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Senate

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

PRAYER

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

Let us pray.

Eternal Lord God, who has promised to supply all our needs, strengthen our Senators to honor Your Name. Give them ears open to hear Your word, minds ready to accept Your truth, wills ready to do Your commands, and hearts ready to respond to Your love.

Give them also a sure and certain faith to believe Your promises and never to despair. Infuse them with a love that is ready to forgive, eager to help, and quick to share. Let no disappointment quench their commitment to serve You faithfully. Give them the right and true ambition to find their greatness in serving others. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The first portion is controlled by the Republicans, the final portion under the control of the majority.

Following this period of morning business, the Senate will resume debate on S. 761, the competitiveness bill. Under an agreement entered last week, Senator COBURN is to be recognized today to speak for up to an hour on the bill. I am also aware of other speakers who have indicated a willingness to speak on the legislation. We hope we can accommodate their schedules because there are a number of people who want to speak.

At noon today, we will switch gears and consider Executive Calendar No. 76, the nomination of a judge from Mississippi, Halil Suleyman Ozerden, to be a U.S. district judge. There will be up to 10 minutes of debate and then a vote on confirmation. This time will be controlled by the chairman and ranking member of the Judiciary Committee. Members can expect a rollcall vote today around 12:10. Once this nominee is confirmed, this will be the 16th district judge we have confirmed this year, 14 districts and 2 circuits. The Senate will recess for our regularly scheduled party conferences following the vote and will reconvene at 2:15 p.m. today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein, the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority.

The Senator from Utah.

BORIS YELTSIN

Mr. BENNETT. Mr. President, may I, before I begin my comments prepared for today, make two quick comments.

No. 1, I note the passing of Boris Yeltsin, President of Russia and a major figure in the transition between the Communist rule and the present democracy that exists in Russia. Like many Members of the body, I had the opportunity to meet Boris Yeltsin. That is one of the privileges we have as Senators—we get to meet important people from around the world. I can't pretend to know him at all. I simply shook his hand and said hello. But I was in Russia not long after he took power, spent time in the U.S. Embassy there, and noted the impact he had on helping bring Russia into the modern world, the world of democracy, and out of the ancient world, the world of tyranny. He had his faults. He had his problems. But he played a pivotal role, and we should take a moment to recognize that fact.

The one quote attributed to him that I enjoyed personally with respect to our life here has to do with the Library of Congress. When my constituents come to Washington, I tell them: You need to go see the Library of Congress, the Jefferson Building. Aside from the

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

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Capitol itself, it is the most beautiful building on Capitol Hill, and maybe in Washington. Boris Yeltsin is said to have gone into the Library of Congress and looked around at that magnificent lobby and then questioned: How did you get a building like this? You didn't have any czars.

Having been to the buildings in the Kremlin and seeing the kinds of things the czars built, I understand that the Library of Congress probably would have impressed him.

SENATE CHAPLAIN

Mr. BENNETT. Mr. President, my second comment has to do with our Chaplain. I listened with great interest and humility to the prayer he offered this morning. I felt touched by the things he asked on our behalf. They were the kinds of things I need from our Heavenly Father. I was grateful to the Chaplain for his ability to touch on those. I read his biography before it was published. He was gracious enough to give a copy of it to my wife, who has now read it, and I have reread it. We are well served by having a man of his spirituality and intellectual background and learning as our Chaplain in the Senate.

SOCIAL SECURITY

Mr. BENNETT. Mr. President, I rise to turn my attention to a report that was released yesterday, the annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Disability Insurance Trust Funds. Those are fancy names for what we call Social Security.

With yesterday's release, they once again changed their projection as to what the future might hold with respect to Social Security, thus underlying a point I have tried to make in my career in the Senate ever since I arrived; that is, all projections about the future are wrong. I don't know whether they are wrong on the high side or on the low side, but they are always wrong. The closer we get to reality, the more we have to adjust those projections and say: Well, it is closer to this, that, and the other.

The most reliable projections are those which are 30 days out. The next most reliable are those which are 3 months out and then those which are 6 months, those which are a year. Those which are 20 years or 30 years out are all very much subject to challenge. We are seeing that here. We have had projections on which we have based our speeches and our actions. Now we are seeing those projections get changed. But there is one projection that is not subject to change that has bearing on the issue of Social Security. I would like to put up a chart which demonstrates that.

The reason this one is not subject to change is that all of the people represented here are already born. These are people who are already alive. These are not projections about demographics. These are not projections about economics. These are the facts with respect to the American population. This is a chart showing the percentage of Americans who are over 65. Back in 1950, it was around 5 percent of Americans who were over 65. Then it increased gradually over the years. Now it is closer to 10 percent. There was a dip in the percentage that occurred between 1990 and now. That dip represented the birthrate back in the Great Depression when people, for their own reasons, curtailed the having of children. One could say it was primarily economic. Children have ceased to be economic assets; they have become consumer goods. When times are hard, you cut back on your consumer goods.

Then we had what we demographers call the baby boom. The GIs came home from World War II. They started families. They started their careers. They were filled with optimism, and they were willing to take on some extra consumer goods. They had larger families. Those children are now reaching retirement age.

Starting in 2008, something is going to happen in America that has never happened before in our history: The percentage of Americans over retirement age is going to double in a 20-year period. Then it will taper off again, after we have absorbed the impact of the baby boom generation, and continue to increase but at a relatively minor rate. It is this phenomenon, this projection, which is a reliable one—because all of these people have been born—that is driving the crisis in Social Security. It is not the Republicans who are driving the crisis. It is not the Democrats who are responsible for the crisis. We should stop talking in partisan terms about this and recognize the reality. This is a demographic reality. This is a demographic projection upon which we can rely.

Social Security is a program that covers everybody who works. It covers the single mom who works as a waitress at the minimum wage, and it covers Oprah Winfrey and Warren Buffett and Bill Gates. The multibillionaires receive Social Security. They receive Social Security on the basis of the amount they pay into the program. The amount they pay into the program is substantially more than the amount the single-mom waitress pays in. Because it is structured in that fashion, Oprah Winfrey will receive more than the single-mom waitress—indeed, significantly more. The question arises, under those circumstances, in order to deal with the shortfall that is described in the report issued by the trustees, do we need to continue that idea; that is, that Oprah Winfrey, with her billions, still should get more Social Security than the single-mom waitress who, when she retires, has no personal safety net whatsoever. I am not suggesting that what we do is penalize Oprah Winfrey or Warren Buffett or Bill Gates. I don't want to pick on Oprah too much, but she is perhaps the most visible all of these billionaires about whom I speak.

There is something in the Social Security system that we should address and that people on both sides of the aisle should address; that is, the way Social Security benefits are currently figured has in that mathematical formula a method of increasing the benefits to compensate for inflation. The formula that is there increases the benefits more than inflation goes up. We don't know that. Americans aren't aware of that. We say: Here is the benefit line, and it should increase by so much with respect to inflation, and that is only fair. It increases more than inflation actually goes up.

The late Senator Moynihan from New York used to say the way to deal with this reality of the doubling of Americans over retirement age is to simply adjust the inflation adjustment to true inflation.

We are paying out more than inflation would justify. If we just back it down to pay out exactly what inflation would justify, then we solve the problem. Then the report from the trustees says there will be enough money. It is the fact we have adjusted it higher than inflation that is causing the money to disappear, causing the projections to be as bad as they are.

Let me show you what happens if we do not make some kind of adjustment. Here is another chart that takes the information that comes from the trustees and puts it in perspective. This flat line is the income coming into the Social Security system. This blue line is the payout. As you will see, starting at about 2014, the amount paid out will be more than the amount coming in.

How do we make up the difference? Well, it is in the trust fund. It is a commitment made by the Congress. So the Congress will put up the money. We will honor the commitment of the trust fund.

Then, around about 2040, 2041, all of a sudden the trust fund is exhausted, and, by law, you cannot pay out more than you have coming in—unless you dip into the trust fund. So if there is no trust fund, and you cannot pay out any more than you have coming in, the amount of benefits drops dramatically back to the level of the income. That is where we are, and that is roughly a 25-percent cut across the board to everybody.

That is a 25-percent cut to the woman who waited on tables as a single mom and is now at retirement age and sees her benefits cut 25 percent. It is a 25-percent cut for Oprah Winfrey, who will not notice it. Indeed, she probably won't even be aware the Social Security check is coming in because in her billions that check gets lost.

This dotted line shown on the chart is what the benefits should have been if we had enough money. But we will not have enough money, and that is where we will be.

Instead of waiting until 2041 to deal with this reality, what we should do now is listen to what Senator Moynihan had to say—but with this amendment, he said: Change the adjustment for inflation to match real inflation, and you get enough money to keep the two together.

I say: Leave the present overly generous adjustment for inflation in place for the single mom; that is, leave the present situation in place for the bottom third of people who pay into the trust fund. Then say to Oprah Winfrey and Bill Gates: You are going to have to struggle by with just inflation as it really is. We are not going to give you the inflation-plus energizer that we give to the bottom third.

Now, for those of us who fall somewhere in between the bottom third and Bill Gates, we can have a blend. We can have a mixture of the more generous benefits paid to the bottom third and the less generous benefits paid to the top 1 percent. By simply making that kind of adjustment now—now, not waiting until 2041—we can avoid the crisis in 2041.

Now, I have had conversations with my friends across the aisle about this proposal for several years. I have introduced it as a piece of legislation and discussed it with people around this Congress of both parties. This is the reaction I get: Bob, this is a good idea. This is something we probably ought to do. But we won't address the problem until after the next election.

Mr. President, the next election never comes. There never is an ''after the next election.'' We are constantly demagoging the Social Security issue for political advantage and putting off the time when we must deal with it.

So triggered by the occasion of the report released by the trustees of the Social Security trust funds, I say today, the time has come for both parties to recognize this is a problem that will not go away. This is a projection we can trust, and it is time for us to put partisan advantage or perceived partisan advantage aside and deal with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

IRAQ SUPPLEMENTAL

Mr. ALLARD. Mr. President, last night we had our first and only conference committee meeting where all the members from both Appropriations Committees who are on the conference committee, including members on the House side, had an opportunity to come together for their first gathering. I predict it will be the only gathering. Everything else in that supplemental has been worked out behind doors, and a lot of us were not privy to it until legislation was proposed in the conference committee yesterday.

I am very disappointed in that piece of legislation. There is a huge increase in the amount of dollars being spent to try to placate some of those who may otherwise oppose the legislation.

But my main concern with that legislation is it has timelines and benchmarks in it that are going to tend to micromanage the conflict in Iraq. I think that is a bad idea. In fact, I have indicated I am not willing to sign the conference report that is going to come out of that particular committee because of the language in there that does lay down timelines and benchmarks. That creates a problem for our commanders in the field in Iraq.

Mr. President, it was not very many months ago the Senate unanimously approved General Petraeus to head our efforts in Iraq. Many Members have extolled the virtues of the general—his education, his leadership, and his commitment to his soldiers.

Unfortunately, we are still confronted with the reality that some want to tie General Petraeus's hands. Confusingly enough, they want to reject the strategy General Petraeus has proposed in Iraq even before he has been given the full opportunity to perform his mission.

I ask again: Why would we support him and recognize his stellar career with a unanimous nomination vote but not give him the means to get the job done? For what reason did my colleagues agree to send him to Iraq as the commander of our forces? His strategy in Iraq was made very clear, both publicly and privately, and yet we are not willing to support it. It is vexing.

We need to avoid micromanaging the war from the floor of the Senate. Let our Commander in Chief perform his duties, and let our military leaders do their jobs. If we do not support them fully in the supplemental bill, then I must continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

We cannot afford to set a deadline and walk away from Iraq. The cost of failure is too great to our future long-term national security. It is in America's security interests to have an Iraq that can sustain, govern, and defend itself. Too much is at stake to simply abandon Iraq at this point. The price of failure is simply too great.

Let me remind my colleagues that we have seen terrible results from political motives being placed above military necessities—the attempt at rescuing the American Embassy hostages from Tehran, or Beirut in the 1980s, and Somalia in the 1990s. Leaving Iraq in the current situation would be like the ending of our efforts in those areas as well. Our withdrawal from these countries embolden the terrorists. Bin Laden himself is on record after these withdrawals criticizing our lack of will and questioning our commitment to fighting these zealots. We have to learn from our mistakes in the past.

How have we gotten to this point? Well, many of my colleagues in the Senate continue to beat the drum of the Iraq Study Group Report. They continue to state that their withdrawal proposal follows the report's recommendations.

I would simply like to point out something to my colleagues. Unlike the supplemental bill that will soon be voted on—or what I would like to call our surrender document—the Iraq Study Group Report does not call for us to walk away from our mission. They do not call for us to walk away from our mission. In fact, the Iraq Study Group Cochair, James Baker, recently had this to say about artificial deadlines:

> The [Iraq Study Group] report does not set timetables or deadlines for the removal of troops, as contemplated by the supplemental spending bills the House and Senate passed. In fact, the report specifically opposes that approach. As many military and political leaders told us, an arbitrary deadline would allow the enemy to wait us out and would strengthen the positions of extremists over moderates.

So here we are, a must-pass bill that flies in the face of what the Iraq Study Group has recommended. But the Democratic majority is well aware of what effect slowing down passage of the supplemental means to the Department of Defense as a whole. Particularly, the House of Representatives has dragged its feet in appointing conferees to the bill, knowing full well the President intends to veto this legislation. In fact, just yesterday, President Bush stated he would strongly object to any deadlines, stating that:

> An artificial timetable of withdrawal would say to an enemy, ''Just wait them out.'' It would say to the Iraqis, ''Don't do hard things necessary to achieve our objectives.'' And it would be discouraging to our troops.

He also stated he does not want ''Washington politicians trying to tell those who wear the uniform how to do their job.'' I agree with the President wholeheartedly.

By placing the President in the precarious position of vetoing this bill, even in the dire financial straits it places the Department of Defense, the other side of the aisle has chosen to play politics rather than fund a clean bill that gives our soldiers in the field the resources they need.

The question remains, if the other side truly believes the war is lost, then why not cut off funding for the war entirely? The power of the purse is in our constitutional authority as a Congress. If the majority party wants to dictate Iraq policy to the President, rather than put limitations on our military in Iraq, which would be a disaster, they should attempt to no longer fund our efforts.

But I doubt that will happen because they know they do not have the votes or the support for such a precipitous withdrawal. Instead, the ''slow bleed strategy'' will continue from our colleagues in the Senate and the House that will, in my opinion, leave our troops dejected and less safe than before. This ill-advised strategy will clearly hand Al Jazeera its propaganda message.

There is no doubt we face extremely difficult challenges in Iraq. We have not made enough progress. Citizens of Iraq must be willing to fight for their own freedom. The President recognizes this, and his new plan is the result of increased commitments from the Iraqi Prime Minister. The President has developed a new plan with new leadership. We should not jerk the rug out from under those we have put in charge in Iraq.

I ask my colleagues to reject this bill and let us craft a clean funding bill that will meet the priorities and needs of our men and women in Iraq.

Mr. President, that concludes my remarks.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I want to follow on the remarks of my dear friend from Colorado related to the current situation in Iraq. It appears some movement has been made on the war supplemental. Unfortunately, it is a flawed piece of legislation, one the crafters of it well know will be vetoed by the President. It will be vetoed for good reasons—because it contains completely unacceptable language, as was just being pointed out.

It is impossible for us to micromanage what is happening in the field. It is a bad idea for politicians in Washington to tell generals when and how they can move forces in a battle. It is a bad idea for us to slow-bleed our military as they face an unrelenting enemy. It is a bad idea for us to simply not have the wherewithal to stick with the fight at a time when it is difficult. The President this week again reiterated his commitment that he would veto a bill that had artificial timetables for withdrawal and that would empower the enemy. It gives the enemy hope and an opportunity to wait us out. There is no question about that. A deadline simply tells the enemy by what date they need to know that the American commitment is over.

Imagine the confusion for someone in Iraq trying to make a decision whether to cast their lot which, in fact, may mean the death of himself or herself, and their family, to support our effort there toward a democratic country. If they had no anticipation that our commitment was equal to theirs, they might simply wait it out. So how can we ever turn the political tide in our favor in Iraq if we don't show the commitment the people of Iraq must have in order to make a commitment to our stated goals?

General Petraeus is here. He met with the President yesterday; he will be meeting with Members of Congress. It is important that we ask him his assessment of the current situation.

I know there are many who would be ready to suggest that the surge is not working. In fact, the full surge is not in place because all of the troops are yet to be deployed for the surge, but some who already said it wouldn't work are now saying it hasn't worked. I wish to have General Petraeus's assessment of it. I want to know what the general on the ground—not a politician in Washington—thinks about the effort of success we are meeting with our effort at this point in time.

The Iraq Study Group has been mentioned. Congress should drop fixed deadlines for withdrawals of U.S. forces. As Commander in Chief, the President needs flexibility on draft deployments. This is from the cochair of the Iraq Study Group, Democrat Lee Hamilton.

It is important that we recognize the Iraq Study Group not only when it is convenient but also when it might be inconvenient.

I think it is very important that we not sound the voice of defeat. Imagine the surprise that must have come to our enemies—and whether we like it or not, we have enemies—imagine the delight that must have come when, from the halls of the Congress, from the leader of the Senate, they were told that they had, in fact, won; that the war was lost.

This is not the right thing to say at a time when our troops are engaged in battle. Nine U.S. soldiers lost their lives in the last 24 hours alone. This is a difficult time. It is not a pleasant time. It is not an easy assignment. So for us to simply tell our troops in the field they have been defeated when they in fact have not, and for us to tell our enemies that in fact they have won when in fact they have not, is not a good idea. I believe it is terribly important that we attempt somehow in the midst of this rancor and debate that is so classic of modern day Washington that we find it within ourselves to look beyond the current moment of politics, beyond the political advantage that might be gained at any one moment or another, and seek within the depths of our souls the opportunity for us to begin to work together to try to find a solution to this very difficult problem.

It is a sure thing that we, in fact, have a problem on our hands, that Iraq is a difficult situation. There is no question they must reach a political settlement. There is no question that they must do—the Iraqis themselves—the hard work of peace. However, as we do that, we need to also find it within ourselves to find a way of shaping a political consensus, for us to find a way to begin to talk to one another, not past one another, about how we resolve the issues in Iraq in a way that will enhance America's strength. It is not about defeating a point of view. It is not about defeating President Bush. A loss in Iraq would be a defeat for the United States of America. So how do we find a way to empower America to be a stronger country, to be a united country as we seek to defeat the enemies of our country, which surely are there, continuing to fight against us, wishing us to be unsuccessful, and wishing for our country to be defeated? We should pull together, Republicans and Democrats all, to try to find the common ground that will bring us to a sensible solution, to a sensible outcome, so America is not defeated, but the enemies of America are defeated.

Mr. President, I yield the floor.

BIPARTISANSHIP STARTS AT THE TOP

Mr. NELSON of Florida. Mr. President, I say to my good personal friend and colleague from Florida, if we want to solve this and other problems, we have to have some genuine bipartisanship, and that bipartisanship has to start at the top. There has to be an atmosphere of mutual respect and willingness to work together, and it has to start in the White House.

