(k) PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

''(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

''(B) identify sources and methods of data collection in support of performance measurement required under this section;

''(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

''(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

''(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

''(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

''(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

''(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period.

''(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

''(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

''(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

''(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

''(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

''(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

''(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

''(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

''(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

''(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

''(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

''(H) develop a national reentry research agenda; and

''(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

''(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

''(n) ADMINISTRATION.—Of amounts made available to carry out this section—

''(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

''(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

''(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

''(B) generates evidence on which reentry approaches and strategies are most effective.''.

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking ''States, Territories'' and all that follows through the period at the end and inserting the following: ''States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking ''$15,000,000 for fiscal year 2003'' and all that follows and inserting ''$50,000,000 for each of fiscal years 2008 and 2009.''; and

(2) by amending paragraph (2) to read as follows:

''(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.''.

SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1(c)), is amended—

(1) by striking the subsection heading and inserting ''REQUIREMENT FOR AFTERCARE COMPONENT.—''; and

(2) by amending paragraph (1) to read as follows:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.''.

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3(d)) is amended to read as follows:

''(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).''.

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds

used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

SEC. 111. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

"SEC. 2978. STATE AND LOCAL REENTRY COURTS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than $500,000 to—

''(1) State and local courts; and

''(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

''(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

''(1) monitor juvenile and adult offenders returning to the community;

''(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(3) convene community impact panels, victim impact panels, or victim impact educational classes;

''(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

''(A) housing assistance;

''(B) education;

''(C) employment training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(5) establish and implement graduated sanctions and incentives.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

''(d) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

''(1) describes the program to be assisted under this section and the need for such program;

''(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

''(3) identifies the governmental and community agencies that will be coordinated by the project;

''(4) certifies that—

''(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

''(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

''(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and

''(5) describes the methodology and outcome measures that will be used to evaluate the program.

''(e) MATCHING REQUIREMENTS.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

''(1) waives, wholly or in part, the matching requirement under this subsection; and

''(2) publicly delineates the rationale for the waiver.

''(f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

''(1) a summary of the activities carried out under the program assisted by the grant;

''(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

''(3) such other information as the Attorney General may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.''.

SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

"PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES

"SEC. 2901. AUTHORIZATION.

''The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as 'Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

"SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

''(a) IN GENERAL.—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—

''(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;

''(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;

''(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;

''(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;

''(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;

''(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and

''(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

''(b) CONSULTATION REQUIRED.—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—

''(1) the criminal and juvenile justice and correctional facilities within that county or area;

''(2) the community health care services of that county or area;

''(3) the drug treatment programs of that county or area;

''(4) the employment services organizations available in that county or area;

''(5) the housing services organizations available in the county or area; and

''(6) any other appropriate community services available in the county or area.

"SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

''For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—

''(1) identify employment opportunities and goals;

''(2) identify housing opportunities;

''(3) provide for any needed drug treatment;

''(4) provide for any needed mental health services;

''(5) provide for any needed health care services;

''(6) provide for any needed family counseling;

''(7) provide for offender case management programs or services; and

''(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

"SEC. 2904. APPLICATION.

''To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

"SEC. 2905. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

"SEC. 2906. REPORTS.

''An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

"SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

"PART DD—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

"SEC. 2911. GRANT AUTHORITY.

''(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

''(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—

''(1) that is administered by a State or local prosecutor;

''(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;

''(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;

''(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

''(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

''(6) that requires each substance abuse provider treating an eligible offender under the program to—

''(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

''(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

''(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

"SEC. 2912. USE OF GRANT FUNDS.

''(a) IN GENERAL.—A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

''(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

''(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

''(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

''(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

"SEC. 2913. APPLICATIONS.

''To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

"SEC. 2914. FEDERAL SHARE.

''The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

"SEC. 2915. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

''(1) in each State; and

''(2) in rural, suburban, and urban jurisdictions.

"SEC. 2916. REPORTS AND EVALUATIONS.

''For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

"SEC. 2917. DEFINITIONS.

''In this part:

''(1) STATE OR LOCAL PROSECUTOR.—The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

''(2) ELIGIBLE OFFENDER.—The term 'eligible offender' means an individual who—

''(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

''(B) has never been charged with or convicted of an offense, during the course of which—

''(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

''(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

''(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

''(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

''(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

''(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.''.

SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

"PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION

"SEC. 3001. GRANTS AUTHORIZED.