I have shared these comments publicly and privately. Whenever you face something as contentious as the matters we face—matters of war and peace, the making of Medicare financially solvent, the question of prescription drugs and their cost—you simply can't do it by taking a unilateral position over and over on either side of this aisle; it has to be that people have to come together and work it out. There also has to be a sense of mutual trust, of people telling the truth to each other, of doing what the standards were in the old days where a man's word was his bond. Until we get that, we are going to continue to have difficulty.

We see the problems right now in a war that is certainly a difficult one. We all share the same goal: that the interests of America are furthered if we can stabilize Iraq. How do we get there? There has been so much mistrust and suspicion that has been bred because of all the inconsistencies and lack of information and misinformation and massaged information. But that is then; now is now. What do we do? Thus far, it looks as though the White House and the leadership in Congress can't come together. There is too much distrust.

I have said before and I will say again, thank goodness the Secretary of State is out on a new diplomatic initiative. It is not catty to say it is about time, because there certainly have been those forces within the administration that have wanted this much more in the past, but I think the Secretary of State is making a very valiant effort now, because you are not going to solve the problem in Iraq unless you can get all the neighbors in the region involved to make a political solution stick.

Is a political solution viable? This Senator cannot say at this point that it is a viable prospect because of the sectarian hatred we have seen play out over these last several months. But this hasn't just been going on for months; this has been going on for 1,327 years, ever since the Battle of Karbala. I say to my colleague, who is my friend, and the two of us work together very well all the time, that a lot less rhetoric coming from both ends of Pennsylvania Avenue would help this

problem, but I don't see it changing right now. I think that is a sad commentary on the state of affairs.

Mr. MARTINEZ. Will the Senator yield for a moment?

Mr. NELSON of Florida. Certainly.

Mr. MARTINEZ. I appreciate the Senator's comments, and I so much value our relationship and our ability to work across the aisle, because we seem to get a lot done when we do that. It is an encouraging sign on one of the very difficult issues of our day, which is immigration, that we do seem to be working in a bipartisan way, and it is amazing what can be accomplished when we do work bipartisanly.

I can't help but be shaped by my own life experience, and I remember as I came to America and was learning the ways of this country, and I admired so much this new land of mine, that I would marvel at the phrase: ''Politics ends at the water's edge.'' That used to be the standard. There were these towering giants of another day who occupied these very desks we now use as ours who seemed to find it within themselves to reach a little higher to work across party lines in those postwar years, in the Cold War years when it was so essential.

I think what we need to adopt as a country is the understanding that this struggle against this enemy is long term, that we are going to be in this fight for a long time, probably the time of your service and mine. I hope not, but perhaps. If we are going to be successful in that endeavor, we have to set politics aside. We have to find a way that we can think of America first and whatever label we wear in a secondary way. I am not preaching to my colleague from Florida or anyone in particular. Frankly, the blame lies on both sides of the aisle, with Republicans as well as Democrats. We have to find a way we can move beyond the momentary gain we might make over a 24-hour news cycle for the longer term good of the Nation and the longer term good of what America stands for to the world.

Anyway, maybe the Senator and I began a rare moment here this morning in talking about Iraq where we are not yelling at each other and we are actually talking about how we can bridge our differences and find consensus as something that will help the American people.

Mr. NELSON of Florida. Mr. President, I say to my colleague, work in your sphere of influence and this Senator will try to do the same. What we have is an approaching train wreck, because if the Congress passes this emergency funding bill for the war that has this language in it, if that passes this week, then the President is going to veto it next week and that is going to leave us right back where we are, with both sides making a lot of noise and a lot of rhetoric, but that doesn't get us any closer to where we are going. So I say to my colleague, look over the horizon beyond this week and see where we can come together.

I thought the most promising prospect was when Jim Baker and Lee Hamilton came down with the Iraq Study Commission report. They showed, in a bipartisan way among very prominent people of both parties, how you should approach this Iraq situation, and yet, that was last November or December when it came out, and here we are 4 months later and still we have not come together in common ground. So I would encourage my colleague to keep working.

Mr. MARTINEZ. I thank the Senator.

KIDS AND CAR SAFETY ACT

Mr. NELSON of Florida. Mr. President, I want to talk about a sad situation we can do something about. A year ago this little girl, Veronica Rosenfeld, and her mom were walking in their Boca Raton neighborhood. This little girl, Veronica, was about 5 feet ahead of her mother on the sidewalk when a neighbor, not seeing little Veronica, backing out of the driveway, backed out over her and killed her. Her mother was right there, and there was nothing she could do about it. It is every parent's nightmare to certainly see their child die, but how much more horrible to lose them and be totally helpless in preventing a senseless accident—an accident that could be prevented.

Let's talk about that, the prevention of the accident. Look what has happened in the last 6 years. There has been a 138-percent increase in the last 6 years in the number of children killed in these noncrash fatalities in which people back over a child because they can't see the child. Several children are killed every week in the United States, and sadly—and this is why I bring it up again; I have brought it up several times to the Senate—this past weekend in Florida, two more children died in their driveways. In Hollywood, FL, a 3-year-old died when her father accidentally backed over her with his cargo van, and in Fort Myers, a 5-year-old was killed by her 16-year-old brother when he was parking the family car.

Mr. President, this month alone, April, there have been 11 children backed over and killed in this country. These injuries and deaths continue to occur, even though we have the technology to prevent many of them. But we need legislation to put this technology to use. In April alone—and we are not even to the end of April—they have happened in Indiana, New York, Georgia, three in Florida, two in Texas, two in California, and one in Hawaii thus far. And it is only April 24.

This is why a bunch of us have gotten behind the Cameron Gulbransen Kids and Cars Safety Act. It is a bipartisan bill that would provide drivers with the means of detecting a child behind their vehicle. This bill would also ensure that power windows would automatically reverse direction to prevent a child from being trapped and mandate a car's service brake to engage to prevent rollaways. We have this technology in a lot of vehicles. We have been in the vehicles where there is a signal that goes beep, beep, beep, and it becomes more frequent when an object is detected behind the car. The technology is there, and it is already being used. The same thing for windows. A child's head is in a window and suddenly the window goes up. It hits resistance and it reverses, and a parking brake automatically engages to prevent a rollaway on an incline.

Consumer groups have teamed with the parents of victims to suggest ways that are relatively simple and inexpensive in order to ensure that more parents won't have to endure the pain of losing a child. The technology is there. We all want to be safe behind the wheel of a car, especially when we back up. How many times, when we back out of our garage, do we have that nagging thought: Is there a child behind this vehicle I cannot see? Why go through this trauma anymore? Let's pass this Kids and Cars Safety Act, and then we can stop a lot of these needless deaths.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I will proceed in morning business. I believe I have time allotted to me.

The ACTING PRESIDENT pro tempore. The majority has 15 minutes.

IRAQ

Mr. BIDEN. Mr. President, President Bush has spent the last 2 weeks talking up the ''progress'' we are making in Iraq and talking down the Democrats and some of our Republican colleagues for trying to bring this war to a responsible end. But sometimes that is a problem because you have to deal with the facts. The facts are not as the President wants them to be but as they exist on the ground. The fact is, the President is totally out of touch with reality. He is out of touch with the American people and with America's interests in the region.

I have been here a while, and I can say I have never seen a President as isolated since Richard Nixon. The President appears to be totally removed from reality. He tells us that Attorney General Gonzales has done a great job, when anybody who watched it views it as one of the least impressive appearances of an Attorney General. He tells us that the President of the World Bank, an American, is doing a great job, oblivious to the damage being done to America's reputation around the world. And against the advice of some of the most gifted military men and women in a generation,

he has adopted a policy in Iraq that is a disaster.

The President argues that the surge is succeeding, but with every welcome development he cites there is an equally unwelcome development that gives lie to the claim that we are making any progress. For example, while death squad violence against Iraqis is down in some Baghdad neighborhoods where we have surged, suicide bombings have increased by 30 percent over the last 6 weeks. Violence is up dramatically in the belt ringing Baghdad. The civilian death toll has increased 15 percent from February to March. When we squeeze a water balloon in one place, it bulges somewhere else. Moqtada al-Sadr has not been seen, but he has been heard, rallying his followers with anti-American messages and his thugs to take on American troops in the south. Last week, he pulled his ministers from the coalition government, and intelligence experts believe his militia is simply waiting out the surge.

Closing markets to vehicles has precluded some car bombs, but it also has prompted terrorists to change tactics and walk in with suicide vests. The road to the airport to Baghdad may be safer, but the skies above it are more lethal; witness the ironic imposition of ''no-fly zones'' for our own helicopters.

Tal Affar is the most damaging evidence of the absolute absurdity of this policy. The President cites it as progress.

Architects of the President's plan called Tal Affar a model because in 2005 we surged about 10,000 Americans and Iraqis to pacify the city. Then we left, just as our troops will have to leave the Baghdad neighborhoods after calm is established, if it is.

But what happened in Tal Affar? It was the scene of some of the most horrific sectarian violence to date. A massive truck bomb aimed at the Shiite community led to a retaliatory rampage by Shiite death squads, aided by Iraqi police. Hundreds were killed. The population of Tal Affar, which was 200,000 people just a year or two ago, is down to 80,000.

There is an even more basic problem with the President's progress report, and it goes to the heart of the choices we now face in Iraq. Whatever tactical progress we may be making will amount to nothing if it is not serving a larger strategy for success. The administration's strategy has virtually no prospect for success, and his strategy, in a nutshell, is the hope that the surge will buy President Maliki's government time to broker the sustainable political settlement that our own military views as essential, and that is premised upon the notion of a central government in Baghdad with real power.

But there is no trust within the government, no trust of the government by the people it purports to serve, and no capacity on the part of the government to deliver security or services. There is little, if any, prospect that this government will build that trust and capacity any time soon.

How many times have colleagues heard, beginning in January, how there is an oil agreement, that they have gotten that deal? Has anybody seen that deal, after we heralded it time and again as essential to pulling this country together?

In short, the most basic premise of the President's approach—that the Iraqi people will rally behind a strong central government, headed by Maliki, in fact will look out for their interests equitably—is fundamentally and fatally flawed. It will not happen in anybody's lifetime here, including the pages'.

If the President won't look at a program that is different than he is now pursuing if his plan doesn't work, what will he do? History suggests there are only a couple of ways, when there is a self-sustaining cycle of sectarian violence, to end it, and it is not to put American troops in the middle of a city of 6.2 million people to try to quell a civil war.

Throughout history, four things have worked. You occupy the country for a generation or more. Well, that is not in our DNA. We are not the Persian Empire or British Empire. You can install a dictator, after having removed one. Wouldn't that be the ultimate irony for the U.S. to do that after taking one down. You can let them fight it out until one side massacres the other—not an option in that tinder box part of the world. Lastly, you make federalism work for the Iraqis. You give them control over the fabric of their daily lives. You separate the parties, you give them breathing room, and let them control their local police, their education, their religion, and their marriage. That is the only possibility. We can help Iraq change the focus to a limited central government and a Federal system, which their constitution calls for. I cannot guarantee that my strategy will work, but I can guarantee that the road the President has us on leads to nowhere with no end in sight.

We have to change course to end this war responsibly. That is what we are trying to do in Congress. Later this week, we will send to the President an emergency supplemental bill on Iraq that provides every dollar our troops need and more than the President requested. It also provides what the majority of Americans expect and believe is necessary: a plan to start to bring our troops home and bring this war to a responsible end, not escalate it indefinitely.

If the President vetoes the emergency spending bill, he is the one who will be denying our troops the funding they need. He is the one who will be denying the American people a path out of Iraq. The President's double talk on Iraq is reaching new heights of hypocrisy. I don't say that lightly.

On April 16, the President claimed that setting a timetable to start bringing our troops home would ''legislate defeat.'' Just 2 days after that, 2 days later, his own Secretary of Defense had this to say:

> The push by Democrats to set a timetable for U.S. withdrawal from Iraq has been helpful in showing Iraqis that American patience is limited . . . that this is not an open-ended commitment.

Then, in arguing against the supplemental, the President claimed that by sending him a bill he would somehow be forced to veto, the military would run out of money for Iraq in mid-April—which is not true, by the way—and as a result, he would have to extend the tours of duty of the troops already in Iraq.

Extending those tours, the President said, ''is unacceptable.'' ''It's unacceptable to me, it's unacceptable to our veterans, it's unacceptable to our military families, and it's unacceptable to many in this country.''

Unacceptable? The very next day, the administration announced its plans to do the ''unacceptable'' and extended the tours of every American ground troop in Iraq by 3 months.

Talk about hypocrisy: Telling us the path out of Iraq is a way which is forcing him to veto a bill that will require him then to extend tours because of that veto and that is unacceptable, and the very next day he extends the tour of every person on the ground. Once one gets over the hypocrisy, that announcement is an urgent warning that the administration's policy in Iraq cannot be sustained without doing terrible long-term damage to our military.

If this administration insists on keeping this many troops in Iraq until next year, we will have to send soldiers back for third, fourth, and fifth tours, extend deployment times from 6 months to a year for marines, from 12 months to 16 to 18 months for the Army. The military will also be forced to end the practice of keeping troops at home for at least 1 year between deployments, to fully mobilize the National Guard and Reserve, and to perpetuate this backdoor draft.

This President is breaking—is breaking—the military. We don't have to guess at the impact on this relentless readiness, its impact on retention and recruitment. This month, we learned that recent graduates of West Point are choosing to leave Active-Duty service at the highest rate in more than three decades. This administration's policies are literally driving some of our best and brightest young officers out of the military.

Instead of working with Democrats in Congress in a way forward, this President, divorced from reality, is accusing us of emboldening the enemy and undermining our troops. I have a message for you, Mr. President: The only thing that is emboldening the enemy is your failed policy. Mr. President, the only mission you have accomplished is emboldening the enemy with your failed policy.

Instead of escalating the war with no end in sight, we have to start bringing this to a responsible conclusion. If the administration insists on keeping this many troops next year, we are in serious, serious jeopardy.

I conclude by saying that I believe it is my obligation as a Senator—and I hope the obligation of everyone else—to keep relentless, unending pressure on this President to come to grips with reality, to continually push every single day to say: Mr. President, stop; stop this policy of yours.

It is my hope, even though he is likely to veto this bill, that we will keep the pressure on and ultimately convince at least a dozen of our Republican colleagues it is time to stop backing the President and start backing the troops. It is time, Mr. President, to begin to responsibly bring this war to an end.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICA COMPETES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The bill clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Pending:

Bingaman amendment No. 908, to make certain improvements to the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am waiting on the Democratic manager of the bill, Senator BINGAMAN, who should be here right away. Following that, we hope to go to the Senator from South Carolina, who has some amendments to offer, but it is not appropriate for me to do that until Senator BINGAMAN is here. That will take a moment. Then we will go forward, if that is all right with the Senator from South Carolina.

We had a good discussion yesterday on the America COMPETES Act. To remind all Senators, this is the Reid-McConnell legislation, with 56 cosponsors, which seeks to help our country keep our brainpower advantage so we can keep our jobs. It is the result of 2 years of work within this body through three committees principally but really five or six.

We asked the National Academy of Sciences to tell us exactly what we need to do to keep our competitive advantage in the world in competition with China and India so our jobs don't go there, so we can keep this remarkable situation we have of producing 30 percent of all the money each year for 5 percent of the people, with at least half of that based on our technological advantage. The National Academy of Sciences gave us a list of recommendations in priority order. The Council on Competitiveness formed the basis of a Lieberman-Ensign bill, the President made his own recommendations, and all that now has been worked through into this legislation.

I see Senator BINGAMAN. If I may, I would like to finish 3 or 4 minutes of remarks and then go to Senator BINGAMAN.

Yesterday, Senator INOUYE, Senator STEVENS, Senator DOMENICI, all of whom have been leaders on this legislation, spoke on the floor. Senator CHAMBLISS as well spoke on the floor. Senator BINGAMAN, of course, has been a leader from the very beginning, asking the questions that helped produce this result. So we have before us a leadership bill on a subject that is as important as any.

Almost all Members of the Senate over the last 2 years have had plenty of opportunity to influence this bill, and most have in one way or the other. It has been a remarkable exercise. But there still is time today and tomorrow for us to consider more options.

The President, last night by e-mail—someone in the White House—sent a Statement of Administration Policy to Capitol Hill which outlines the administration's views on the pending legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the President's remarks on January 31, 2006, from his State of the Union Address in which he spoke about the importance of the competitiveness initiative.

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

(See exhibit 1.)

Mr. ALEXANDER. As a courtesy to the administration, I ask unanimous consent to have printed in the RECORD the administration's Statement of Administration Policy following my remarks.

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

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I know how important the President believes this is. I have talked with him about it at least a half dozen times personally, usually in bipartisan sessions with a number of Senators, sometimes individually. I know the Vice President has been deeply involved.

When there is some more time on the floor this afternoon, if we have a lull in the debate, I will go through the Statement of Administration Policy and talk about it a little bit. Basically, it is very helpful to us. It points out that there is not much difference between the amount of money the President proposes to spend over the next 4 years and the amount we would propose to authorize to spend in this bill. As one might expect, the President likes his new programs but doesn't like some other new programs, and there are some other suggestions that are well taken that we can talk about, perhaps accept amendments, at least discuss with the Democratic majority those amendments, and there will be some amendments that are offered on the Senate floor.

I will reserve my comments on the President's Statement of Administration Policy. It is good to have it. We will make it part of the debate—and taking the President at his word—given the President's statement and the administration policy statement that ''The administration looks forward to working with Congress to address these various policy concerns as the legislative process moves forward.''

I defer to Senator BINGAMAN, if I may. Senator DEMINT is ready to offer amendments and speak about them whenever that is appropriate.

EXHIBIT 1

STATE OF THE UNION ADDRESS BY THE PRESIDENT, JAN. 31, 2006

''And to keep America competitive, one commitment is necessary above all: We must continue to lead the world in human talent and creativity. Our greatest advantage in the world has always been our educated, hardworking, ambitious people—and we're going to keep that edge. Tonight I announce an American Competitiveness Initiative, to encourage innovation throughout our economy, and to give our Nation's children a firm grounding in math and science.

First, I propose to double the federal commitment to the most critical basic research programs in the physical sciences over the next 10 years. This funding will support the work of America's most creative minds as they explore promising areas such as nanotechnology, supercomputing, and alternative energy sources.

Second, I propose to make permanent the research and development tax credit—to encourage bolder private—sector initiatives in technology. With more research in both the public and private sectors, we will improve our quality of life—and ensure that America will lead the world in opportunity and innovation for decades to come.

Third, we need to encourage children to take more math and science, and to make sure those courses are rigorous enough to compete with other nations. We've made a good start in the early grades with the No Child Left Behind Act, which is raising standards and lifting test scores across our country. Tonight I propose to train 70,000 high school teachers to lead advanced-placement courses in math and science, bring 30,000 math and science professionals to teach in classrooms, and give early help to students who struggle with math, so they have a better chance at good, high-wage jobs. If we ensure that America's children succeed in life, they will ensure that America succeeds in the world.

Preparing our Nation to compete in the world is a goal that all of us can share. I urge you to support the American Competitiveness Initiative, and together we will show the world what the American people can achieve.''

EXHIBIT 2

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, April 23, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 761 AMERICA CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN TECHNOLOGY, EDUCATION, AND SCIENCE ACT

(Sen. Reid (D) Nevada and 55 cosponsors)

One of the more important domestic priorities of the Administration over the last two

years has been the American Competitiveness Initiative (ACI), a comprehensive strategy to keep our Nation the most innovative in the world by increasing investments in research and development (R&D), strengthening education, and encouraging entrepreneurship. Thus, the Administration shares the goals of S. 761 to ensure the continued economic competitiveness of the United States through research and education and has been encouraged by the bipartisan support for addressing this vital topic. However, the Administration has serious concerns with S. 761 in its current form. The Administration believes that the bill does not prioritize basic research, authorizes excessive and inappropriate spending, and creates unnecessary bureaucracy and education programs. The Administration looks forward to working with Congress to address these various policy concerns as the legislative process moves forward.

The research component of the ACI is a targeted effort to focus increased funding on enhancing physical sciences and engineering research at the three highest-leverage agencies—the National Science Foundation (NSF), the Department of Energy's (DOE) Office of Science, and the Department of Commerce's National Institute of Standards and Technology (NIST). Unfortunately, the Senate bill creates at least 20 new programs across many agencies that, if enacted, would divert resources from and undermine and delay the priority basic research. The Senate bill would cost over $61 billion over the next four years—about $9 billion more than the President's ACI proposals. The bill conflicts with the Administration's well regarded Research and Development Investment Criteria by diverting funds from critical basic research to commercially-oriented research and other efforts that are less deserving of Federal support.

The education components of the ACI are targeted toward filling clear and specific gaps in the Federal funding portfolio with programs that will improve the quality of math and science education in the Nation's K–12 schools. The Administration appreciates that the bill authorizes most of the Department of Education programs the President called for in the ACI. These include authorizations for: (1) The Advanced Placement Program to increase the number of teachers instructing and students enrolled in advanced placement or international baccalaureate courses in mathematics, science, or critical foreign languages; (2) the Math Now programs to improve instruction in mathematics; and (3) part of the President's National Security Language Initiative proposal to strengthen the teaching and study of critical foreign languages. However, the Administration is disappointed that the bill does not authorize the President's Adjunct Teacher Corps, to encourage math, science, and other professionals to teach in our neediest middle and high schools.

Also, the Administration is concerned that the bill expands many existing science, technology, engineering, and mathematics (STEM) education programs that have not been proven effective and creates new STEM education programs that overlap with existing Federal programs. In its soon-to-be-released report, the Academic Competitiveness Council has identified 105 existing STEM education programs spending over $3 billion annually, including 45 programs that support training of STEM teachers, and found that very few of these programs demonstrated evidence-based effectiveness. Given this, the Administration believes it is premature to expand or begin new STEM education programs that do not have a plan in place for rigorous, independent evaluation or are duplicative of existing Federal programs.

In addition to the excessive authorization levels, lack of focus on basic research, and unnecessary new bureaucracy, created by S. 761, the specific provisions of serious concern include the following:

Advanced Research Projects Agency—Energy (ARPA–E). The Administration supports the conceptual goal of ARPA–E ''to overcome the long-term and high-risk technological barriers in the development of energy technologies.'' However, the Administration continues to strongly object to this provision due to serious doubts about the applicability of the national defense model to the energy sector and because a new bureaucracy at the DOE would drain resources from priority basic research efforts. The Administration believes that the goal of developing novel advanced energy technologies should be addressed by giving the Secretary of Energy the flexibility to empower and reward programs within existing DOE offices to fund unique, crosscutting, and high-risk research.

Innovation Acceleration Research. The Administration strongly objects to requiring each Federal science agency to set aside 8 percent of its research and development budget—a new program of over $10 billion of the Federal R&D budget at dozens of agencies—for projects that are ''too novel or span too diverse a range of disciplines to fare well in the traditional peer review process.'' Such a large earmark of the agencies' ongoing research efforts would certainly have negative, unintended consequences and could well impede the ability of these agencies to carry out their missions.

Equitable Distribution of New Funds. The Administration strongly objects to a requirement specifying particular funding increases for Education and Human Resources (EHR) activities at NSF. This is especially inappropriate while the Administration is responding to the findings and recommendations of the Academic Competitiveness Council to ensure that funding is targeted toward programs with plans to demonstrate effectiveness.

Experimental Program to Stimulate Competitive Technology. The Administration believes that additional resources provided to NIST should focus on existing internal innovation-enabling research activities and strongly objects to creating new programs that would drain resources from such activities.

Specialty Schools for Mathematics and Science. The Administration strongly objects to creating a responsibility for DOE to establish or expand K–12 schools.

Discovery Science and Engineering Innovation Institutes. The Administration strongly objects to using DOE funds to support State and local economic development activities. In addition to diverting funds from priority research areas, such a focus on commercialization is not a priority of the Federal government and could result in putting the government in the position of competing with private investment and influencing market decisions in potentially inefficient and ineffective ways.

Experiential-Based Learning Opportunities. The Administration objects to creating new K–12 education programs unless the need is clear and compelling, which is not the case for this program. As illustrated by the Academic Competitiveness Council's findings, the solution to improving the Federal government's impact on STEM education must come from identifying what works and improving the effectiveness of existing efforts before starting new programs.

Federal Information and Communications Technology Research. The Administration objects to the creation of a new program specifically aimed at ''enhancing or facilitating the availability and affordability of advanced communications services.'' Such an industry- and sector-directed program is well beyond NSF's traditional role of advancing the frontiers of knowledge in the academic disciplines.

National Laboratories Centers of Excellence. The Administration objects to the use of DOE funds to establish Centers of Excellence at K–12 schools. The establishment of school-based centers is not a proper role for DOE and would divert national laboratory resources that currently benefit their surrounding communities. The Administration believes that the President's Adjunct Teacher Corps proposal is a more promising approach to bringing subject experts into our neediest schools.

Experimental Program to Stimulate Competitive Research (EPSCoR). The purpose of the EPSCoR program is to build research capacity; it is not an education program. If EPSCoR funds are diverted for the purpose of hiring faculty or providing supplemental K–12 courses to precollege students, there will be less money available for increasing the research capacity in EPSCoR States.

Robert Noyce Teacher Scholarship Program. NSF's Robert Noyce scholarship program is too new to have been evaluated for its impact on improving the efficacy or retention of teachers who are program graduates. Therefore, it is unreasonable to increase the authorizations of appropriations at the pace and magnitude called for in this provision.

NASA Funding for Basic Science and Research and Aeronautics Research Institute. The Administration objects to the redirection of unobligated balances from existing NASA programs, because it would disrupt funding for ongoing activities. The establishment of an Aeronautics Institute for Research within NASA is objectionable because it would be duplicative of the agency's existing Aeronautics Research Mission Directorate.

Constitutional Concerns. Several provisions of the bill incorporate classifications and preferences based on race, national origin, or gender that are subject to the rigorous standards applicable to such provisions under the equal protection component of the Due Process Clause of the Fifth Amendment. (See sections 1405(d), 2003(a) and (d), 4005(b), and 4009.) Unless the legislative record adequately demonstrates that those standards are satisfied, those provisions are objectionable on constitutional grounds.

Mr. BINGAMAN. Mr. President, I thank my colleague and I thank the Senator from South Carolina for their courtesy.

My understanding is that the Senator from South Carolina wishes to set aside the pending amendment and offer an amendment; is that correct?

Mr. DEMINT. Mr. President, the Senator is correct. I wish to bring up three amendments and briefly speak on them, if I can.

Mr. BINGAMAN. Mr. President, I will have to object to offering three amendments. I have no problem if he wants to set aside the pending amendment and bring one amendment up, whichever amendment he would like, and we will deal with them one at a time. I think that will be the appropriate procedure for us to follow.

Mr. DEMINT. That is fine. I thank the Senator.

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

AMENDMENT NO. 928

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

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

Mr. DEMINT. I ask unanimous consent to bring up amendment No. 928.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN, proposes an amendment numbered 928.

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

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

The amendment is as follows:

(Purpose: To amend the Sarbanes-Oxley Act of 2002, with respect to smaller public company options regarding internal controls)

At the appropriate place, insert the following:

SEC. _____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) SMALLER PUBLIC COMPANY OPTION.—

''(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

''(2) DEFINITION OF SMALLER ISSUER.—

''(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

''(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

''(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

''(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

''(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.''.

Mr. DEMINT. Mr. President, I thank the managers of this bill for giving me time to speak on this important issue. The issue of American competitiveness is very important to me, as I know it is to all Americans. It is the security of our jobs and our economic future. I am here today to propose some amendments. I will begin with one that I think will improve the bill.

I wish to first discuss Sarbanes-Oxley and how it relates to competitiveness in America. The bill we are discussing, which is S. 761, the America COMPETES Act, seeks to improve America's international competitiveness by strengthening the quality of our labor force. However, labor is only one component of economic growth. Capital investment is another critical component of any vibrant and growing economy. America's competitiveness is being challenged by other countries, not only on the labor front but with capital formation as well.

We could say, as Senator ALEXANDER mentioned, this bill focuses on brainpower. What we are trying to do is say brainpower plus capital equals success in America.

In 2000, $9 out of every $10 in stock offerings from foreign companies were invested inside the United States. In 2005, that number completely flipped, and $9 of every $10 in stock offerings from foreign companies were invested outside the United States. Some might argue this is simply the result of foreign companies wishing to list closer to home, but I am afraid that is not the case. Cross-border listings are at an alltime high, and we are losing the competition for foreign capital.

This chart demonstrates how the United States is doing compared to others when it comes to attracting foreign capital. We begin in 2002 when Sarbanes-Oxley took effect. One can see this dark-blue line at the bottom is the U.S. exchanges, which have stayed basically flat, while markets in Hong Kong, London, and Singapore have continued to grow. There is no reason we should continue to lose ground to these other countries when it comes to investing.

We need to remember as Americans that the dollars which are used for research and development come from investment capital. There is no need for us to be spending billions and billions of dollars to encourage Americans to be better at math and science if the research and development is moving to other countries.

Some say these trends are simply the result of more sophisticated markets springing up abroad, but the evidence suggests otherwise. When one speaks with international CEOs making the decisions to list on foreign exchanges, they repeatedly cite Sarbanes-Oxley as the reasons they have listed abroad. That is why a report commissioned by Senator SCHUMER and Mayor Bloomberg cited section 404 of Sarbanes-Oxley as the reason international companies are no longer bringing their capital to the United States.

Section 404 requires public companies to conduct an additional audit on their internal controls. These audits are most expensive for smaller companies. Numerous reports have found that section 404 produced a heavy cost upon small, publicly traded companies without a proportional benefit. As a result, the regulatory burdens of section 404 on small businesses and companies—well, companies are choosing to raise capital in other markets.

A recent GAO study, requested by Senator SNOWE, found the cost for small public companies to comply with Sarbanes-Oxley has been disproportionately higher than for large companies. Small businesses in the United States, afraid of complying with the complicated provisions of Sarbanes-Oxley, are choosing not to grow by listing publicly and are, instead, staying small and remaining private. This prevents capital formation, it stunts job growth, and it makes our country less competitive in the global economy.

This is why Alan Greenspan recently said:

One good thing; Sarbox requires a CEO to certify the financial statement. That's new and that's helpful. Having said that, the rest we could do without. Section 404 is a nightmare.

This is not a politically inspired amendment. This is an amendment that recognizes we are hurting ourselves and we need to fix it. This is why an SEC advisory committee recommended that small businesses be exempt from section 404, and this is why I am offering the amendment today.

My amendment, No. 928, would make section 404 of Sarbanes-Oxley optional for smaller companies with market capitalization of less than $700 million, revenue of less than $125 million, or fewer than 1,500 shareholders. Section 404 reporting would be optional for these smaller companies, but they would have to notify their shareholders in their annual report.

The Senate's Committee on Small Business held a hearing on this topic this past week, and I applaud Senator KERRY for looking into this important issue. As my colleagues may know, both Republicans and Democrats have suggested the need for reform, which makes my amendment consistent with the bipartisan nature of this bill. My proposal has been introduced as a freestanding bill in this Congress as well as the last Congress. It has also been introduced as part of a bill in the House by Representative GREGORY MEEKS, Democrat from New York, and enjoys broad bipartisan support.

Despite broad bipartisan support for my amendment, I expect some will object to it based on timing. They may believe the Securities and Exchange Commission is preparing to deal with this problem, so we should give them more time to work. This is something I believed several years ago. But that is not only a weak excuse, it is a complete copout. It has been 5 years since Sarbanes-Oxley was enacted, and each year that goes by we are chasing more capital out of our country.

The SEC has a responsibility to address this issue, but so do we. We wrote the law. Congress created this problem, and we should not hide behind some regulation when we have the ability to fix it. Furthermore, it is not clear that future action by the SEC will solve the problem. According to the Independent Community Bankers of America, the proposed internal control guidance

under section 404 is unlikely to reduce audit costs, particularly for smaller public companies.

Some may also object because this provision has not been fully examined in the committee of jurisdiction. This is a poor excuse as well. American competitiveness should not suffer because a committee in Congress has failed to do its job. A bill such as Senate Bill 761, which seeks to improve the competitiveness of our labor force but does nothing for capital formation, may result in a highly qualified labor force but without capital to spur economic growth and create the jobs they need to make.

This is a competitiveness issue. It should be debated on this bill and we should all support it. There is no plan to consider this legislation later this year, and it is probably the last opportunity we will have to address it before the next election. My amendment is cosponsored by Senators MARTINEZ, CORNYN, and ENSIGN, and I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I appreciate the thought that has gone into the amendment, but, frankly, this is an amendment that is in the jurisdiction of the Banking Committee. Obviously, the Sarbanes-Oxley legislation came out of the Banking Committee and it is squarely within their jurisdiction. We are informed they have not had a chance to review the amendment, have not had a chance to have hearings on the amendment, and wish a chance to come to the floor and discuss it before there is any vote. There is some objection to going to any kind of vote on it at this point, so I am not prepared to discuss the merits of it. I do believe we need to provide an opportunity for those Senators on the Banking Committee who want to come and discuss the merits to come and engage in that debate.

However, I mention to the Senator from South Carolina, I am informed he also has an amendment related to looking at the Tax Code for possible problems with barring innovation; is that correct?

Mr. DEMINT. Yes, I do.

Mr. BINGAMAN. Mr. President, we are not in a position to say yet—we are trying to talk to the Finance Committee, because, of course, they have jurisdiction over tax issues—but we are trying to determine if there is any objection to Senator DEMINT's amendment relating to taxes.

Perhaps the right thing to do, since the majority leader has tried—not just on this bill but as a general matter—to avoid the circumstance where we are bringing up amendments, setting aside amendments; bringing up amendments, setting aside amendments, without ever having disposed of anything for a long period, perhaps the Senator could go ahead and describe this other amendment related to taxes. By the time he has completed that, we might know whether we are in a position to proceed to some kind of action on that.

Mr. DEMINT. So the Senator would prefer my not bringing it up but only describing it?

Mr. BINGAMAN. As I say, if it is another amendment that is going to require a debate and vote here, I think maybe we would want to go ahead and try to get the Banking Committee people here to deal with the Sarbanes-Oxley amendment before we get the Finance Committee people here to deal with the Tax Code amendment.

Perhaps the Senator could put the Senate on notice as to what the amendment entails, and by the time he is through with that discussion, we may know enough to be able to tell him whether we could accept the amendment or whether there is going to be objection.

Mr. DEMINT. Mr. President, I thank the Senator, and I think he will find this amendment has a lot of bipartisan support. It actually was a part of the original bill. It is amendment No. 929, and it expands the study on barriers to innovation, which is in section 1102 of the bill.

What we do is ask that this study include the impact of the IRS Tax Code on innovation. It is very consistent with the bill. My amendment does not remove anything currently called for in the study, it simply adds the provision that allows this study to include the effect of our Tax Code on innovation in America.

Specifically, the amendment calls on the Director of the Office of Science and Technology, through the National Academy of Sciences, to study all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements that discourage innovation.

The IRS code increasingly overwhelms Americans with its growing complexity. It stymies entrepreneurship and economic growth, and it threatens to prevent future generations of Americans from enjoying the sort of upward mobility their parents and grandparents enjoyed. This important provision was originally included in the study in last year's bill but it was dropped. My amendment puts it back in, and it will help us identify ways the IRS Tax Code is discouraging innovation and weakening American competitiveness.

I ask the Senator if he would still prefer I not bring it up? In the interest of time, it may be helpful to have it on the table, and we could perhaps then agree to it at a later time. Would the Senator still prefer I wait to bring it up?

Mr. BINGAMAN. Mr. President, I know the Senator from Tennessee has some comments on the amendment. Maybe we could continue with that discussion and debate for a few more minutes to see if we can get a little more of a response from people in the Finance Committee.

Mr. DEMINT. I thank the Senator, and I yield the floor for the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to thank the Senator from South Carolina for his amendments and for his initiative for being here and offering them. He is helping us jump-start the discussion, and I want him to know what we are doing is working on ways to get to action on his bills, not the reverse.

In fact, as far as his suggestion about considering the impact of taxes as barriers to innovation, I think he is right about that. That was a part of the original legislation. It had 70 sponsors at one time, the PACE Act. It was the Domenici-Bingaman act at that time. It is also a part of the Augustine report. These were the recommendations of the National Academy of Sciences team, which included 21 individuals who spent the entire summer and early fall of 2005 looking at exactly what we needed to do, and they recommended tax incentives for U.S.-based innovation.

This was a practical group, this Augustine committee. They made 20 recommendations. They knew there were a number of things that, if they recommended them, we wouldn't pass because we would have differences of opinion about them. So they stayed away from some areas. For example, since kindergarten through the 12th grade was their No. 1 priority in terms of improving education and encouraging innovation there, they might have felt giving low-income families scholarships or vouchers to go to private schools would be a good thing to do. But they didn't put that in their top 20 because they knew it was unlikely we would be able to agree on that here.

I think the same is true here with taxes. They specifically said on page 10 of the summary of their ''Rising Above the Gathering Storm'' that while they recommended making permanent the research and development tax credit as one change in tax policy, they realized that wasn't enough to consider it. They mention other alternatives that should be examined to see if it would be beneficial to the United States. These alternatives, the summary said:

> . . . could include changes in overall corporate tax rates and special tax provisions providing research of high-technology and manufacturing equipment, treatment of capital gains, and incentives for long-term investment innovation. The Council of Economic Advisers and the Congressional Budget Office should conduct a comprehensive analysis to examine how the United States compares with other nations as a location for innovation and related activities with a view to ensuring the United States is one of the most attractive places in the world for long-term innovation related investment and the jobs relating from that investment from a tax standpoint.