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

"SEC. 3002. USE OF GRANT FUNDS.

''Grants made to an entity under section 3001 for a program described in such section may be used for the following:

''(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

''(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

''(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

"SEC. 3003. PROGRAM REQUIREMENTS.

''A program for which a grant is made under section 3001 shall comply with the following requirements:

''(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

''(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

''(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

''(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

''(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

''(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

''(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

''(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

''SEC. 3004. DEFINITIONS.

''In this part:

''(1) NONVIOLENT PARENT DRUG OFFENDERS.—The term 'nonviolent parent drug offender' means an offender who is—

''(A) a parent of an individual under 18 years of age; and

''(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

''(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

''SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part X as part KK; and

(2) by adding at the end the following:

''PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN

''SEC. 3021. GRANTS AUTHORIZED.

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

''SEC. 3022. USE OF GRANT FUNDS.

''An entity that receives a grant under this part shall use amounts provided under that grant to—

''(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

''(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and

''(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include—

''(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

''(B) a housing plan during transition from incarceration to reentry, as needed;

''(C) a vocational or employment plan, including training and job placement services; and

''(D) any other services necessary to provide successful reentry into the community.

''SEC. 3023. PROGRAM REQUIREMENTS.

''A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

''(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

''(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

''(3) The program shall be located in an area separate from the general population of the prison.

''SEC. 3024. APPLICATIONS.

''To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

''SEC. 3025. REPORTS.

''An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

''(1) is based on evidence-based data; and

''(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

''SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

''In this part, the term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

''SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

''PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

''SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

''(b) APPLICATION.—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

''(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

''SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

''(b) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

Subtitle C—Conforming Amendments

SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).''.

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER.—The term ''long-term substance abuser'' means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term ''Single State Authority for Substance Abuse'' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) CONSIDERATION OF PHARMACOLOGICAL TREATMENTS.—In awarding grants under this section to eligible entities, the Attorney General shall consider—

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) INFORMATION REQUIRED.—An application submitted under paragraph (1) shall—

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

Subtitle B—Job Training

SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

''(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

''(A) tuition, books, and essential materials; and

''(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

''(2) is 35 years of age or younger.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2008 and 2009.''.

Subtitle C—Mentoring

SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2008 and 2009.

SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.

(a) ESTABLISHMENT.—The Director of the Bureau of Prisons (in this chapter referred to as the ''Director'') shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons—

(1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

(4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;

(6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(7) provide incentives for prisoner participation in skills development programs.

(b) INCENTIVES FOR PARTICIPATION IN SKILLS DEVELOPMENT PROGRAMS.—A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:

(1) The maximum allowable period in a community confinement facility.

(2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.

(3) Such other incentives as the Director considers appropriate.

SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.

(a) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(b) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(c) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term ''direct-release prisoner'' means a prisoner who is scheduled for release and will not be placed in pre-release custody.

SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

SEC. 234. DUTIES OF THE BUREAU OF PRISONS.

(a) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) establish pre-release planning procedures that help prisoners—

''(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

''(B) secure such identification and benefits prior to release, subject to any limitations in law; and

''(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

''(A) Health and nutrition.

''(B) Employment.

''(C) Literacy and education.

''(D) Personal finance and consumer skills.

''(E) Community resources.

''(F) Personal growth and development.

''(G) Release requirements and procedures.''.

(b) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(1) PROGRAM REQUIRED.—The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(2) TRACKING.—In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.

(3) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.

(4) EVALUATION.—The Director shall—

(A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and

(B) ensure that—

(i) each institution is held accountable for low performance under such an evaluation; and

(ii) plans for corrective action are developed and implemented as necessary.

(c) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(1) ANNUAL REPORT REQUIRED.—

(A) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) CONTENTS.—Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) MEASURE USED.—In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) GOALS.—

(A) IN GENERAL.—After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) CONTENTS.—The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include—

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, $5,000,000 for each of the fiscal years 2008 and 2009.

SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

(2) TIMING OF PLACEMENT IN HOME DETENTION.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Director shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2008 and 2009.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or ½ of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION.—The term ''home detention'' has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term ''term of imprisonment'' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

CHAPTER 2—REENTRY RESEARCH

SEC. 241. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population returning

to society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRE-RELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRE-RELEASE CUSTODY.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

''(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

''(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

''(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

''(5) REPORTING.—Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

''(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.''.

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: ''Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.''.

SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking ''means a course of'' and all that follows and inserting the following: ''means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);''.

SEC. 253. MEDICAL CARE FOR PRISONERS.

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

''(g) CONTINUED ACCESS TO MEDICAL CARE.—

''(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

''(2) DEFINITION.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.''.

SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: ''He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.''.

SA 896. Mr. LEAHY (for himself and Mr. SPECTER) proposed an amendment to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

On page 5, line 5, strike ''any other court'' and insert ''the United States Tax Court''.

On page 5, line 10, after ''otherwise provide'' insert '', when requested by the chief judge of the Tax Court,''.

On page 5, line 13, strike ''person'' and insert ''persons''.

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike ''§ **118.**'' and insert ''§ **119.**''.

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

On page 11, strike lines 10 through 17 and insert the following:

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5,

United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike ''magistrates'' and insert ''magistrate judges''.

On page 20, line 9, strike ''**MAGISTRATES**'' and insert ''**MAGISTRATE JUDGES**''.

On page 20, strike lines 17 through 22 and insert the following:

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

SA 897. Mr. ENSIGN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

TITLE VI: NINTH CIRCUIT SPLIT

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the ''The Circuit Court of Appeals Restructuring and Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking ''thirteen'' and inserting ''fourteen''; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... California, Guam, Hawaii, Northern Mariana Islands.''

and

(B) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.''.

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... 20''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... 14''.

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... Honolulu, Pasadena, San Francisco.''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Las Vegas, Phoenix, Portland, Seattle.''.

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

''(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

''(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.''.

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

''(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

''(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

''(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

''(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

''(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.''.

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out

this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 26, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 462, Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that S. 1112, a bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes, has been added to the agenda of the hearing scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources scheduled for Wednesday, April 25, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday April 18, 2007, at 9:30 a.m. in SD–106, Senate Dirksen Office Building. The title of this committee hearing is ''Economic Challenges and Opportunities Facing American Agricultural Producers Today.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., in room 253 of the Russell Senate Office building. The purpose of this hearing is to examine how America's trade policy has impacted the U.S. economy, consumers, and workers.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to review the Coast Guard's proposed FY 2008 budget, and related oversight matters.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Wednesday, April 18, 2007, at 2:30 p.m., in 406 Dirksen Senate Office Building. The agenda for the hearing is the nomination of Lieutenant General Robert L. Van Antwerp, Jr., to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.

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

COMMITTEE ON FINANCE

Mr. MENENDEZ. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Examining the Administration's Plan for Reducing the Tax Gap: What are the Goals, Benchmarks and Timetables?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 9:30 a.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, April 18, 2007 at 10 a.m. in SH–216. We will be considering the following:

Agenda

1. S. 1082, The Prescription Drug User Fee Amendments of 2007, as amended by the Food and Drug Administration Revitilization Act.

2. The following nominations: Douglas G. Myers, of California, to be a Member of the National Museum and Library Services Board; Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board; Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board; Stephen Porter, of the District of Columbia, to be a Member of the National Council on the Arts; Cynthia Wainscott, of Georgia, to be a Member of the National Council on Disability.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Wednesday, April 18, 2007, at a time to coincide with the first vote and a place to be determined to consider pending committee business.

Agenda

Nonmination of Gregory B. Cade, of VA. to be Administrator of U.S. Fire Administration.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., to conduct a hearing on Repealing Limitation on Party Expenditures on Behalf of Candidates in General Elections.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''Sarbanes-Oxley and Small Business: Addressing Proposed Regulatory Changes and their Impact on Capital Markets,'' on Wednesday, April 18, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of Senate on Wednesday, April 18, 2007 to hold a Business Meeting to markup the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans' Affairs, Congressional Affairs.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 2:15 p.m., to conduct its organization meeting for the 110th Congress.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 2:30

p.m., to conduct its organization meeting for the 110th Congress.

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

SUBCOMMITTEE ON PERSONNEL AND THE SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel and the Subcommittee on Readiness and Management Support be authorized to meet in open session during the session of the Senate on Wednesday, April 18, 2007, at 3 p.m., to receive testimony on the readiness impact of quality of life and family support programs to assist families of active duty, National Guard, and Reserve military personnel.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Mary Baker and Brett Youngerman, detailees with the Finance Committee, be granted floor privileges for the consideration of the prescription drug bill.