That is not now the case, is what the Augustine report said. So I believe the Senator from South Carolina is making a real contribution to the debate here. His amendment which he proposes to bring up would improve the bill, in my

opinion. It was once a part of the legislation that was similar, and I am hopeful the Finance Committee will recognize this simply amends a study that is already in the bill so tax barriers can be included as part of that study.

Mr. President, I look forward to the response by the Democratic manager as to how we shall proceed.

Mr. BINGAMAN. Mr. President, I am informed we do not have a clear response from the Finance Committee. I agree with the substance of what the Senator from Tennessee said. I don't see this causes any difficulty in the overall thrust of the legislation, so I would be inclined to urge the Senator from South Carolina to go ahead and ask permission to set aside the pending amendment, bring this up, and then conclude any debate he wants to on this amendment related to the study, and then we can dispose of it—by voice vote, as far as I am concerned, unless the Senator wants a recorded vote.

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

AMENDMENT NO. 929

Mr. DEMINT. Mr. President, I ask unanimous consent to call up amendment No. 929.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 929.

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

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

The amendment is as follows:

(Purpose: To require the study on barriers to innovation to include an examination of the impact of the Internal Revenue Code of 1986 on innovation)

On page 8, strike lines 7 through 9, and insert the following:

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

Mr. DEMINT. Mr. President, I have explained what this amendment does. It is very simple. In addition to a study, if we are commissioning a study and paying for it, to find out what obstacles we have to innovation, the Tax Code is certainly something that is cited often by folks who invest and do the research and development, who are actually associated with innovation in the marketplace, so it makes sense that we include any obstacles in the Tax Code or any opportunities we may have, as the Senator from Tennessee suggested, to create incentives for investment and innovation.

There is a relationship between this amendment and the first one I brought up. I think we all know that investment, incentives for investment, are the catalyst for the research and development that results in innovation in the marketplace. As a nation, if we do not do more to attract capital, if we do not do more to encourage investment in our country, then those investments are not going to be here.

For many years we have been concerned that because of certain trade policies and other things we do internally, we have lost low-wage jobs. But increasingly we are hearing that because the investment dollars are moving overseas, behind those investment dollars go the high-tech jobs that are involved with research and development.

Both of these amendments are important. I would particularly like votes on this because it was stripped out once. I am concerned that if we do not have a vote and give the Members an opportunity to show support, particularly for this tax study, it will disappear again in conference.

My hope is we can have a vote and the yeas and nays on these amendments.

I yield the floor.

Mr. BINGAMAN. Mr. President, we need to determine when we would want to go ahead since, as I understand the Senator, he wishes a rollcall vote. We want to have a chance to check with our floor managers, the assistant majority leader, and determine when this is appropriate, so I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 930

Mr. DEMINT. Mr. President, in the interest of time—I know we are discussing two other amendments and the bill managers have asked me not to bring up a third. I will not bring it up at this time but I wish to speak on it, if that would expedite procedures here on the floor.

My third amendment, which is amendment No. 930, which we will bring up at a later time, establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for funds authorized in this bill, S. 761, the America COMPETES Act.

The goal of this amendment is to ensure that funds authorized in the bill are allocated according to a competitive or merit-based process. As my colleagues know, congressional earmarks circumvent the normal competitive or merit-based process and award funds based on politics. My amendment is consistent with the stated intent of the bill, which says on page 183 that nothing in divisions A or D shall be interpreted to require the National Science Foundation to "alter or modify its merit-review system or peer-review process" or "exclude the awarding of any proposal by means of the merit-review or peer-review process."

My goal here is to make sure this new fund does not become a new pot for earmarks, that we start directing this new money back to our States or congressional districts because we put new funds on the table. If these and other funds authorized in the bill are going to be allocated in the most efficient and most competitive way, the Senate must take steps to discourage the use of earmarks when appropriating funds for these programs. My amendment will not only preserve the integrity of the competitiveness allocation process but it will make America more competitive by making these programs more effective.

In a bill that is about competition, this amendment makes sure the money is allocated on a merit-based competitive system instead of turning it into a new slush fund for Congress.

Out of respect for the managers, I will not bring that amendment up at this point but I hope to do that at a later time.

I yield the floor.

Mr. BINGAMAN. Mr. President, let me briefly speak to the amendment of the Senator from South Carolina related to earmarks. I obviously would have to object to it. I think he will find probably any and all Senators involved with appropriations would have to object to it. The way I read it, it says it is not in order to consider any bill that proposes a congressional earmark on appropriated funds unless you have 60 votes. The definition of a congressional earmark is contained in the legislation, but any appropriations bill that comes to the floor virtually by definition is going to contain something that falls into this definition of congressional earmark. It is one thing to be concerned about the addition of earmarks once the Appropriations Committee has presented legislation to the Congress or to the full Senate. But to say we cannot bring up a bill, an appropriations bill, if it has anything in it that might meet this definition is substantially more onerous than I would think would be good policy.

Mr. DEMINT. Will the Senator yield?

Mr. BINGAMAN. I am glad to yield.

Mr. DEMINT. For a clarification. The way this amendment is written, it is not all appropriations bills, just appropriations bills that are appropriating money for this act, the America COMPETES Act. We are not bringing in all the appropriations bills that will be brought to the floor.

The point is, we are creating this new fund for competition. Instead of us in the future redirecting these funds in all directions, the bill has been very careful to lay out where this money will go in a way that we think is most efficient. This money will be allocated on a merit-based system. We have seen some of it before, how the National Science Foundation and others are merit based. We want to keep it that

way. What we are trying to do is avoid, in the future, that this new money we have authorized starts being redirected. If something comes up that is important, that we agree on, we can always overcome a 60-vote point of order. But if we allow this to fester, as we have seen in the past, instead of going to create competition in America, it will be going off to special projects. So it focuses on this bill and prevents politically driven earmarks.

Certainly we have directed the money for this whole bill. It doesn't change that. This is all authorized. We are not talking about authorized dollars, we are talking about redirecting it based on political motives in the future.

I thank the Senator for allowing that clarification.

Mr. BINGAMAN. Mr. President, I thank the Senator for the clarification, but I do think the problem remains because this bill is far reaching because this bill covers quite a few Federal agencies and tries to lay out a blueprint for what we hope we will be able to provide by way of appropriations to these agencies in the future, whether it is the National Science Foundation, whether it is the Office of Science in the Department Energy, whether it is the Department of Education, Health and Human Services—there are various agencies that would obtain funding to carry out the purposes of this legislation if we are successful through the appropriations process.

For us to be putting a provision in this authorizing bill saying you cannot bring an appropriations bill to the floor that contains anything we would define as a congressional earmark is unduly restricting the authority and the prerogatives of the Appropriations Committee in putting together legislation they think makes sense.

I am well aware there are three sort of distinct hurdles that need to be surmounted in order for us to actually get funds to be spent on these good purposes that are outlined in this bill. One of those hurdles is the Budget Act. We need to be sure there is room in the Budget Act for the funding we are calling for in this legislation. We offered an amendment to do that. We got very good support here in the Senate. Senator ALEXANDER and I offered that and I think that was a major step forward.

The second hurdle, of course, is trying to authorize these programs so if the funds are appropriated for these purposes nobody can raise an objection that these are not authorized uses of the funds.

Then the third and perhaps most difficult is, each year over the next several years, the period that is covered by the legislation—each year we are going to have to try to see that the funds are properly appropriated for these agencies to carry out the work as outlined in this bill.

I think it would be foolhardy for us to be requiring that before you can bring a bill to the floor that contained funding related to this authorization bill, if it could be construed to fall under this definition of congressional earmark, you would have to have 60 votes to proceed to that appropriations bill. That would be an unprecedented procedure for us in the Senate and one that would be very wrongheaded. As I say, people involved in the appropriations process would probably see it that way as well.

I yield the floor.

Mr. DURBIN. Can I make a comment?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding the Senator is not calling up the amendment but is only speaking to it for the RECORD.

Mr. DEMINT. Could I make one additional comment?

Again, I appreciate the Senator's remarks, and obviously we don't want to tie the hands of Congress unnecessarily, but when we are speaking of earmarks—and we defined it in this amendment ourselves. When we take this bill that was created for the purpose of improving competitiveness in America and we earmark, which means we target it to a specific State, locality, or congressional district other than through a statutory or administrative formula-driven or competitive award process—when we take what we have done and basically pervert it into a system where I want it to go to South Carolina, or the Senator wants it to go to Tennessee, that has nothing to do with the original intent of the bill, we call that an earmark. We would like to prevent that if we could with this one bill, but I appreciate the courtesy of both managers to allow us to explain. I hope we will have an opportunity to bring it up and offer it later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am honored to be a cosponsor of this legislation. All of us understand we have an obligation in Congress to devise policies and means by which the American economy can compete and create good-paying jobs. Whether one lives in Pennsylvania or Illinois or New Mexico or Tennessee, we have lost a lot of good manufacturing jobs over the last few years. We know there have been growth industries. We can look at the whole Silicon Valley phenomena. Whether it is information technology or computers, the United States has taken a leadership position. But in many areas, we are not in leadership positions.

Senators ALEXANDER and BINGAMAN came together over a year ago to sit down with some of the experts in Washington and talk about what we needed to do to make America more competitive, the next generation of good-paying jobs, the horizons we ought to look to to build for the future. They put together a strong bipartisan bill. If Members read the cosponsors, they will find plenty of support on both sides of the aisle. This may be one of the best examples of bipartisan cooperation we have had in the Senate so far this session. I hope we have more. I am honored to support it and be a cosponsor.

I hope we can move beyond the many amendments that are going to be offered and consider this bill on a timely basis. It is the nature of the Senate that it is a deliberative body. Occasionally, when there is a lapse, we actually break into real debate on the Senate floor. People across the Nation applaud when they hear that happen. In this situation, I am not suggesting that we should not debate amendments to the bill. In fact, I will describe one in a moment. But I am prepared to pull my amendment back because I don't want to stop this bill. I want it to pass the Senate and the House. I want it enacted into law. I hope other Members who have a positive belief about this legislation will think twice about whether they need to gild the lily and add something to a positive and substantive bill.

The issue I would like to speak to is one I believe in very strongly. I have an amendment, but I won't stop this bill to offer it. If it appears to have any objection or resistance, I will save it for another day. It is one that fits into this competitiveness issue.

The United States graduates some of the world's best engineers, scientists, and mathematicians. However, countries such as China and India are catching up. They are educating a higher proportion of their students in these fields.

We have heard the statistics from the National Academy of Sciences report ''Rising Above the Gathering Storm.'' In 2004, China graduated 600,000 engineers. India graduated 350,000 engineers. The United States graduated 70,000. In 2004, only a third of the undergraduate degrees awarded in the United States were in science or engineering. In China, the number was 59 percent; in Japan, 66 percent in science and engineering.

Our country can understand when our economic security and our future are at stake, and we have risen to the occasion. I remember back in the 1950s when the Russians launched Sputnik. We didn't think they were capable of that. When they put the first satellite in space, it caused great fear across the United States. As a result, Congress did something it had never done before: It created Federal assistance to higher education. It created a loan program to encourage students to go to college. I know about that program because that is the way I went to college. It was called the National Defense Education Act. I borrowed enough money to get through college and law school, paid it back at a modest interest rate, and believe it was a good investment. I have had a pretty good life as a result of it and maybe have added something to this great country in the process. Thousands of others went through the same experience. Congress responded.

We knew we needed to invest in our country by first investing in education.

The same thing is true with competitiveness. We can talk about a lot of actions that might achieve our goals, but education is the starting point. We have documented the technological challenges to our country from many different angles. The founder of Microsoft, Bill Gates; the chairman of Intel, Craig Barrett; a journalist, writer Tom Friedman; and the National Academy of Sciences have all told us this. All agree we need to strengthen students' proficiency in science, technology, engineering, math, and foreign languages. The America COMPETES Act invests in the R&D and education our country needs to make sure we remain the world's technological innovator.

In our increasingly global economy, we need more youth to pursue math, science, engineering, technological, and critical foreign language degrees. Our young people also need an appropriate knowledge and understanding of the world beyond our borders. You have heard me speak many times on the floor about one of our Nation's greatest public servants, my predecessor, the late Senator Paul Simon. Paul understood that our country needed to invest in math and science. He also envisioned a United States populated by a generation of Americans with a greater knowledge of the world, a generation of our Nation's future leaders that has been abroad and has a personal connection to another part of the world.

In the months before his untimely death, Senator Simon came to Washington. I met with him. We talked as well with his former colleagues about the need to strengthen our Nation's international understanding in the 21st century. Paul Simon knew that America's security, global competitiveness, and diplomatic effforts in working toward a peaceful society rest on our young people's global competence and ability to appreciate language and culture beyond the United States.

I filed as an amendment to this bill an amendment which we have entitled the ''Senator Paul Simon Study Abroad Foundation Act.'' It is an initiative that honors Paul's commitment to international education and brings his vision one step closer to reality. The Simon Act encourages and supports the experience of studying abroad in developing countries, countries where people with a different culture, language, government, and religion will give a person a different life experience. It aims to have at least 1 million undergraduate students study abroad annually within 10 years and expands study-abroad opportunities for students currently underrepresented.

The Simon Act establishes study abroad as a national priority and provides the catalyst for the education community to commit to making study abroad an institutional priority. An independent public-private entity, the Senator Paul Simon Foundation, would carry out the goal of making studying abroad in high-quality programs in diverse locations around the world routine rather than the exception. Students who were previously unable to study abroad due to financial constraints would be eligible for grants. The grants would also provide colleges and universities and other nongovernmental institutions financial incentives to develop programs that make it easier for college students to study abroad.

We can't afford not to invest in thoughtful Federal initiatives that foster innovation. We must ensure that future leaders understand science and engineering and the world in which they live. The future of our country depends on having globally literate citizens. I believe the Paul Simon Study Abroad Foundation Act would help to achieve that goal.

There is one other area that would be helpful when it comes to competitiveness. Most of us know today what a miracle computers have turned out to be. They really bring so much information to our fingertips which long ago was hard to find. I can recall as a college student walking across the street to the Library of Congress, sending in the little slips of paper and ordering a big stack of books and searching through them to find information which I can now Google in a matter of seconds. That is great. That information is helpful. But if one is going to be able to take advantage of that opportunity, one needs to have access to high-speed computers.

There are many parts of America—Washington and Capitol Hill would be good examples—that have broadband access now. We take it for granted. I represent a diverse State, Illinois, which has the great city of Chicago as our largest city but also has a lot of small towns and rural areas, not unlike Tennessee or New Mexico. It is important for the development of education, health care, and business for us to expand broadband access in America to areas that are currently not served.

I have introduced a bill, which is being considered before the Senate Commerce Committee, on broadband access. I would like to share a statistic which Members might consider. According to the OECD, the United States fell from 4th in the world in broadband access per capita in 2001 to 12th in 2006. As of 2006, the International Telecommunication Union listed the United States 16th worldwide in terms of broadband access. We are now behind South Korea, Belgium, Israel, and Switzerland, among other nations.

In today's highly competitive international markets, our children, businesses, and communities are competing with their peers around the world for jobs, market share, business, and information. It concerns me that with the size and dynamism of our economy, we are falling behind in an area where we should have a natural advantage. As we committed ourselves to a National Defense Education Act to make sure we had trained people, educated people to compete against the Soviet Union in that era and now in the world, we also need to make sure the tools for competition are available.

I will be offering this broadband access act not as an amendment to this bill but at a later date. I hope those representing States across the Nation who believe there are digital divides will join me in making sure this important tool is available to every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that at 2:17 p.m., the Senate proceed to vote on or in relation to amendment No. 929; that at 2:15 p.m., there be 2 minutes of debate equally divided between Senators BAUCUS and DEMINT or their designees and that no amendment be in order to the amendment prior to the vote; that upon the conclusion of the vote, Senator KENNEDY be recognized to speak on the bill; that following Senator KENNEDY, Senator COBURN be recognized as provided for under the previous order.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, let me inquire of the parliamentary situation. I believe, under the agreement, we will now go off this legislation, and we are ready to have some remarks with regard to the judicial nomination for the Southern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, that is to begin at noon.

Mr. LOTT. So are we ready to proceed? I ask unanimous consent that I be allowed to begin my remarks in support of this nominee.

EXECUTIVE SESSION

NOMINATION OF HALIL SULEYMAN OZERDEN TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session to consider Calendar No. 76, which the clerk will report.

The legislative clerk read the nomination of Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided between the chairman and ranking member or their designees.

The Senator from Mississippi.

Mr. LOTT. Mr. President, it is my pleasure be here to speak on behalf of the confirmation of Halil Suleyman Ozerden to serve on the U.S. District

Court for south Mississippi. I am truly pleased that the President has nominated this outstanding young attorney to this position in Mississippi. I thank the Judiciary Committee for the expeditious handling of the nomination. I particularly thank the chairman, the Senator from Vermont, Mr. LEAHY, and the ranking member, Senator SPECTER, for moving the nomination forward.

I made it a particular point of pronouncing his name and trying to get it correct because this is a very highly qualified nominee but an unusual one. I believe he will probably be the only Turkish American to serve on the Federal judiciary anywhere in America. We didn't select him because of that, but it is a fact. He has an outstanding record, and he will be an outstanding member of the judiciary.

Long before I knew this young man, I met his father. Sul is the son of a Gulfport, MS, doctor, psychiatrist, a Turkish immigrant, and naturalized U.S. citizen. He was truly a well respected citizen in the community as well as a doctor.

I met him back when I was in the House of Representatives, years ago, in the 1970s, as a matter of fact. His father came to visit my office on the Mississippi gulf coast one day to thank me for a controversial vote I had cast, one that was particularly unpopular with a lot of my constituents. Well, now, House Members are not used to people actually coming to their office and thanking them for casting a vote a lot of people disagree with, so I took a particular liking to this doctor, and I stayed in touch with him and his family over these past 30 years.

But I was particularly impressed, as I watched the doctor's son grow up and achieve such a tremendous record.

I began hearing about Sul, his professional accomplishments, and the impact that he was having on the gulf coast community. Now one of the most respected young lawyers in Mississippi, Sul may soon have the rare opportunity to serve both his community and his country as a Federal judge.

During my time in the Senate, I have had the opportunity to deal with countless judicial nominees. Seldom have I seen a nominee who comes as highly recommended—and who is as highly credentialed—as Sul Ozerden.

This young man graduated from what was then a very large high school in Mississippi, Gulfport High School, in 1985. He was salutatorian in his class. He then attended Georgetown University's School of Foreign Service on a Navy ROTC scholarship, graduating magna cum laude and Phi Beta Kappa in 1989.

Following graduation, he served 6 years active duty as a commissioned officer and naval flight officer in the U.S. Navy, where he achieved the rank of lieutenant as an A–6E Intruder bombardier/navigator. He was awarded the Navy Commendation Medal for missions flown over Iraq during Operation Southern Watch and Somalia during Operation Restore Hope.

After his military service, he earned his law degree from Stanford Law School, where he served as associate editor for the Stanford Law Review. Following law school, he clerked for the Honorable Eldon Fallon, U.S. district court judge in New Orleans, before returning home to enter the private practice of law in Gulfport.

That is an incredible record, outstanding record—in high school, in college, in the military, and law school, and he served as a clerk to a Federal judge. He has all the credentials that will qualify him for this position.

He then returned to the gulf coast as a shareholder in one of the gulf coast's most respected firms, Dukes, Dukes, Keating & Faneca, where his practice has focused on general civil defense litigation, representation of local law enforcement and governmental entities, and commercial transactions and litigation.

In addition to his professional accomplishments, Sul is also involved in his community, as his father was. He has served as a mentor in the Gulfport Public School District. He has been named ''Volunteer of the Year'' by the Gulfport Chamber of Commerce, an area where we have had a lot of voluntarism in the last 2 years to help people and help our communities recover from Hurricane Katrina. He served on the board of directors—and as president—of the Gulfport Chamber of Commerce. He also served as the president of the Gulfport Business Club. He was also named as one of the Sun Herald newspaper's ''Top 10 Business Leaders Under 40'' for the southern part of the State of Mississippi.

He is active in his church, St. Peter's By-the-Sea Episcopal Church, where he is on the church's building committee—an extremely important position within a church seeking to rebuild from devastation caused by Hurricane Katrina.

President Bush has nominated one of south Mississippi's finest to fill one of Mississippi's most important positions. Sul's academic credentials, brilliant mind, analytical ability, legal skills, world experiences and common sense are rare qualities in one person. The Federal judiciary is lucky to have the opportunity to secure the services of Sul Ozerden, and I look forward to his confirmation.

Mr. President, I do not know when I have supported a nominee to be a Federal judge in Mississippi more than I do this one. I am very proud of this nomination, and he will surely be overwhelmingly confirmed in a few minutes. Sul Ozerden, of Gulfport, MS, will be a credit to his parents, the community, and to the Federal judiciary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased this nomination is now before the Senate. The nominee is very well qualified to serve as a Federal judge. He is a highly respected lawyer with a keen sense of fairness. I think he will reflect great credit on the Federal judiciary.

Sul graduated magna cum laude from the Georgetown University School of Foreign Service, where he was a member of Phi Beta Kappa.

After graduating from Georgetown, he attended the U.S. Navy Flight School in Pensacola, FL, and then served for 5 years as a naval officer. He served as a bombardier and navigator aboard A–6E Intruder aircraft and was awarded the Navy Commendation Medal for missions flown over Iraq and during Operation Restore Hope in 1992 and 1993. He also completed deployments to the Western Pacific and to the Persian Gulf aboard the aircraft carrier USS Kitty Hawk from 1992 to 1994.

Sul is also a graduate of the Stanford University School of Law, where he served as an associate editor on the Law Review.

He then served as a law clerk to the Honorable Eldon E. Fallon, U.S. district judge for the Eastern District of Louisiana.

He then joined the law firm of Dukes, Dukes, Keating & Faneca in Gulfport, MS, a highly respected law firm in our State. He has practiced in State and Federal courts throughout the Southeast and served as lead counsel in a wide range of complex cases.

Sul is ranked by his fellow lawyers at the highest levels of professional accomplishment. He received a unanimous ''qualified'' rating from the American Bar Association's Standing Committee on the Federal Judiciary.

Mr. President, I have come to know this nominee well and his family members who are outstanding citizens of the gulf coast area, of the State of Mississippi. I am very pleased he accepted the nomination and is prepared to take his place on the bench of the Federal court in our State. I am very pleased to urge the confirmation of this nominee.

Mr. LEAHY. Mr. President, today we consider the nomination of Halil Suleyman Ozerden to be a U.S. district judge for the Southern District of Mississippi, which until recently had been considered a judicial emergency. By approving yet another lifetime appointment, we continue to proceed promptly and efficiently to confirm judicial nominees.

With this confirmation, the Senate will have confirmed 16 lifetime appointments to the Federal bench so far this year. There were only 17 confirmations during the entire 1996 session of the Senate. This means we have already confirmed almost the entire total of confirmations for the entire 1996 session, and we are still in April of this year.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies, yet the President has sent us only 27 nominations for these vacancies. Twenty one of these vacancies—almost half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to

be judicial emergencies, the President has yet to send us nominees for 6 of them. That means more than a third of the judicial emergency vacancies are without a nominee.

I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts. The nomination we consider today has the support of both Senator COCHRAN and Senator LOTT.

Mr. Ozerden is just 40 years old, quite young for a lifetime appointment to the Federal bench. Mr. Ozerden has worked for the past 8 years as a commercial litigator for the Gulfport, MS, law firm of Dukes, Dukes, Keating & Faneca, P.A. Before pursuing a legal career, he served for 6 years on active duty as an aviator in the U.S. Navy.

I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Mr. Ozerden is the son of a Turkish immigrant. I am encouraged when we can reflect positively on the diversity of our Nation and the contributions of immigrants.

The Senate will confirm Mr. Ozerden. It will not repeat the slurs that many used against Senator OBAMA. Whether a person's middle name is Suleyman, Hussein, or Ali, that person should be considered on merit, not through the eyes of prejudice. Our Nation must rise above mean-spiritedness and the short-sighted politics of fear. Consistent with our heritage as a nation of immigrants, we should recognize the dignity of all Americans whose work contributes to building a better America. The diversity of our Nation is a strength for our country and remains one of our greatest natural resources.

That said, I understand the disappointment of members of the African-American and civil rights communities that this administration continues to renege on a reported commitment to appoint an African American to the Mississippi Federal bench. In 6 years, President Bush has nominated only 19 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. With an ever-growing pool of outstanding African-American lawyers in Mississippi, it is not as if there is a dearth of qualified candidates.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to add my endorsement for the confirmation of Halil Suleyman Ozerden to the U.S. District Court for the Southern District of Mississippi. The distinguished Senators from Mississippi have already spoken at length about his outstanding qualifications, and I associate myself with their remarks.

It is a matter of considerable distinction to be a magna cum laude graduate from Georgetown University. And a law degree from Stanford is impressive. His service as a lieutenant in the U.S. Navy, with the impressive service he has performed there, has been specified in some detail.

He was unanimously rated ''qualified'' by the American Bar Association. The vacancy to which he has been nominated has been designated as a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts. I urge my colleagues to vote to confirm this very distinguished nominee.

I note we have a significant number of vacancies at the present time. We have 14 vacancies on the courts of appeals. Six nominees have been submitted to the Judiciary Committee, and it is my hope we will process these nominees promptly. There have been a number of blue slips not returned by Senators. Under the practice of the committee, the nomination will not be processed until blue slips are returned by the Senators. So I will be communicating directly with the Senators involved, urging them to return the blue slips so we may go forward.

There are six of those vacancies where nominations have been submitted. There are eight vacancies without nominations. I have discussed this matter personally with the President and have written to him in addition so the letter could be disseminated among the various White House officials who are charged with the responsibility for proceeding there.

On the district courts, there are 34 vacancies. Twenty-two nominations have been received, and it would be my hope they would be processed promptly. Twelve are awaiting nominees. The vacancies constitute a substantial number.

The total number of authorized circuit judges is 179. There are 14 vacancies, for a 7.8 vacancy percentage. The total number of authorized district judges is 674. There are 34 vacancies, for a 5-percent vacancy rate. It is important these vacancies be filled.

Where we do not have judges—and quite a few of these vacancies are judicial emergencies—there cannot be the processing of these cases. As a lawyer with substantial experience in the courts, I can attest firsthand to the importance of having judges on the job. When the vacancies are present, other judges are compelled to do extra duty.

So I urge my colleagues to cooperate in the processing of these nominations and vacancies. I, again, renew my urging of the White House, the President, to submit nominations for these vacancies.

COMPLIMENTING SENATOR CASEY

In conclusion, may I note how much I appreciate the Presiding Officer, the other Senator from Pennsylvania. I do not call him the junior Senator from Pennsylvania, although he has been here a lesser period of time than I have. I think the difference is 26 years and 3 months to 3½ months. But Senator CASEY has already made a distinguished mark on the Senate.

I think it not inappropriate to note for the record that he and I meet on a weekly basis and have held joint hearings on the juvenile gang problem in Philadelphia and on the issue of the proposed merger of Independence Blue Cross and Blue Shield with Highmark from the western part of the State, that we were together in Pittsburgh recently for the induction of a court of appeals judge and a district court judge.

My compliments to Senator CASEY on his distinguished service already.

Mr. President, I note the time has arrived for the vote, so I yield the floor.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi?

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

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

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—95

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

NOT VOTING—5

Johnson	Obama	Voinovich
McCain	Stabenow	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

RECESS

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

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AMERICA COMPETES ACT—Continued

AMENDMENT NO. 929

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on amendment No. 929 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I know Senator BAUCUS intended to be here. I don't see him right now. I know the Senator from South Carolina wishes to use his 1 minute. I am informed that Senator BAUCUS will support the amendment and is urging other Senators to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate the support of the majority. This is clearly a bipartisan idea. The underlying bill has in it a study to look at obstacles to innovation. This simply adds to that with a study of our Tax Code to see how it might be obstructing innovation and investment in our country.

It sounds as if we have good support. I encourage all my colleagues, Republicans and Democrats, to vote for the amendment.

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 amendment No. 929. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—96

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

NOT VOTING—4

Johnson	Obama
McCain	Voinovich

The amendment (No. 929) was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, we are operating under a time agreement that has been proposed by the Senate leaders.

The PRESIDING OFFICER. The Senator is recognized for such time as he wishes to consume.

Mr. KENNEDY. I thank the Chair.

Mr. President, first of all, I commend my friend and colleague, Senator BINGAMAN, as well as Senator ALEXANDER and the group that came together in support of this idea of competitiveness legislation. I think it is one of the most important issues we will consider on the floor of the Senate, and it is something that commands the kind of broad support that it is getting.

What underlines this legislation is a recognition that the United States is competing in a global economy. If we are going to compete in a global economy, we have to make a decision as a nation to the prepare each and every individual American to stand with the winds in a global economy. This legislation says that we are going to equip every man, woman, and child in the United States to be able to deal with the challenges of a global economy, and I think that is a very important national purpose.

Throughout history, this country, when it saw that it was challenged, turned to education to stay competitive. After the Second World War, we needed to build a new, peacetime economy. We passed the G.I. Bill to enable those who served in battle to rebuild their lives at home. For every dollar we invested, the Greatest Generation returned $7 to our economic growth.

In 1957, we were challenged again. The launch of Sputnik sparked the Space Age, and we rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was left by an American. We doubled the Federal investment in education. When individuals have their skills uplifted and when they have their skills enhanced, they find out their participation in the economy works a great deal better. They are more productive, they are more useful, they are more creative and more imaginative and able to compete more effectively. This bill is enormously important for all Americans and very important for our country in terms of the whole challenge of globalization.

Secondly, it is enormously important in terms of our national security. This legislation ensures that we are going to encourage those forces that enhance our capability in the areas of math, science and research—all of which are enormously important to make sure we are going to have the best technology for those who are going to serve in the Armed Forces. In the Armed Forces we want the best trained and best led men and women, but we also want the best in technology. This is a competitiveness bill and a national security bill.

I believe it is going to be enormously helpful and valuable in terms of our democratic institutions, in making sure we are going to have men and women in this country who have the ability and commitment to ensure that our democratic institutions are going to function, and function very well, and that we will be able to maintain our leadership in the world.

I, for one, agree with those who believe in each generation, and in each decade, the United States has to fight for its leadership in the world. It is not just going to come automatically. We should no longer think we are going to coast in terms of national and world leadership. We have to win it, and we have to win it every single day. The way to win it is with the kinds of investments that are included in this legislation. So I commend all those who have been a part of this process, and particularly our friends and colleagues, Senator BINGAMAN and Senator ALEXANDER.

To go through very quickly now, after those general comments about why this legislation is so important, if we look at where the United States is: America's 15-year-olds scored below the average in math compared to the youth of other developed nations on a recent international assessment. On the Programme for International Student Assessment, you will see that the U.S. ranks 24th.

This chart indicates that since 1975, the U.S. has dropped from 3rd to 15th place in the production of scientists and engineers.

We are also losing ground in overall high school and college graduation rates. The U.S. has dropped below that average graduation rate for OECD countries. Out of 24 nations, the U.S. ranks 14th, just ahead of Portugal.

We are going to go to the underlying educational needs when we reauthorize the No Child Left Behind Act and higher education legislation. We are going to deal with middle schools and high schools. We are going to try to tie it in and have a seamless web, from the Head Start education programs through the K–12 and then universities into the academic world or into the business world. We need to be able to bring those elements together.

Having said all of that, this legislation is enormously important in terms of making sure we reach that goal.

This is a chart of research and development investment as a share of the U.S. economy. It demonstrates we are stagnant. This has to change. We know we need to invest in research and development.

If you look at some of the countries with which we are going to compete, India and China in particular, and look at the number of graduates they have in math and science, you will find that China awards more than 300,000 bachelor's degrees in engineering and computer science. We award a little over 100,000.

This is about research and development, but the investments in our people, investments in our research and development are two sides of the same coin. They are both essential. What this demonstrates is we have to do better if we expect to compete.

Fast-growing economies such as China, Ireland, and South Korea are realizing the potential for economic growth that comes with investing in innovation. China's investment in research and development rose by an average of 18 percent from 2000 through 2003. Over the same period, the increase in U.S. investment averaged only 2 to 3 percent annually. In the last decade, China has nearly doubled the share of their economy they spend on research and development, and they have replicated our National Science Foundation.

This bill puts us on a path to double the basic research funding at NSF in 5 years, double the basic research funding at the Department of Energy over the next 10 years, and double the funding at NIST, the National Institute for Standards and Technology. The bill also creates a President's Council on Innovation and Competitiveness, to bring together the heads of Federal agencies with leaders in business and universities to develop a comprehensive agenda to promote innovation.

If you look at where we are, to give some further illustrations, math and science classes in high-poverty schools are much more likely to be taught by teachers who do not have a degree in their field. Fifty-six percent of science classes in high-poverty schools are taught by teachers without a relevant degree, compared to just 22 percent of classes in low-poverty schools. More than a third of math classes in high-poverty schools are taught by an out-of-field teacher, compared to just 18 percent of classes in schools with a low-poverty rate.

I was interested the other day in the testimony of Mr. Gates, who commented on a lot of subjects. He was talking about school dropouts. There are some who think that school dropouts are children who are unable to comprehend the curriculum. He said, Oh, no, I am worried about the dropouts, the minds we are losing—able, gifted minds that are unchallenged because they had an inferior teacher, no books, or challenging conditions at home, such as missing meals because they are poor. We cannot afford to lose any of those.

What we are looking for is high quality teachers. The bill recognizes and responds to the shortage of high quality math, science, technology and engineering teachers, particularly in high poverty schools. The bill expands scholarships and stipends, and creates a new NSDF teaching fellow program to bring high quality math, science, technology, and engineering teachers into high-need schools. It also expands the Teacher Institutes for the 21st Century Program of the NSF to provide cutting-edge professional development programs for teachers who teach in high-need schools. These programs are peer reviewed and have demonstrated to be successful.

The bill creates a summer institute at the Department of Energy to help math and science teachers, to enable them to go to a number of areas that deal with energy because that is an agency so focused in terms of these issues in math and science.

There is a high cost to failing to address our education concerns. The nation loses over $3.7 billion a year in the cost of remedial education and lost earning potential, because students are not adequately prepared to enter college when they leave high school.

The bill provides grants to states to align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. The grants support state P–16 councils to bring together leaders in the early education, K–12, and higher education communities, in the business sector, and in the military.

It is also increasingly important for students to be exposed to and immersed in foreign languages and cultures. Only one-third of students in grades 7–12 and a mere 5 percent of elementary school students study a foreign language.

If we are going to talk about our ability to be involved in a world economy, we are fortunate because we have so many who have come from such different cultures and traditions. I was reminded a few days ago in our Education Committee, of the number of languages they speak in St. Paul, Minnesota. Thirty-seven languages are spoken in Everett, MA. If we are going to compete in the world economy, we are going to have to do a lot better than we are doing in terms of communication and language.

This is a balanced program. It has been reviewed by the Academy of Science, at the Institute of Engineers. It has been recommended by a wonderful American patriot, Norm Augustine, one of the great American leaders, corporate leaders, but also someone enormously knowledgeable on American defense interests and also international competition. This legislation has been tailored to try to take the very best ideas out there.

We are going to have to fill in the underlying work that needs to be done. This is primarily focused on what we are going to need to be able to compete internationally. We have to be sure the schools at every level are providing students with a high quality education. We want to be sure those graduating from our universities will have the skills and talents and education to move them into the American economy and the larger economy they will face in the future.

This bill represents the beginning of a strong commitment that we must sustain and build on if America is to remain competitive in the years ahead. The legislation has strong support for a renewed commitment to help the current generation meet and master the global challenges we now face.

I welcome the opportunity to join with my colleagues and friends, the principal cosponsors, to commend this legislation, and hopefully we will be able to complete it.

I know there are other amendments. I have had an opportunity to review them briefly. A good many of them deal with other issues we ought to be dealing with at another time. I hope the membership will recognize this is special legislation. There is a special need. This is a result of an extraordinary effort on the part of the principal sponsors of this bill. It deserves to pass and get through. I am very hopeful it will be done expeditiously.

AMENDMENT NO. 940

Mr. President, I send a HELP Committee amendment to the bill which I think further strengthens the math and science programs. We have gone over this in considerable detail with our colleagues, since they are members of the committee. I thank them for their attention. I am grateful for their support of these particular provisions. Again, I commend them for the legislation. Hopefully this amendment will be accepted.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Reserving the right to object—I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 940.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ALEXANDER. I ask unanimous consent to speak for 2 minutes before the Senator from Oklahoma.

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

Mr. ALEXANDER. Mr. President, I thank Senator KENNEDY, the chairman of the Health, Education, Labor and Pensions Committee, and Senator ENZI, who was chairman last year, when all this began. I hope our colleagues can see that these senior Members of the Senate—in the case of Senator KENNEDY and Senator ENZI, they have a large amount of jurisdiction over this subject; Senator STEVENS and Senator INOUYE, who spoke yesterday, have a large amount of jurisdiction over this subject; Senators DOMENICI and BINGAMAN, who introduced legislation last year that attracted 70 cosponsors—a number of their ideas are within this legislation, but they have also demonstrated something you don't see every day with Senators, which is a forbearance.

In other words, they recognize this is a big, 208-page bill with the President's ideas and those of the Council on Competitiveness and the Augustine Commission. It is well and carefully crafted, but not every single section is exactly the way every single Senator would like it. Also, it has permitted us to have a procedure that brings this bill to the floor so it has a good chance of being enacted this week. I thank Senator KENNEDY and Senator ENZI, who really have the largest amount of jurisdiction, for forbearing, being active, leading, and showing a sense of urgency about this subject by permitting it to come to the floor in the way it has, and then, in addition to the other contributions they have made, we have the Kennedy-Enzi HELP Committee managers' package which is now before the Senate for its consideration.