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

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

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

THANKING THE PARLIAMENTARIANS

Mr. SALAZAR. Mr. President, I thank our Parliamentarians, who always keep us in order in this Chamber, for their great work. They do a wonderful job.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 96–114, as amended, appoints the following individual to the Congressional Award Board: the Honorable JOHNNY ISAKSON of Georgia.

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 156, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 156) commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 156) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 156

Whereas under head coach C. Vivian Stringer the Rutgers University women's basketball team (referred to in this preamble as the ''Lady Knights'') finished an extraordinary 2006–2007 season with a 27–9 record;

Whereas, after losing 4 of their first 6 games, the Lady Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest the season;

Whereas, on March 6, 2007, the Lady Knights upset the top-seeded University of Connecticut team for their first-ever Big East Championship title;

Whereas the young women of the Lady Knights displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas 5 freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas, through hard work and determination, the young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the third number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers University to play for any national championship;

Whereas, during the 3 weeks of the tournament, the Lady Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the Lady Knights accomplished during the season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas the young women of the Lady Knights are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term ''student-athlete'' with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership, and class: Now, therefore, be it

Resolved, That the Senate—

(1) commends the amazing performance of Rutgers University women's basketball team in the National Collegiate Athletic Association tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women.

EXTENDING THE BEST WISHES OF THE SENATE TO NEW JERSEY GOVERNOR JON S. CORZINE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 157, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 157) extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas The Honorable Jon S. Corzine, the Governor of the State of New Jersey, served with distinction in the United States Senate from January 3, 2001, to January 17, 2006;

Whereas, during his time in the Senate, Governor Corzine made many friends in both political parties;

Whereas, on April 12, 2007, Governor Corzine was seriously injured in a major traffic accident;

Whereas Governor Corzine is in critical but stable condition in the Trauma Intensive Care Unit at Cooper University Hospital in Camden, New Jersey; and

Whereas Governor Corzine's many friends in the Senate are deeply concerned about the Governor and have had him in their thoughts since the tragic accident occurred: Now, therefore, be it

Resolved, That the Senate extends its best wishes to New Jersey Governor Jon S. Corzine and hopes for his speedy and complete recovery.

NATIONAL AND GLOBAL YOUTH SERVICE DAY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 158, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 158) designating April 20, 2007, as ''National and Global Youth Service Day.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President I commend to my colleagues this resolution designating April 20, 2007, as National and Global Youth Service Day. This resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on April 20 and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts.

Over the weekend, beginning this Friday, April 20, youth from across the United States and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

This event is not isolated to one weekend a year. National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

The participation of youth in community service is not just a nice idea for a way to spend a Saturday afternoon. Youth who are engaged in volunteer service, according to recent studies, do better in school than their classmates who do not volunteer. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity.

A recently released study conducted by the Corporation for National and Community Service points out some interesting findings about the attitudes and behaviors of youth toward volunteering and other forms of civic engagement.

The study found that: 74 percent of youth who volunteer do so at least in part through a religious organization, a schoolbased group, or a youth leadership organization such as Scouts or 4H. A youth from a family where at least one parent volunteers is almost twice as likely to volunteer as a youth with no family members who volunteer, and nearly three times as likely to volunteer on a regular basis. Youth from disadvantaged circumstances who volunteer demonstrate more positive civic attitudes and behaviors than similar youth who do not volunteer.

In an effort to recognize and support youth volunteers in my State, I would like to recognize some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Day:

No. 1, Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth is again sponsoring the annual Kids' Day event in Anchorage this year. Seventy different nonprofits and businesses will provide free kid-friendly activities to help families build an understanding of the importance of safe places for kids, providing a healthy start and future, the value of having a caring adult in the life of each youth, and why effective education can ensure that all youth have the skills needed to pursue college, vocational training and the field of work that they are interested in.

No. 2, Eielson Youth Programs will sponsor a Knit-a-Thon to benefit the women's shelter and the senior center. Volunteers will help instruct preteen and teenage knitters and will also knit projects. All participants are also asked to bring personal hygiene items to be donated to the shelter/center as part of the project.

No. 3, Aurora Elementary School on Elmendorf Air Force Base will be sponsoring a canned food drive in conjunction with a school dance. The price of admission to the dance is one can of food.

No. 4, Alaska Winter Stars, members of the cross-country ski teams from both Alaska Pacific University and University of Anchorage Alaska, will be hosting a fitness challenge and pledge booth at Kids Day this year. The goal is to bring awareness to the importance of good health and physical activity. Participants will be given the opportunity to test their fitness level and sign a pledge promising to be more active. More than 5,000 youth are expected to participate.

No. 5, on April 8, annual Prudential Alaska Spirit of Community Student Volunteer Service Recognition Ceremony will honor more than 150 Alaskan students for making a difference through outstanding volunteer service on National Youth Service Day. This ceremony highlights the outstanding partnerships between Alaskan nonprofit organizations and the business community. The ceremony is conducted in partnership with the Points of Light Foundation, President's Council on Service and Civic Participation, USA Freedom Corps, Prudential Financial, Corporation for National Service, the National Association of Secondary School Principals, Prudential Jack White Vista Real Estate, Key Bank of Alaska, Anchorage Daily News, Wells Fargo Bank, Anchorage Municipal Light and Power, Home State Mortgage, Alyeska Title Guaranty Agency, Jewel Lake Tastee Freez, Friends of Alaska Prudential Youth Leadership Institute, and other caring community organizations and individuals.

No. 6, teens in the Alaska Youth for Environmental Action program of the National Wildlife Federation will be urging individuals to take the ''3-2-1 Pledge—change three incandescent lightbulbs to compact fluorescents, turn the thermostat down 2 degrees in cold weather, and unplug one appliance when not in use. The ''3-2-1 Pledge'' project has a goal to collect 5,000 signatures by April 2007. The goal will reduce carbon emissions in Alaska by an estimated 19.8 million pounds annually. Alaska Youth for Environmental Action is working in six communities: Sitka, Yakutat, Homer, Juneau, Anchorage and Fairbanks.

No. 7, Nerf Balls for Soldiers of Foreign Turf—students across Anchorage are invited to help build positive relations between our soldiers and the children they come in contact with in Iraq. Youth are encouraged to bring or purchase a new Nerf toy to the Egan Center during Kids Day. Funds will be used to raise money for more shipping, and the Nerf Balls will be shipped to Iraq for soldiers to use for relationship building.

No. 8, Pen Pal Cards For Kids—Clark Middle School students will help Anchorage's Promise Kids Day participants make cards and letters for children that can be used to encourage those who are over seas or in local hospitals.

No. 9, Boy Scouts—Scouting for Food Project—Boy Scouts of Troop 205 in Anchorage will be collecting canned food at Kids Day events for donation to the Alaska Food Bank.

No, 10, students from the West High School Junior ROTC and King Career Center Public Safety and Security Assistants programs will be on hand for Kids Day to help monitor exit doors, assist with handing out door prize tickets, and monitor elevators for safety. Students will also have the opportunity to mentor with adults in a variety of settings such as first aid, search and rescue, fire fighters, and Egan Center security.

No. 11, Cook Inlet Tribal Youth Council will share Alaska Native heritage by demonstrating Native games and by encouraging healthy active lifestyles at three locations in Anchorage on April 20.

No. 12, Summer Reading Program Work Party involves teen volunteers from the Anchorage Municipal Libraries in stuffing 4,000 bags with materials for the summer reading program. This program will help maintain student progress in reading by keeping kids reading all summer long.

No. 13, the Girl Scouts Susitna Council will be planting 95 tree seedlings in honor of Girl Scouts of the USA's 95th anniversary. The seedlings will be planted at the Bureau of Land Management's Campbell Creek Science Center in June. Every tree planted produces oxygen, removes air pollution, and fights soil erosion. In addition, the act of planting tree seedlings will instill a sense of stewardship among Girl Scouts that will be passed on to future generations. Future of Life, an organization whose mission is to ensure the future

of life on Earth for all species, is providing 95 tree seedlings to each Girl Scout council across the United States, beginning in April and scheduled to coincide with the planting season for each area.