The PRESIDING OFFICER (Ms. MCCASKILL). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I know my friend from Oklahoma is prepared to speak. I ask unanimous consent to continue for 3 or 4 minutes.

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

IRAQ

Mr. KENNEDY. Madam President, just a few minutes ago, Vice President CHENEY attacked the Senate majority leader on Iraq. He accused him of making ''uninformed and misleading'' statements, of defeatism, and of playing politics with the war.

Senator REID's interest is in protecting our troops and our national security and bringing the war to an end. He is rightly responding to the American people by demanding a change in our failed policy in Iraq. He is right to insist that the Iraqis take responsibility for their own security and their own future and that our troops need begin to withdraw from Iraq.

It is Vice President CHENEY who has been wrong—and deadly wrong—about Iraq.

Even more, Vice President CHENEY is the last person in the administration who should accuse anyone of making uninformed and misleading statements.

The Vice President misled the American people in August 2002, when he insisted that we ''know that Saddam has resumed his efforts to acquire nuclear weapons'' and that ''many . . . are convinced that Saddam will acquire nuclear weapons fairly soon.''

The Vice President misled the American people in March 2003, when he said that Saddam Hussein ''has a longstanding relationship with various terrorist groups, including the al-Qaeda organization.''

The Vice President misled the American people when he insisted that our troops would ''be greeted as liberators.''

The Vice President misled the American people when he insisted that the insurgency is ''in the last throes.''

He and the entire administration continue to mislead the American people when they insist that progress is being made in Iraq.

The facts speak for themselves. Iraq is sliding deeper and deeper into the abyss of civil war.

Violence and casualties are increasing. Already 3,335 American soldiers have been killed, and more than 320 of them have been killed since the surge began.

Civilians continue to flee the violence in Baghdad as the violence there continues unabated.

Senator REID is right to insist that we change the mission for our troops in Iraq and set a target date to bring them home. The American people agree.

America never should have gone to war when we did, the way we did, and for the false reasons we were given. It is the Vice President who has been playing politics with the war in Iraq for more than 4 years. The American people understand this and will rightly reject the Vice President's fingerpointing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 hour.

Mr. COBURN. Madam President, the bill we have before us today is a well-intentioned, thoughtful exercise to try to change the future for our country. The Commission this bill is based on, the work and experience of those who have helped coauthor the bill, is rightly so in their concern for the future of our competitiveness. There is one problem, however. The biggest dole on our competitiveness today has to be the largesse of the Federal Government. Let me give a few examples.

Last year, the American people spent $224 billion paying interest on the national debt. Last year, the American people, through our actions, spent $350 billion more than we had, which further increased that debt. In the last 6 years, the individual debt owned by American citizens—what they are required to pay—has risen from $21,000 to almost $30,000. At the same time, the average wage in those same 6 years increased by less than $5,000. So when we think about competitiveness, we ought to pay close attention to the drags on what will be our competitive situation.

The No. 1 drag today is the Federal Government. That is not to demean this bill. I would have loved to have seen a different bill, a bill that says: Here is what we are doing right. Here is what we are doing wrong. Here are some new ideas on how to fix what we are doing wrong and, by the way, here are some things we need to do to keep us competitive. We didn't do that.

The Department of Education right now has 10 percent of its programs that are totally ineffective. The Department of Energy, with its $5 billion budget, has 10 percent of its programs that are highly ineffective. In other words, they are not accomplishing anything. None of that was looked at, deauthorized, or eliminated in this bill. Consequently, according to OMB, we have approximately $80 billion that is going to be authorized to be spent—some of that is reauthorization, I understand—over the next 4 years that is going to be added to the debt.

People will say: This is an authorization. That doesn't mean we are going to spend the money.

Why are we passing the bill if we don't intend to spend the money? We are going to spend the money. The problem with the way we spend money is we don't make the same choices the average American makes. We just chalk it up to our kids and grandkids. So I don't know where the money is going to come from.

This bill is obviously going to pass. It is going to be conferenced, and it is probably going to be signed. But we will have missed a great opportunity to fix many major programs that are not working well today. This bill creates 20 new Federal programs. It doesn't eliminate one Federal program that isn't working well today. It doesn't modify, to a significant extent, those programs which are deemed ineffective and not working.

What we have is great intention and great legislation, save for the fact that we are not looking at the whole story. We are not looking at the whole picture. Should Congress have to do what every family in this country does every month—make a choice? Where do we prioritize our spending for this month? Where do we spend more? What are the things on which we can't afford to spend because we don't have the money? We don't do that. We authorize programs. Then we appropriate funds.

By the way, the discretionary portion of the Federal Government has grown about $600 billion in the last 7 years. Senator CARPER and myself held 48 hearings in the last Congress in the

Subcommittee on Federal Financial Management of the Homeland Security and Governmental Affairs Committee. What we found was an astounding $200 billion of waste, fraud, abuse, and duplication. There was great opportunity to take that information and do something about it. We have not done it.

The Department of Education is not compliant in terms of improper payments. They don't know where they are paying things wrong or paying things right. The Department of Energy is noncompliant in terms of improper payments. They don't know where they are paying things right and paying things wrong. We have at least 20 percent of the Department of Energy's budget that is earmarks. They don't get to decide where they spend the money; the Members of Congress tell them where they have to spend the money. There is not a sense of prioritizing what our energy needs are, what our education needs are within the Department of Energy. There is no commonsense approach to what we are doing. Consequently, the biggest problem we have in terms of competitiveness, which this bill won't solve, is more government. It creates more government rather than less government or the same amount of government that is more efficient and more effective.

I don't intend to impugn the desires or the sincerity of the Members of this body who helped put this bill together. There is no question we need to address the issues that are encompassed in the legislation. That is not my criticism. My criticism is that when we have an opportunity to fix things with a bill such as this which cuts across multiple agencies, we don't do it. What we do is set up a system where more programs will be created without eliminating the ones that are not working.

As a matter of fact, in this bill, in the National Science Foundation, we have a setaside. Where before the National Science Foundation did everything on peer review—everything on peer review, there was no politics saying what you have to do—we are taking $1 billion and setting it aside and we are going to tell them what to do. We know better than the scientists where we ought to be spending our money? I seriously doubt that.

We claim that what we want to do is reestablish the competitiveness of the United States. I have no doubt that certain segments of this bill will go a long way in doing that. I am not critical of the intent of the bill. But I believe—and I raised this on the last bill we considered—we continue to authorize new spending. We continue to put at risk, in the name of competitiveness, the future.

The No. 1 risk for competitiveness is our debt. The fact is, we are sucking capital out of the capital markets like crazy, making it very difficult for small businesses that compete in the capital markets on ideas, innovation, and sole-proprietorships and people who want to take a risk on their own.

The other thing we didn't do is fix IDEA. One of our problems with education is, we passed a law that said school districts will do this for individuals with disabilities. What we promised when we passed that law—much as we will hear in 2 or 3 years as to what we promise with this law—was that we would fund 40 percent of the costs in education for IDEA. That would be the Federal load. This last year, we funded 18 percent. So we wonder why the schools can't compete, why they can't put the money into math and science, the money into competitiveness, when $16 billion a year is being absorbed by the school districts to do something we mandated them to do, which means $16 billion isn't available for them to teach and mentor math and science, for them to create greater opportunities to raise interest in the sciences.

So I think if our past actions speak at all about what the future will bring, you will see we will not keep our word with this bill either. We will say things, we will do things, we will put at risk the next two generations, and we will have felt good because we did something, but we did less than what we could do.

That is what we are doing with this bill. We are doing less than what we could do. We could, in fact, fix what is wrong in many of those programs in the Department of Education and in the Department of Energy today with this bill. It could have been done. It could have been done, but it was not. So, consequently, we are going to fund ineffective programs as we authorize and create and fund new programs, many of which are designed to do the exact same things, but we are not going to eliminate the programs that are not working.

And lest you think I am an alarmist and known as ''Dr. No,'' think about what the obligations are of every child who is born in this country today—just today. What is it? April 24, 2007. When that baby is delivered and placed in its mother's arms, you are going to see smiles of joy and tears—none of them with a realization the child who just came into this world is faced with $453,000 in unfunded liabilities the moment they take their first breath.

The contrast should be, we are talking about competitiveness. How do we create a future? What kind of future is it when we create a bill but do not address the underlying problems that are limiting our competitiveness in the first place? No. 2, even if we are trained in math and science, we are going to be so debt ridden we won't have the money to put into it.

According to the Government Accounting Office, that 8 percent in interest, that $224 billion we spend now, in the year 2025—a mere 18 years from now—will be 25 percent of the budget and close to $1 trillion. Now, think about that. Should we do the hard work of eliminating the wasteful and duplicative programs before we create another?

It is easy to pass legislation that does something good. It is very hard to get rid of programs that are ineffective and highly inefficient. The reason is because everybody has an interest group that supports that program, and we find ourselves adverse to challenging that group.

But the real choice is between our grandchildren and today's present inefficiencies. The real choice is whether we are truly going to be competitive and create an opportunity for the next two generations to experience the same kind of blessings we have been fortunate enough to experience as a nation.

The real question is, will we leave a heritage that is similar to the heritage that was left with us? I tell you, my feelings and my thoughts are I do not see movement in this body or in the Congress as a whole to start addressing the underlying problems that are facing us. It is not a question of partisanship, Democrats or Republicans. It is a question of expediency. It is hard to tell people no when something is not working well. It is easy to ignore it.

AMENDMENT NO. 917

Madam President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 917.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ALEXANDER. Madam President, reserving the right to object.

No objection, Madam President.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 917.

Mr. COBURN. Madam 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 has a moral obligation to offset the cost of new Government programs and initiatives)

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 exceeds $29,000.

(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 and creates new mandatory spending programs.

(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.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(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 and initiatives.

Mr. COBURN. Madam President, it is a simple amendment. We are going to find out what your Senator believes with this amendment. We offered this amendment on the last bill. We had some inside baseball excuses why they would not vote for it. This is a sense-of-the-Senate amendment. It does not carry any force of law or anything. All it says is the Senate agrees that before we spend new money, we ought to get rid of the wasteful programs, we ought to get rid of the ones that are not working well, or we ought to make them better before we spend another $60 billion to $80 billion on another set of programs.

That last amendment got 59 votes against it. Only 38 people in the Senate thought we ought to do that. I will tell you, I think the vast majority—greater than 95 percent—of the American public thinks we ought to do that.

So this is a simple amendment. The catch with the amendment is, if you vote for the amendment and then do not change this bill to do what needs to be done to eliminate the other programs, you are going to have a tough time explaining that you agreed to this and then did something else when you voted for the passage of this bill.

There is a day coming when we will not have the luxury to wait around. The financial markets will tell us what we will do. We will not have the freedom within the Senate to make those choices. We will do it under the duress of extreme financial conditions that will affect our country.

So this is a simple amendment, very similar to the last one. I took the authorizing language out of it that some of the appropriators objected to, so it is very simple.

The final statement in the amendment is:

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 and initiatives.

Now, with a budget deficit last year that was claimed to be $160 billion, under Enron accounting—which was truly $350 billion, if you looked at what happened to the addition to our debt, what our kids are going to pay—it is going to be pretty hard to say we should not add more to the debt. We have a lot of people who will say the debt does not matter; whatever the debt is, is a percentage of GDP. That is fine if the underlying assumption is we have great economics, and we are not going to have contractions of the economy, we are always going to be able to compete, we are always going to be able to finance our debt. The fact is, as the Government Accounting Office says, we cannot, and the interest costs associated with that will be massive.

Why would I come out here and fight friends and foes alike all the time to do this? Because I think the one shortfall of our body is that overall we are not looking at the big picture and the long run. This looks at the long run, but it does not look at the big picture.

Unless we do that, we are going to find ourselves very apologetic to the next two generations because what, in essence, we will have said is we cared more about us, we cared more about our comfort, we cared more about our next election than we did any of the next two generations.

So I put it to my colleagues: Vote against this and vote for the bill and be honest. But if you think if we create new programs we ought to eliminate other programs so we do not continue to expand the Federal Government running a deficit, then you ought to vote for this amendment and not vote for this bill, until it is made right, until it has captured the opportunities that are inherent within it to fix what is wrong in the Department of Energy, to fix what is wrong in the Department of Education, to fix what is wrong with all these grant programs that need to be fixed today.

Let's hold us accountable. That is what the American people are expecting from us. I want to leave the Senate not being known for anything other than knowing what I did was to try to create and make sure we maintain the heritage this country has given to us.

With that, Madam President, I reserve the remainder of my time.

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

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

Mr. ALEXANDER. Madam President, as I understand what we are doing: We have a few amendments pending. We are working to clear those amendments so we can come to a vote on Senator COBURN's amendment. In the meantime, Senator SUNUNU has more than one amendment. He has one he wants to talk about today. He wants to bring it up as soon as he can and schedule it for a vote. It is a meritorious amendment. I hope we can do that as soon as possible.

Senator COBURN has reserved the rest of his time. But as I understand the procedure, Senator SUNUNU could go ahead and speak until the next scheduled speaker, who is scheduled to speak at 4 o'clock; is that correct?

The PRESIDING OFFICER. There is no order.

Mr. ALEXANDER. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent, with deference to the Senator from Tennessee, that prior to the vote on my amendment I be given 2 or 3 minutes to speak on it.

Mr. ALEXANDER. No objection. Could we have 4 minutes equally divided?

Mr. COBURN. Absolutely.

Mr. ALEXANDER. Any objection? Prior to the vote, if and when the vote is set?

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

Mr. ALEXANDER. Thank you.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I rise to speak on the legislation in general terms. As the Senator from Tennessee indicated, I filed three different amendments. I certainly wish to call at least one of those amendments up at the appropriate time. They address a number of concerns I have with the underlying legislation.

But let me begin by saying I do appreciate the complexity of the challenge the Senator from Tennessee has undertaken in trying to assemble from different committees of jurisdiction the components of this bill. I think, unfortunately, dealing with this legislation has laid to bare some of the weaknesses and problems with the way we are organized in Congress because it has been, unfortunately, an inefficient process in many ways.

There are five or six different committees that have jurisdiction in different areas of this legislation. They all want to try to leave their mark on

the legislation. As a result, the Senator from Tennessee and others have had to deal with duplication and overlap in many cases with initiatives begun by different committees that have effectively the same goal and the same end. Over the past 12 or 18 months, I think they have eliminated a number of these problems from the legislation but many remain. I am one of the only, if not the only, engineer in the Senate. At least I was an engineer; I worked as an engineer during my previous work experience. I would like to think that I am still employable as an engineer perhaps someday in the future. I do value very much this experience and this background in science and technology when we are dealing with problems on the Commerce Committee having to do with telecommunications or spectrum allocation or policies on environmental issues with particulate matter or pollution standards. I like to think it helps to have at least some grounding in a lot of the technical matters that underlie the basic legislation.

I think it is essential, when we are looking at policy to encourage and inspire students to pursue science and mathematics and to try to improve our competitiveness in fields of science and engineering, that we focus on a few core principles. I begin with the basic objective of maximizing research in the most basic areas of math and science. In this effort we are talking about the funds that go to the National Science Foundation and the funds that go to the National Institutes of Health. These are investments in basic sciences: in the case of the National Science Foundation, in physics, chemistry, physical science, and computational mathematics. They are peer-reviewed, which is intended to insulate them from political forces, legislative forces, and allow those with expertise in these areas to decide what sorts of research projects and programs receive funding in any given year.

It is essential we maintain that independent peer review process at the National Science Foundation, just as it is important at the National Institutes of Health because if we allow politics to enter this process, we are going to do these areas a great injustice.

Commensurate with that focus on physical sciences and computational mathematics as we pursue research in science and engineering, it is also important that we avoid policies that try to pick winners or losers within our economy. Here I point to various programs that over the years have subsidized product development for profitable companies, product development for products being introduced into the existing marketplace today that effectively picks one firm and one firm's products at the expense of others. Some people would say, well, that is research. But it certainly isn't the kind of peer-reviewed research that does and should take place at the National Science Foundation. It is product development work. Any time we start subsidizing product development for companies that are competing in the marketplace selling goods and services to consumers, we distort the marketplace, we provide unnecessary subsidies, and in programs like the advanced technology program we have done just that time and time again.

The companies that have received these subsidies are good firms with good employees, but I think putting funds in this area at the expense of physics and chemistry and mathematics at the National Science Foundation is a grave mistake. We need to maximize that research, make sure it is peer-reviewed, don't pick winners and losers in private industry, and focus on educational programs where it can make the biggest difference in inspiring young students in these careers in math and science.

I look back on my own experience and ask the very basic question: What led me to pursue a degree in mechanical engineering when I was an undergraduate in college? I didn't make that decision when I was a freshman in college. I didn't even make that decision to pursue interests in math and science when I was in high school. I would argue for most students it happens in sixth and seventh and eighth grade. They realize they have an interest in math and science. More often than not it is because they have had a strong, credible, inspirational teacher in math and science, and my experience is no different. Jane Batts and Blake Richards, my math and science teachers in fourth and fifth grade, I think set me on that path that ultimately brought me to a mechanical engineering degree. So if we are going to look at educational programs that are meant to inspire students in math and science, they had better be focused on those key years: sixth, seventh, and eighth grade.

Finally—this is a point that Senator COBURN was speaking to—we need to look at the programs that are already in place and ask honest questions about how effective they are. How many do we have that deal with these areas of math and science education? How many do we have that deal with the areas of research? And, in particular, I think we should look to the work done by the American Competitiveness Council.

What they found is that in the areas of science, technology, education—science, technology, engineering and mathematics—stem programs—there are 106 different programs within 8 or 10 different agencies, including the Department of Transportation, the Department of Commerce, the Department of Energy, the Department of Homeland Security, 35 at the National Science Foundation, 12 at the Department of Agriculture.

In this legislation before us we do ourselves a disservice if we don't look at these programs and ask the questions: How effective are these programs? How can they be improved? How can they become more focused or better focused on inspiring those young students? As the American Competitiveness Council looked at these programs, they came up with a series of recommendations and findings. They made that very argument: that there was overlap in these science, technology, engineering, and math educational programs; that communication and coordination among agencies could be improved; and that current programs tended to be focused on short-term support rather than longer term impact. Those are the very findings we should be trying to implement and execute as part of this legislation, but I don't see it in the underlying bill.

So the amendments I have focused on, first, the overlap and duplication and lack of focus within those educational programs, to try to strengthen them, measure their effect, and ensure that they have a greater impact on those students; and, second, to make sure we are appropriately focused on basic, fundamental research within the National Science Foundation and that we are maintaining its independence and that we ensure the peer review process is what determines how and where funds are allocated.

I know we are working on an agreement on the Senate floor, so I am not able to offer my amendment at the moment, but let me speak to what it attempts to do. I have an amendment that strikes section 4002 of this legislation. Section 4002 does two things within the National Science Foundation that I think set the wrong precedent.