Many similar and wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America website—www.vsa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues—Senators AKAKA, ALEXANDER, BAUCUS, BAYH, BOXER, BROWN, BURR, CANTWELL, CASEY, CLINTON, COCHRAN, COLEMAN, COLLINS, CORKER, CRAIG, DODD, DOLE, DOMENICI, DURBIN, FEINGOLD, FEINSTEIN, GREGG, HAGEL, KENNEDY, KERRY, LANDRIEU, LAUTENBERG, LEVIN, LIEBERMAN, LINCOLN, LOTT, MARTINEZ, MENENDEZ, MIKULSKI, MURRAY, BEN NELSON, BILL NELSON, OBAMA, SALAZAR, SANDERS, SPECTER, STABENOW, and STEVENS—for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 158

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) support young people in embarking on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 19th consecutive year in 2007;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing real-world issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad other issues;

Whereas a fundamental and conclusive correlation exists between youth service and lifelong adult volunteering and philanthropy;

Whereas, through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decisionmaking, teamwork, needs-assessment, and leadership;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with academic curriculum;

Whereas service-learning supports young people in mastering important curriculum content by helping them make meaningful connections between what they are studying and the challenges that they see in their own communities;

Whereas high quality service-learning has been found to increase student academic engagement, academic achievement scores, civic engagement, character development, and career aspirations;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas service-learning has been found to increase students' cognitive engagement, motivation to learn, and school attendance;

Whereas several private foundations and corporations in the United States support service-learning as a means to develop the leadership and workforce skills necessary for the competitiveness of the United States in the 21st century;

Whereas a report by America's Promise found that 94 percent of young people want to be involved in making the world a better place, but 50 percent say there should be more volunteer programs for people their age;

Whereas the same report found that one-third of young people say they lack adult role models who volunteer and help others;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities could fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day engages millions of young people worldwide with the support of 51 lead agencies, 40 international organizations, and 110 national partners;

Whereas National Youth Service Day inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 8th year;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage youth in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 20, 2007, as ''National and Global Youth Service Day''; and

(3) calls on the people of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decisionmaking opportunities today as an investment in the future of the United States.

COMMENDING THE ASSOCIATION FOR ADVANCED LIFE UNDERWRITING ON ITS 50TH ANNIVERSARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 159 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) commending the Association for Advanced Life Underwriting on its 50th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 159

Whereas, for 50 years, Association for Advanced Life Underwriting members have been increasingly strong advocates for advanced life insurance planning and its benefits to millions of Americans;

Whereas, the Association for Advanced Life Underwriting has helped educate Congress and the country about the trillions of dollars of protection, savings, and capital and millions of jobs provided by life insurance products;

Whereas, Association for Advanced Life Underwriting members have helped Americans with long-term estate, business, pension, and deferred compensation planning;

Whereas, Association for Advanced Life Underwriting members have been very active participants in our democracy, particularly at the Federal or congressional level, providing their real life, market-based expertise on issues involving life insurance;

Whereas, the Association for Advanced Life Underwriting has provided technical assistance on a variety of life insurance-related matters to the Department of the Treasury, the Internal Revenue Service, the Office of the Comptroller of the Currency, the Department of Labor, and the Financial Accounting Standards Board;

Whereas, the Association for Advanced Life Underwriting has advocated in both the Federal and State legislatures for reforms needed to assure that life insurance is used appropriately for the benefit of clients and the general public;

Whereas, the Association for Advanced Life Underwriting has worked to unify the life insurance industry to better advocate in the interests of the American public; and

Whereas, the Association for Advanced Life Underwriting has worked to reflect the

high level of commitment, principles, and expertise of its members and leaders: Now, therefore, be it

Resolved, That—

(1) the Association for Advanced Life Underwriting is congratulated on its 50th anniversary; and

(2) the Association for Advanced Life Underwriting is wished continued success during its next 50 years.

RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 160 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas, in 1803, the 47 hot springs that eventually received protection under the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70) formally became the property of the United States as part of the Louisiana Purchase;

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that ''the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever'';

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed ''Hot Springs National Park'' and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

HONORING THE LIFE OF OLIVER WHITE HILL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 161 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I join my colleague from Virginia, Senator WEBB, in recognition of the 100th birthday of an exceptional American, Oliver White Hill. I am proud to say that this champion of civil rights is a fellow Virginian whom I have come to know personally over these many years. It is my privilege today to join Senator WEBB in honor of this great man.

After earning his law degree from Howard University School of Law where, I might add, he finished as the salutatorian to none other than future Supreme Court Justice Thurgood Marshall—Oliver White Hill began his law practice in Roanoke, VA, moving soon thereafter to Richmond to serve the National Association for the Advancement of Colored People, or NAACP, as the leader of its legal team in our Commonwealth. In his work with the NAACP from 1940 to 1961, Mr. Hill contributed tremendously to the progression of civil rights in our country, particularly in his role as a principal attorney on the landmark case of Brown v. Board of Education in 1954.