First, it establishes a set-aside, a minimum allocation for educational and human resources within the National Science Foundation of $1.05 billion. I recognize the educational initiatives within the National Science Foundation are important, but I certainly can't say, and I don't think any Member of the Senate can say, whether $1.05 billion is exactly the right number. But more important, we shouldn't be mandating in law that the National Science Foundation direct a specific amount of money to any area. We should, to the greatest of our ability, allow those decisions to be set on a yearly basis by the experts and the leadership of the National Science Foundation. If we think they are not doing a good job, they should probably be replaced. But they are hired specifically because they have the best and most advanced understanding of what our needs are, what the most valuable areas of research are, and what the best kinds of partnerships might be for education related to physics, chemistry, mathematics, and material science. So I would strike that set-aside, not because we don't think any money should be going to this area—of course, money should be going to this area—but because it is a dangerous precedent for legislators to start carving up pieces of the National Science Foundation for specific initiatives.

Second, this particular section of the legislation mandates—it requires—that there be a specific percentage increase in this one particular area each year between now and 2011. While I don't know whether that percentage increase will turn out to be the right amount or the wrong amount over the next several years, I think it is a bad precedent to require as part of the legislation that a designated portion of money go to any of the specific areas supported by the National Science Foundation. Once we move away from the peer review process, once we move away from independence within the National Science Foundation to allocate funds as the leadership there sees fit, then I think we run the risk of undermining the great strength that the National Science Foundation has represented over the past several years.

I began speaking about doubling resources for the National Science Foundation 4 or 5 years ago because it has been so successful in providing resources for basic research in key areas of physical sciences, and I am extremely concerned that if we adopt the provisions of section 4002 and start carving out pieces we think are politically popular at a particular point in time, we will dramatically undermine its effectiveness and have the unintended consequence of weakening the organization's ability to inspire the next generation of engineers and scientists.

I look forward to offering these amendments at the appropriate time, and I thank you, Madam President, for the time this afternoon.

I yield the floor.

ENTITLEMENT PROGRAMS

Mr. GREGG. Madam President, let me step over to the chair from which the junior Senator has been speaking.

I wanted to speak about a couple of issues. The first issue I want to talk about is the recent report which came out yesterday from the Medicare trustees which said that the Medicare trust fund is in dire straits. The Medicare trustees are required under law to report to the Senate and to the Congress and to the American people what the economic status is of the trust fund as it looks out into the future.

A lot of us have been talking for a long time about the problems with the entitlement programs we have—specifically Medicare, Medicaid, and Social Security—and the fact that these three funds are headed toward a meltdown, which is going to take with them the economy of this country. The practical effect of these three funds in their present spend-out situation is that they have approximately $70 trillion of unfunded liability—$70 trillion over their actuarial life.

Now, $1 trillion is a number that a lot of us have a problem comprehending. To try to put that number into perspective, if you took all the taxes paid in the United States since we became a country, I think we have paid about $46 trillion in taxes. If you take the entire net worth of America—all our assets, including all our cars, all our homes, all our stocks—that, again, is in the $45 trillion to $50 trillion net worth.

So what we have on the books as a result of the projected costs of the Medicare, Medicaid, and Social Security system is a cost that exceeds all the taxes paid in the history of this country and exceeds the net worth of this country.

Why is that? Why are we confronting this problem? Well, it is basically a function of demographics. The postwar baby boomer generation, of which I am a member, the largest generation in American history, is beginning to retire.

By the year 2020, 2025, the number of retired citizens in this country will double from the present number who are retired today. It will go from about 35 million retired citizens up to about 70 million retired citizens. The number of people working to support those retired citizens will drop commensurately. So both Social Security and Medicare, and to some extent Medicaid, were programs designed with the concept that there would be a lot of people working for every person retired. They were essentially pyramids.

In fact, in 1950, there were about 12.5 people working for every person retired. So 12 people were paying into Social Security for every 1 person taking out. Today, there are about 3.5 people paying into Social Security and Medicare for every one person taking out. Social Security is running into surplus. But as this baby boom generation retires, that number changes radically. We go from those large numbers paying in and a small number taking out to a large number taking out and a small number paying in. There will be about two paying in for every one person taking out by about 2025. We go from a pyramid to a rectangle and the system cannot support itself.

This chart reflects the severity of the problem. These three programs—Social Security, Medicare, and Medicaid—as a percentage of spending of the GDP, by the year 2025, or 2028, will absorb almost 20 percent of GDP. Why is that a problem? Today, and historically, the Federal Government has only spent 20 percent of gross national product. So the practical implications are that by 2025, or 2028, the total spending of these three programs alone will absorb all of the money that has historically been spent by the Federal Government, which means that nothing else could be spent—no other money—on things such as national defense, the environment, and education. It would all be going to these three programs, assuming you maintain the Federal share of the GDP at its present level.

Things get worse, unfortunately, as the baby boom generation accelerates into the 2030 period, when paying for those programs alone reaches 27, 28 percent of GDP by about 2040. Obviously, it is not a sustainable situation. Obviously, it is a situation where if we continue on this path, we would essentially be saying to our children that we are going to subject you to a cost that far exceeds anything you could afford and basically hit you with a tax burden that would essentially mean that you—our children and grandchildren—in order to support this retired generation, would be unable to send your children to college, buy your home, purchase your cars, live your lifestyle in the manner our generation has been able to live. The money is going to have to be spent by taking taxes out of your pocket.

A lot of us have been talking about and some people have even tried to address this issue—specifically, the administration. The biggest part of this problem is not Social Security, ironically; it is Medicare. Now, the Medicare trustees yesterday made the point once again that if we don't do something and start to do it fairly soon in addressing the Medicare problem, we will bankrupt our children and our children's children's future with the cost of this program. This was their obligation as trustees. They are supposed to look at it objectively, and they have. They said this program is headed toward about $35 trillion of unfunded liability, that that is a huge number and we need to correct that. Ironically, and fortunately, a couple of years ago we put into place a law that requires that when the Medicare Program starts to go in the direction of insolvency at a rate that means it is going to take a significant amount of money from the general taxpayers' pockets versus money from the wage earner, as they pay their hospital insurance, that at that point the Federal Government is supposed to act.

The way it works is this: If more than 45 percent of the Medicare trust fund is being supported by general fund dollars, what does that mean? Well, the Medicare trust fund theoretically was supposed to be the Parts A and B, the hospital and doctor part; that was supposed to be supported primarily by insurance premiums being paid on your hospital insurance tax taken out of your salary every week. But, of course, under the Part B program, we have never done that. We have ended up subsidizing that program with general funds instead of having it come out of the payroll tax. What this law says is when those general fund subsidies exceed 45 percent of the total cost of the Medicare system, it is an excessively dangerous situation and it has to be addressed. If this happens 2 years in a row, where the cost of Medicare is exceeding 45 percent of the general funds coming from the Federal Treasury, that means people's income taxes, the taxes people pay every day—then at that point the administration is supposed to send up—whatever administration is in power—a proposal to correct the problem.

That is what the Medicare trustees concluded. Last year, they concluded

the trust funds were in severe strain and we are going to hit the 45-percent level. This year, they have concluded the trust funds are under severe strain, and it is going to hit the 45-percent level. The practical effect of that is now the administration is required, prior to the next budget, to send up a proposal to correct the problem. Unfortunately, under the law, even though the administration is required to send up such a proposal, the Congress is not required to act on it.

Ironically, the administration, in an act of true fiscal responsibility to our children and our children's children, this year sent up a proposal to try to correct this problem, or at least begin to correct the problem, although not fully. They suggested this year that there should be two adjustments in the Medicare trust fund, neither of which would have a significant impact on beneficiaries. In fact, for the most part, it would have absolutely no impact on the beneficiaries, and unless you were a beneficiary in a very high-income situation, with more than $85,000 of personal income, or if you are married and have more than $160,000 of joint income, it would not affect you at all. There are two proposals that insulate beneficiaries. The first proposal was that we do an accurate reimbursement to providers. Under the present law, the health care professionals have estimated that provider groups are getting about a 1.2 percent extra payment over what they should be getting as a result of the fact that there have been new efficiencies introduced into the provider repayment systems, through technology primarily, that have reduced costs, but that reduction in cost has not been reflected in the reimbursement. So we are actually paying more than we should be paying in these accounts.

The administration didn't suggest that they capture all that money. They suggested let's take half of that—leave the provider groups with half of that money—I don't want to use the word windfall, but as a bonus to them. Let's take the other half and use it to try to bring the Medicare trust fund into some sort of solvency. That was the first proposal of the administration. It was a reasoned proposal in light of the fact that all of the professional groups have concluded that this overpayment is occurring.

The second proposal they made was that people getting Part D, the drug benefit—if they are very high-income individuals—should pay part of the premium for that drug benefit. Under the Part D premium, there was no contribution required, unlike Part B, which has a means test—very limited, but it has one. Part D did not. The administration said, listen, if you are a retired Senator, you should not be subsidized by somebody who is working in a restaurant, or in a gas station, or on a manufacturing line, which is what happens today. The way the law works today, a person who is out there working for a living, maybe trying to raise their children, is actually having to pay to subsidize retired Senators who are getting Medicare or, for that matter—I don't want to pick on Bill Gates' father as an example, but Bill Gates' father, or Warren Buffet—millionaires and billionaires—are being subsidized by people who are making an everyday wage and trying to make ends meet for their families. So the administration suggested if you have more than $80,000 of personal income as an individual, or $160,000 of joint income as a family, then you should be required to pay a portion—just a portion—of your Part D premium. That is a very reasonable approach.

Those two proposals together would have reduced the outyear insolvency of the Medicare trust fund by almost a third. It would have taken tremendous pressure off of the trust funds, especially the Medicare trust fund. They were both rejected out of hand by the other side of the aisle. They were demagoged. People came to the floor and said this would savage Medicare, would destroy Medicare, that it was going to undermine the rights of senior citizens to get Medicare. Outrageous statements were made on the other side of the aisle, and they continue to be made relative to these proposals that were reasonably benign, that didn't affect beneficiaries, and would have actually put Medicare on a solvency footing instead of insolvency, which is where it is headed now.

Now the trustees have done their job and said, the administration is absolutely right. If we don't correct this problem, we are going to have a Medicare system that cannot be afforded by our children and grandchildren. As a result, we will have a major contraction in the system. Yet even though the Medicare trustees have said that—and they are a pretty objective group and they are required under the law to be so—we have the leading Senator on the other side, Senator SCHUMER, taking the position that that is just politics, that Medicare is fine, and instead of peddling an ill-conceived Social Security privatization plan that has already been overwhelmingly rejected by the American people, the administration should turn its attention to strengthening Medicare.

Where was Senator SCHUMER when this amendment was offered on the floor? He voted against it. When the administration suggested something that was responsible, such as making high-income individuals pay a part of their premium on Part D, Senator SCHUMER rejected it. When this administration came forward and suggested we should reimburse providers honestly and directly and fairly but not overly reimburse them—not too much overly reimburse them—and take the savings and use it to make the Medicare system more solvent, where were Senator SCHUMER and his colleagues? They rejected that.

Now they have the audacity to come forward and attack the Medicare trustees, whose job it is to present the facts as they are, and the facts are the Medicare system is going into bankruptcy, and him saying that is politics and trying to hyperbolize it into privatization, which has nothing to do with Medicare—how outrageous and irresponsible for one generation not to face up to the problems it is giving the other generation. Senator SCHUMER is a baby boomer, as I am. It is our problem we are passing on to our kids. We are the problem. We exist and we are going to retire in massive numbers, and then we are going to turn the bill over to our children. We have a responsibility as a generation but, more importantly, we have a responsibility as policymakers in the Senate to act, especially when the Medicare trustees have told us the problem is there, it is legitimate, and it is pretty obvious to anybody because we are all alive.

We have a bill, a law on the books, that says specifically this problem must be addressed when the Medicare trustees, 2 years in a row, have determined there is a problem, that 45 percent of the General Treasury or more is being used to support Medicare, and we need to adjust the system to effectively address that issue and to make the system solvent and affordable for our children. And especially we should act when reasonable proposals are brought to the floor, proposals that have no maliciousness to them, have no political agenda to them, have no purpose other than putting in place policies which are going to make the system more solvent and more affordable. Yet they are rejected—rejected with partisan rhetoric of the worst order because it has nothing to do with the Medicare plan; privatization is thrown at the suggestion that we correct the Medicare system by making rich people pay more of their costs by getting the reimbursement formula correct. That is subject to pejorative privatization by the Senator from New York, with no proposals at all—none—from the other side of the aisle to correct this problem which is looming. Other than fighting terrorism and the threat of an Islamic fundamentalist detonating a weapon of mass destruction in one of our cities or somewhere in America, there is probably no problem which is more significant to the future of this Nation than the pending fiscal meltdown which we are going to confront as a result of the cost of these programs which we put on the books and which, in their present process, cannot be afforded.

If we just wait until we arrive at the cliff—and we will be going pretty fast when we reach that cliff; we are not going to be able to stop—and only try to deal with it then, what will be our

options? They will be so few and they will be so painful that they will have a dramatic and dislocating effect not only on the generation that has to pay the costs but on the generation that receives these benefits.

We can, today, put in place changes which are gradual, which are reasoned, and which will accomplish the type of adjustments that are necessary to make this program work—work well for the beneficiaries so we have a strong, solvent Medicare system and work well for those who pay the taxes to support them. But if every time the issue is raised that there has to be legitimate action in this area, especially when it is being raised by the Medicare trustees, who do not have a political agenda but are simply reporting a factual assessment of an actuarially existing fact pattern—which is there are so many people alive today who are baby boomers that when they retire, they are just going to basically overwhelm the system—if every time those red flags are raised, they are going to be responded to by the leadership on the other side with pejoratives and partisanship and the use of phrases such as ''privatization,'' then we are not going to accomplish anything around here. All we are going to see is that we can deal with the next election but we can't deal with the next generation. You might win the next election, which I guess is the purpose of Senator SCHUMER, but it is going to leave our kids one heck of a mess, and seniors who retire in the 2020 period are going to also be in a pretty horrific way. Total irresponsibility in the remarks of the Senator from New York in response to the very responsible warnings brought forth by the Medicare trustees.

On a second issue to which I wish to speak briefly—actually, not so briefly—which is the issue before us, the competitiveness bill, this competitiveness bill is well-intentioned. We all know that we as a nation are confronting some very severe issues relative to our capacity as a culture to compete in this world and be successful. We also know that the essence of our capacity to compete is tied directly to our capacity to produce an intelligent, thoughtful, knowledge-based society. We are, without question, a country where success in the global competition is not going to be built off of excessive manpower or a dramatic amount of resources. It is going to be built off of having brighter and smarter people who add value to products and produce items that people around the world need and want, and they are inventive and creative. The great genius of America is our creativeness and our inventiveness. So the goal of this proposal is appropriate, genuine, and well-intentioned, but the question becomes whether the execution of that goal, on balance, accomplishes its purpose.

The Congress has this tendency—and I have seen it innumerable times—when it sees a problem, to create a plethora of different little programs, most of them not too big, all across the spectrum, which are basically the ideas of a bunch of different people who came to the table, but because there wasn't one cohesive idea that was dominant, everybody's idea got into play. I guess that is the problem when you have the committee designing the horse. That famous story—if a committee designs a horse, you end up with something that doesn't look like a horse. That is what happens when you have a proposal which puts a large chunk of money on the table and then says: Here, let's spend it. That, unfortunately, is where this proposal ends up to a large degree.

Ironically, this proposal has a lot of specific initiatives in it which we already tried before or which are duplicative programs we have tried before, the irony being pretty apparent in items such as the Manufacturing Extension Program, which, during the first few years of this administration, it sent up proposals to basically zero it out. That is a program the purpose of which was to create these manufacturing extension centers around the country, which we did—they are called the Hollings centers—but we also understood they would be self-sustaining centers once the Federal Government got them up and running. We now find they are not, so this bill essentially continues them. Also, it basically restarts something called the ATP program. It gives it a new name and title. It creates a brandnew series of education initiatives in the Department of Energy which are pretty much duplicative of initiatives in the Department of Education, and some education initiatives in the National Science Foundation. It creates new directives to the NOAA which are almost identical to what NOAA already does but in addition are completely duplicative of what the Oceans Commission concluded should be done and which was put into action about 2 or 3 years ago as a result of the Oceans Commission.

As well-intentioned as this bill may be, in the end what it does is it increases spending by $16 billion. That is the proposal: $16 billion over 4 years. What it buys is a whole lot of little initiatives all over the country which are the interests of this Senator or that Senator but which in their totality have very little cohesion to them, direction to them, or purpose to them and, as a practical matter, are not paid for.

Here is the situation we confront. It is not as acute as the issue I was talking about before in the Social Security entitlement accounts, but the situation is this: We are spending a lot of money we don't have. In the nondefense discretionary accounts, we have been fairly disciplined over the last few years, but we are still spending a lot of money we don't have.

What this proposal says is, even though we are spending a lot of money we don't have, we are going to spend more money we don't have because these are feel-good initiatives, and if we just sprinkle a little crumbs all over the place, we can put out good press releases and feel content that we have addressed the competitiveness question in this country.

The competitiveness question in this country is not going to be dramatically improved by spending $16 billion we don't have and then sending the bill to our kids. If we want to improve competitiveness in this country, we should be doing fairly substantive things that will impact a lot of different areas and won't necessarily cost us too much money.

We might start, for example, with tort reform, where we see a massive amount of money spent inefficiently in this culture because we have to fear lawsuits that are, quite honestly, in many instances frivolous and that end up causing people to do defensive activities. Correct the tort system, and that would create a fair amount of efficiency and productivity in this economy.

Correct the regulatory morass we have. The fact is that to can get an efficient powerplant on line—which we need a lot of in this country if we are going to have an efficient economy—it literally takes years and years of regulatory hoops to jump through, many of which are duplicative, before you can get a decent powerplant up and running. When was the last time a nuclear powerplant was brought on line in this country? Well, I think it was 1988. Nuclear power is by far the most efficient way and the most environmentally sound way to bring large amounts of power online. Yet we can't license nuclear powerplants. Senator DOMENICI, in a recent bill he produced in this Senate, which didn't pass the Congress, has tried to streamline the effort. Hopefully, it will result in more powerplants coming on line.

The simple fact is that we regulate ourselves into noncompetitiveness. So if we want to correct the issue of competitiveness, let's address some of these regulatory issues. They don't have to be broad. It doesn't have to be a broad exercise. It can be reasonably narrow.

In the area of immigration policy, we know there are very bright, capable people around this world who want to come to America and be productive. As Bill Gates described them in testimony before the HELP Committee, he looks at them as job-setters. When he brings one of these really bright people from someplace else in the world and puts them to work at Microsoft, the way he sees that is that person is generating jobs. It is the opposite of outsourcing; it is insourcing. If you bring somebody in with special talents and abilities, especially in the science and mathematics areas, that person becomes a job center around which other jobs are created because of their creativity and their abilities.