Working diligently for the NAACP, Mr. Hill was legal counsel for many historic cases regarding equal opportunity in education, employment, housing, transportation, and justice.

As a person who has spent many years in public service, I have a special appreciation for the dignity with which Mr. Hill answered the call to duty throughout his career, first as a veteran of World War II, as the first African American elected to the Richmond City Council since the Reconstruction era, and later as a Federal appointee to the Federal Housing Administration and the Department of Housing and Urban Development.

It is my honor today to stand before the Senate in appreciation for the efforts of Mr. Hill on behalf of his country and his Commonwealth. Certainly, the legacy of his strong career in support of equal rights will continue to be felt through the determination of the many Americans mentored or inspired by Oliver White Hill, and I join with Senator WEBB in gratitude for his dedication and longevity.

Mr. WEBB. Mr. President, I commend to my colleagues a Senate resolution that I have cosponsored with my esteemed colleague, the senior senator from Virginia.

As my home State celebrates its 400th anniversary, this resolution recognizes one of Virginia's most esteemed citizens, as he is preparing to celebrate an important milestone of his own. Oliver White Hill, a pioneer in the field of American Civil Rights law, will soon celebrate his 100th birthday at a gathering of hundreds of his friends, family and other admirers in Richmond, VA. I am honored to be counted among the list of guests, and it is with immense pride and an even greater sense of humility that I filed this resolution honoring the life and work of Mr. Hill.

Oliver Hill was born on May 1, 1907 in Richmond, and his family later moved to Roanoke, VA, and then Washington, DC, where he graduated from Dunbar High School. After leaving Dunbar, Mr. Hill enrolled at Howard University, earning both an undergraduate and law degree from that fine institution. As a testament to his brilliance, he graduated second in his class, a group whose valedictorian was none other than legal giant and future Supreme Court Justice Thurgood Marshall.

Although much of America was racially segregated, Mr. Hill nonetheless became a member of the Virginia Bar in 1934, and began his law practice in Roanoke. He later moved to Richmond and began a remarkable tenure leading the Virginia legal team of the National Association for the Advancement of Colored People from 1940 to 1961. Often forgoing lucrative legal work in pursuit of equal rights under the law for African Americans, Mr. Hill worked as one the principal attorneys on the historic Brown vs. Board of Education case in 1954. His dedication to this nation was further demonstrated when, in the midst of World War II, Mr. Hill interrupted his private law practice to serve in the Armed Forces from 1943 to 1945.

Mr. Hill was appointed by President Harry S. Truman to a committee to study racism in the United States. In 1948, Mr. Hill made history as the first African-American elected to Richmond's City Council since the days of Reconstruction. His public service career also included stints at the Federal Housing Administration and at the Department of Housing and Urban Development during that agency's early days.

Over the years, Mr. Hill acted as legal counsel in numerous landmark civil rights cases. His work encompasses equal opportunity in education,

employment, housing, transportation, and the justice system. Mr. Hill's age has not deterred him from continuing to actively engage in civic activities throughout the United States and the world. He has been received countless awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999, the prestigious Spingarn Medal from the NAACP in 2005, the dedication of a building in his honor on the grounds of the Virginia State Capitol in 2005 and professional accolades too numerous to count. Oliver Hill is living history, and an American of the finest order.

Generations of attorneys, activists and public servants, including myself, have been inspired and mentored by Oliver Hill. In recognition of his outstanding service to our country advancing the cause of freedom for all Americans, I am proud to have submitted this resolution in his honor on the occasion of his 100th birthday.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas Oliver White Hill was born on May 1, 1907, in Richmond, Virginia, moved with his family to Roanoke, Virginia, and graduated from Dunbar High School in Washington, DC;

Whereas Mr. Hill earned his undergraduate degree from Howard University and received a law degree from Howard University School of Law in 1933, graduating second in his class behind valedictorian and future Supreme Court Justice Thurgood Marshall;

Whereas, in 1934, Mr. Hill became a member of the Virginia Bar and began his law practice in Roanoke, Virginia, and continued in Richmond, Virginia, in 1939, leading the Virginia legal team of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961 and serving as one of the principal attorneys on the historic Brown v. Board of Education case in 1954;

Whereas Mr. Hill interrupted his law practice to serve in the United States Armed Forces from 1943 to 1945, and was later appointed by President Harry S. Truman to a committee to study racism in the United States;

Whereas, in 1948, Mr. Hill became the first African-American elected to the Richmond, Virginia, City Council since Reconstruction, and later served in appointed capacities with the Federal Housing Administration and the then-newly-created Department of Housing and Urban Development;

Whereas Mr. Hill served as legal counsel in many of the Nation's most important civil rights cases concerning equal opportunity in education, employment, housing, transportation, and the justice system;

Whereas Mr. Hill has remained actively engaged with civic enterprises at the community, State, national, and international levels, and earned numerous accolades and awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999; the NAACP Spingarn Medal in 2005; and the dedication of a building on the grounds of the Virginia State Capitol in his honor by the Commonwealth of Virginia in 2005; and

Whereas Mr. Hill served as a mentor to generations of attorneys, activists, and public servants: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

CONGRATULATING THE CITY OF CHICAGO

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 28, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 28) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be ''Stir the Soul,'' and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

COMMENDING GENERAL PETER J. SCHOOMAKER

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to consider S. Res. 139.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 139) commending General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 139) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 139

Whereas General Peter J. Schoomaker, the 35th Chief of Staff of the United States Army, will be released from active duty in April 2007, after over 35 distinguished years of active Federal service;

Whereas General Schoomaker, a native of Wyoming, graduated from the University of

Wyoming in 1969, served in a variety of command and staff assignments with both conventional and special operations forces, including participation in numerous combat operations, such as Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, and Uphold Democracy in Haiti, and supported various worldwide joint contingency operations, including those in the Balkans;

Whereas General Schoomaker has been awarded the Defense Distinguished Service Medal, 2 Army Distinguished Service Medals, 4 Defense Superior Service Medals, 3 Legions of Merit, 2 Bronze Star Medals, 2 Defense Meritorious Service Medals, 3 Meritorious Service Medals, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Combat Infantryman Badge, the Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab;

Whereas General Schoomaker was recalled from retirement, spent the last 4 years of his career in the highest position attainable in the Army, and has proven himself a tremendous wartime leader who has demonstrated unselfish devotion to the Nation and the soldiers he leads;

Whereas General Schoomaker's efforts to prepare the Army to fight a long war today while transforming it for an uncertain and complex future have been unprecedented;

Whereas General Schoomaker has demonstrated strategic leadership and vision and has had a remarkably positive and lasting impact on the Army by leveraging the momentum of the Global War on Terror to accelerate the transformation of the Army;

Whereas General Schoomaker, through modularization, rebalancing the total Army, development of a force generation model, restationing, and restructuring the Future Combat Systems, kept the Army focused on developing capabilities to meet traditional, irregular, catastrophic, and disruptive challenges threatening the interests of the United States;

Whereas General Schoomaker recognized that technological and organizational change requires intellectual and emotional transformation and tirelessly cultivated a learning and adaptive Army culture, while reaffirming the predominance of the human dimension of war;

Whereas General Schoomaker reflected the spirit of the warrior ethos he sought to instill in the United States Army—always placing the mission first, never accepting defeat, never quitting, and never leaving a fallen comrade;

Whereas General Schoomaker exemplifies the nonnegotiable characteristics exhibited by all great leaders—a strong sense of duty, honor, courage, and a love of country;

Whereas General Schoomaker has been selfless in his service to the Nation through peace and war;

Whereas one of General Schoomaker's predecessors, George C. Marshall, once remarked that ''it is not enough to fight, it is the spirit we bring to the fight that decides the issue''; and

Whereas when history looks back at the Army's 35th Chief of Staff, it will be clear that he had the spirit at a critical time in the Nation's history: Now, therefore, be it

Resolved, That the Senate—

(1) commends General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States throughout his distinguished career in the U.S. Army; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to General Peter J. Schoomaker.

HONORING THE LIFE OF ERNEST GALLO

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 88, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 88) honoring the life of Ernest Gallo.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 88) was agreed to.

The preamble was agreed to.

REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, H.R. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1003) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1003) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, APRIL 19, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, April 19; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee; that at the close of morning business, the Senate resume consideration of S. 378, the court security bill; and that the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on S. 378.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Thursday, April 19, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 18, 2007:

DEPARTMENT OF STATE

FREDERICK B. COOK, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

JOSEPH ADAM ERELI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

RICHARD BOYCE NORLAND, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS), VICE JOSETTE SHEERAN SHINER.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE JOSETTE SHEERAN SHINER.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 18, 2007, withdrawing from further Senate consideration the following nomination:

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.