And what do we do to those folks? We tell them they can't come to the United States even though they want

to, even though they have jobs here. We say: I am sorry, we can only have 65,000 people with that talent in this country. That is it—even though there may be 150,000 or 200,000 who would like to come to this country and all of whom could come into this country from the standpoint of being safe, sound, good contributing citizens and all of whom, if they were here, would probably be giving us economic added ability which would create jobs. It doesn't cost us any money to bring these people in. In fact, it gives us more economic activity, which gives us more jobs, probably more tax dollars from these people, generating more taxes to the Federal Treasury. That is something we can address if you want to improve the productivity of this Nation.

The idea that the Federal Government is going to sprinkle $16 billion around to various programs—and it is sprinkled all over, a lot of programs here, many of which either existed before or are being recreated—and it is going to result in significantly more competitiveness—well, it might work, but the only way you could justify it is if you paid for it by reducing $16 billion somewhere else in inefficiencies before you move down this road. The irony of this is we have done it so many times before, and it hasn't worked because the Federal Government can't command and control the economy. That is why it doesn't work.

I was Governor when President Bush 1, who was very concerned about education and wanted to be known as the education President, called a conference of Governors together—the first time it happened since Lincoln—I believe in Charlottesville, VA. The purpose of the conference was to figure out how we as a nation were going to capture and reform the education agenda. This was in 1989. I was Governor at the time. Do you know what the first conclusion of that Governors conference was? I think we came up with 10 directives. The first conclusion was that we would lead the world in math-science education in the elementary and secondary school systems by the year 2000 because at that time we were 14 out of 16 countries of the industrialized world.

I heard Senator KENNEDY a while ago doing his presentation on this issue on the Senate floor, and he put up a chart. I think he said we were 24th out of 24 industrialized countries. We actually lost ground if that is true. I don't know what the number is, but we are certainly not at the top. Yet throughout this period we have created program after program after program.

There is an initiative in here for the National Science Foundation to reenergize its directorate on education. I was here the last time we did that. I was in the House. It is a good idea, especially if you have the funds to pay for it. But the fact is, it is a sprinkling effort. The marketplace, in creating an atmosphere where there is competition, is the way you make yourself more competitive. Spreading money over a whole plethora of new programs might produce some results, but unless you pay for it, in the end it is going to end up costing us significantly. It is going to end up costing the next generation significantly. So as well-intentioned as this proposal may be, I have serious reservations about its effectiveness.

I would probably be willing to support it if it were paid for, but it isn't paid for, and it is just going to add $16 billion to the debt. Now, we will hear from others that this is just an authorized number, but I can assure everyone that all we will hear about once this authorized number is passed is that we need to appropriate the money to meet those needs. So that is a straw dog argument. If you put on the table that you are going to spend $16 billion more, that you don't have, the odds are the Congress is going to spend $16 billion once it gets authorized to do so.

At this time I understand we are not taking amendments, but if we were in the process of taking amendments, I would offer an amendment to do something substantive in the area of competition and making our country more viable, and that would be to lift the cap on the H1B visa program from 65,000 to 150,000. A very simple action. It would bring in a large group of people who would be constructive citizens with science and technology backgrounds that we need.

We would not be replacing people who are in jobs, but we would actually be creating more jobs—probably a lot more jobs in the arenas in which they work—and that would actually have an immediate impact on competitiveness in this country. We wouldn't have to wait another 10 years to have another conference by another Presidency or another Congress that says we are not caught up in the competitiveness area and therefore we have to address math and science education. We would actually have the people here next year who would have the math and science skills and who would be able to contribute constructively.

So that would be the amendment I would offer, and I certainly hope to have the opportunity to offer that amendment before this bill leaves the floor.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I understand my junior colleague has a request before I proceed.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator DOMENICI be recognized for up to 15 minutes, that Senator SANDERS would follow him for up to 20 minutes, and that Senator ENSIGN would follow him for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Senator DOMENICI.

Mr. DOMENICI. I thank Senator BINGAMAN.

Mr. President, I am not sure I will take the whole 15, although I have been speaking on this issue for a long enough time that one would think I might have spoken out, but I haven't. I am very excited about the bill, and so I am afraid I will use every 1 of the 15 minutes because there is a lot I want to say.

First of all, let me say that I have the greatest respect for those who oppose this bill, such as the distinguished Senator from New Hampshire, chairman of the Budget Committee in the past, who has spoken eloquently about the problems of Social Security and spoken his piece today about this bill.

On the other hand, for myself, I want to say that the time has come for a new bill to get passed, and I want it to be bipartisan and I want Republicans to join Democrats on the bill that I believe we will look back on and say it was the biggest, most significant, most important piece of legislation that we have ever passed, that added to the brain power of the American people, and particularly added to the brain power of the young people coming along who are going to try to keep us the most productive Nation on Earth by getting educated properly.

We are trying to pass this bill after having been told by the best of Americans who took a look at our country, who looked at our laws, and then recommended that we do 20 things. They were all recommendations aimed at the proposal that we were going backward; that we were in reverse gear as far as giving our young people the education they deserve in the areas of math, science, physics, engineering, and the like.

We were advised by the very best Americans. They did this as a gratuity. They weren't paid. They used their time to tell us what was going wrong and what could be fixed in terms of brain power development among our people. They said, essentially, our biggest problem is, after grade 4 and through grade 12 our young people are not getting educated in math, science, physics, and the like by teachers who are educators in those subjects; that huge percentages of the teachers don't even know the subject matter. Yet they are required to teach because they do not have anybody else. So they teach math even if they haven't studied math. They told us we should fix that. This bill will fix that, we hope.

They told us a number of other things. They said put them into law and try to get these things passed, and over the next 5 to 10 years you will see a big difference. The National Science Foundation should receive much more money for the hard science research projects; that the budget of the Department of Energy, which has a science fund, should get more money for the science that it does in the great laboratories of the United States; and to help bring up the education for those youngsters we are talking about by giving them exciting opportunities in the summer months and elsewise, and give the teachers those times to get educated so they can pass on much more

brain power and excitement about these subjects to our young people.

Now, there is no doubt what is in this bill could be done better if one person, or two, who were knowledgeable and fair were doing it and following the recommendations of those who told us to do so. But we can't do that here. We have to go to committees eventually and ask Senators who have vested interests. So we don't have a perfectly drawn bill in comparison to the 20 ideas propounded by the National Academy and the special bill that was produced by the ex-president of Lockheed Martin, Norm Augustine. Now, that part is so. It is true it is a good bill in that regard. So we have to argue about some other points that come in, such as we should not pass any new legislation so long as we have a deficit.

One Senator, a Senator from Oklahoma, has an amendment. I have great respect for him. He says it is the sense of the Senate that the Congress has a moral obligation to offset the cost of new government programs and initiatives. First of all, let me suggest to the distinguished Senator that this bill does not spend money. If it spent money, it would be subject to a point of order under the budget and would fall because it is new spending. Nobody has raised that. Even the great, distinguished, former chairman of the Budget Committee has not done that. He did not stand up and say this bill falls under the Budget Act because it spends money. Why didn't he? Because it doesn't spend money.

There still has to be another act before this spends money. It has to be appropriated. And any authorization bill is the same way. It does not spend money. It does not need approval of the Budget Committee because it doesn't spend money. However, when we try to spend the money, then we better have it in the budget or it will fall under a point of order. That is the truth, and there is nothing moral or immoral about it.

The truth is, when the Senator says we have to offset the cost of government programs and initiatives, and that we have an obligation to our citizens to do so, certainly he ought to recognize we shouldn't have to do it when there is no money being spent because if that is the case, then we are just talking about words. They have no effect. We are talking about words. These words are talking about programs that don't spend money, and the Senator is trying to suggest that since they might spend the money, we ought to do something about it in advance. We would never pass anything around here if we added another requirement to legislation that before it is ever a spending bill it once again clear some new hurdle.

If the distinguished Senator from Oklahoma would like to do that, he ought to go after the Budget Act of the United States and provide that there is a way to raise a point of order against authorizing legislation. We already have enough, but if he wants to do more, more budget points of order, he could put that in there and have a nice debate and see what the Senate thinks of adding that provision to the Budget Act on an authorization.

My good friend, the Senator from New Hampshire, talked about a lot of things that we could be doing that would help our country become a more competitive country, which is what this is all about: putting more brain power in our young people, helping them get more excited about the good things that prepare them innovatively in order to create great things. He spoke of a number of things he would do and could do outside this bill. I agree with him. In fact, I could rewrite a bill we just finished on energy. And if everybody were with me, I could add five or six things to it—even though it is only a year and a half old—that would help with our energy independence. But we have to do things we are asked to do around here, and we have to do them the best we can.

This bill will cost $60 billion, if we decide to spend it, over the next 4 years—if we decide to spend it. Of that, $16 billion represents new programs that are not currently in existence. Now, if anybody can truly, with a really straight face, tell the American people that is what is going to break America—this $16 billion that isn't even spent, that we might spend—it is really going to harm America's economic future, then I don't know what to tell them about what is happening to our budget naturally, about how much is spent for Social Security and other things that just come as a natural matter because of the way the laws are written and that they spend freely on their own.

I want to close by saying to those who oppose the bill, I believe the time has come to pass this bill. It is new, to some extent, and the newness is what is good about it. I believe the time has come to take a chance on some new ways to educate our young people and see if we can't get more brain power developing in the young people of our country.

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

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

AMENDMENT NO. 936

Mr. SANDERS. Mr. President, I wish to discuss an amendment, amendment No. 936, which I have filed to this bill.

Mr. President, I ask unanimous consent to add the following Senators as cosponsors of this amendment: Senator BAUCUS, Senator LEAHY, and Senator LINCOLN.

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

Mr. SANDERS. Mr. President, let me begin by commending the distinguished majority leader, Senator REID, for introducing S. 761, the America COMPETES Act, and bringing it to the floor, along with the minority leader, Senator MCCONNELL, Senator BINGAMAN, Senator DOMENICI, and a number of other Senators in a true spirit of bipartisanship.

There is no question the Congress has to do a better job in making sure the United States is able to compete in the global economy. The America COMPETES Act will begin to accomplish this important undertaking by doubling the investment in basic research at the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science in the next 5 to 10 years.

I am also pleased this bill will improve teacher training in math and science and help low-income students succeed in college preparatory courses. I applaud these provisions and thank my colleagues for working on this important piece of legislation.

But in my opinion, if we truly want to provide the tools necessary for American workers to compete in the global economy, much more needs to be done. That is why I will be offering this amendment, which I hope will attract bipartisan support.

This amendment is simple and it is straightforward. At a time when the United States has lost over 3 million manufacturing jobs, at a time when we are on the cusp of losing millions more of high-paying information technology jobs, this amendment would begin to reverse that trend by providing employees with the resources they need to own their own businesses through employee stock ownership plans and eligible worker-owned cooperatives.

Specifically, this amendment would authorize $100 million to create a U.S. employee ownership competitiveness fund within the Department of Commerce to provide loans, loan guarantees, technical assistance, and grants to expand employee ownership throughout this country.

Why is it so important for the Senate to provide incentives to expand employee ownership in this country? The answer is pretty simple: Employee ownership is one of the keys to creating a sustainable economy with jobs that pay a living wage. This amendment has the strong support of the ESOP Association, a nonprofit organization serving approximately 2,500 employee stock ownership plans throughout the country. Let me quote from a letter they recently sent to my office:

> Your amendment is a modest first step in awakening our government to the fact that in the 21st Century the inclusion of employees as owners of the companies where they work in a meaningful manner should be a key component of any national competitiveness program. If the Senate adopts your amendment and it eventually becomes law, we assure you that the ESOP community will work constructively to ensure that the loan and grant program you propose works effectively to benefit the employee owners, the employee-owned companies, and our American economy.

The concept of an ESOP or a worker-owned company is not a radical idea.

Not only are there some 11,000 ESOPs in our country, but there are some major corporations that everybody is very familiar with, including Procter & Gamble and Anheuser-Busch, that are also ESOPs.

Interestingly, the Tribune Company, one of the major publishers in America, is in the process of becoming a 60-percent employee-owned company.

Every day we read in the papers about plants that are being moved to China, Mexico, and a number of other low-wage countries. Since a number of these factories were making profits, they were doing well in the United States. Shutting them down was unnecessary and could have been avoided if these plants were sold to their employees through ESOPs, or worker-owned cooperatives. In other words, in my State, the State of Vermont, and throughout this country, there are companies, large and small, that are making a profit where owners—who may be retiring, who started a company and now they are retiring—want to be able to leave their companies to their employees if these workers had the resources, if they had the technical assistance and legal advice to know how to put together that transaction—which in many cases is pretty complicated.

Further, study after study has shown when employees own their own companies, when they work for themselves, when they are involved in the decision-making that impacts their jobs, workers become more motivated, absenteeism goes down, worker productivity goes up, and people stay on the job for a longer period of time because they are proud of and involved with what they are doing.

Most important to the communities throughout this country is when workers own the place in which they work, shock of all shocks, they are not going to shut it down and move the plant to China.

Since 2000, the U.S. manufacturing sector has lost 3.2 million good-paying manufacturing jobs. Put another way, since President Bush was elected President, this country has seen one out of every six factory jobs disappear—one out of every six.

In addition, the Associated Press recently reported a study by Moody's which found: ''16 percent of the nation's 379 metropolitan areas are in recession, reflecting primarily the troubles in manufacturing.''

I suspect this problem is even worse in rural areas in my own small State of Vermont. We have lost about 20 percent of our manufacturing jobs in the last 5 years. Let me give an example of some of the jobs we have been losing as a country and why, in fact, we need to be competitive and why, in fact, we need to encourage ESOPs and worker-owned industry. From 2001 to 2006, the United States of America has experienced a loss of 42 percent of our communication equipment jobs, 37 percent of our jobs have been lost in the manufacture of semiconductors and electronic components, 43 percent of our textile jobs have disappeared, and about half of our apparel jobs have vanished.

Not only are we losing good-paying manufacturing jobs, we are also losing high-paying information technology jobs.

While the loss of manufacturing jobs has been well documented, it may come as a surprise to some that from January of 2001 to January of 2006, the information sector of the American economy lost over 640,000 jobs, or more than 17 percent of its workforce.

The trends there are pretty ominous. Alan Blinder, the former Vice Chairman of the Federal Reserve, has recently concluded that between 30 million to 40 million jobs in the United States are vulnerable to overseas outsourcing over the next 10 to 20 years. While, of course, we have to invest in math and science, of course, we have to educate our students as best we can, we cannot ignore the significant impact globalization is having on our blue-collar factory jobs and on our white-collar information technology jobs.

Today there are some 11,000 employee stock ownership plans, hundreds of worker-owned cooperatives, and thousands of other companies with some form of employee ownership. Many of them are thriving. In fact, employee ownership has been proven to increase employment, increase productivity, increase sales, and increase wages in the United States. Yet despite the important role that worker ownership can play in revitalizing our economy, the Federal Government has failed to commit the resources needed to allow employee ownership to realize its true potential, and that is why this amendment is so important.

While this issue may be new to this bill, I have actually been working on it for several years. In the House, when I was the ranking member of the Financial Institutions and Consumer Credit Subcommittee, I was able to hold a hearing on this issue nearly 4 years ago and we had some wonderful testimony.

I fear in the next 10 to 20 years, if we do not change course, there will not be a major automobile industry in this country. We must not allow that to happen. We must protect good-paying jobs in this country. I believe employee ownership may be one of the ways we can keep good-paying jobs in America.

Let me conclude by saying in my opinion it would be much more important to provide this assistance to employees who could be creating and retaining jobs right here in the United States by the expansion of employee ownership. This is a very important issue. There is a lot of excitement all over the country about it. Let us protect American jobs. Let us give working people in this country the opportunity to own the places in which they are working. Let us make this country more economically competitive. I very much hope my colleagues will be supporting this amendment when it is offered.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

AMENDMENT NO. 928

Mr. BINGAMAN. Mr. President, I ask for regular order with respect to the DeMint amendment No. 928.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

AMENDMENT NO. 947 TO AMENDMENT NO. 928

Mr. BINGAMAN. Mr. President, I ask to call up the Dodd-Shelby amendment No. 947. It is a second-degree amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. DODD, for himself and Mr. SHELBY, proposes an amendment numbered 947 to amendment No. 928.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to small business growth and capital markets)

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the ''Commission'') and the Public Company Accounting Oversight Board (in this section referred to as the ''PCAOB'') have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, ''We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

Mr. BINGAMAN. Mr. President, I have a unanimous consent request here which I will propound at this point, that sets out a procedure for us to follow this evening.

I ask unanimous consent that at 5:10 p.m. the Senate resume debate with respect to the Dodd-Shelby amendment, No. 947, and the DeMint amendment No. 928, with the time divided 5 minutes each for Senators DODD and SHELBY, and 10 minutes under the control of Senator DEMINT, to be debated concurrently; that no amendments be in order to either amendment and that the Dodd amendment be modified to be a first-degree amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Dodd-Shelby amendment, as modified; that there be 2 minutes between the votes equally divided and controlled between Senators DODD and DEMINT or their designees, to be followed by a vote in relation to the DeMint amendment; that upon the use of that time, the Senate, without further intervening action or debate, vote in relation to the DeMint amendment; that upon disposition of the DeMint amendment, the Senate resume the Coburn amendment No. 917, and that the previous order with respect to the debate time prior to the vote be in order, with the time equally divided and controlled between Senators BINGAMAN and COBURN or their designees; and without further debate the Senate proceed to vote in relation to the Coburn amendment No. 917; that no amendment be in order to the Coburn amendment; that upon disposition of these amendments it be in order to call up the Sununu amendment No. 938 and the Sanders amendment No. 936, and the Senate then return to the regular order of amendments.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. No objection.

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

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

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

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the America COMPETES Act.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I did not realize that the time was reserved between now and 5:10. Is it reserved? My impression was that the floor was open for Senators to speak or offer amendments.

The ACTING PRESIDENT pro tempore. Senator ENSIGN was supposed to speak after Senator SANDERS.

Mr. ALEXANDER. Senator ENSIGN will not be here. Senator HUTCHISON and then Senator CORNYN would like to take that time. I ask unanimous consent that Senator HUTCHISON and Senator CORNYN be allowed to take the time between now and 5:10 when the vote begins.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BINGAMAN. Mr. President, could we clarify what the request is? I am sorry. I was not able to pay full attention.

Mr. ALEXANDER. I asked that Senator HUTCHISON have 10 minutes, followed by Senator CORNYN for 10 minutes.

Mr. BINGAMAN. Could we modify that request to provide that Senator CORNYN's intention is to offer and then withdraw an amendment?

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, that is my intention.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. Could we ask the intention of the senior Senator from Texas?

Mrs. HUTCHISON. I intend to speak on the bill.

Mr. BINGAMAN. Mr. President, I have no objection to the Senator from Texas being allotted 10 minutes and then the other Senator from Texas, Mr. CORNYN, going ahead with his comments and the offering and withdrawal of an amendment.

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I rise to speak in favor of the America COMPETES Act. I thank the Senator from Tennessee, Mr. ALEXANDER, Senator DOMENICI, Senator BINGAMAN, and Senator CORNYN. I have worked with all of them to try to focus first on what the problems are with regard to higher education and then to look at K–12 education. Certainly, the Senator from Tennessee, having been the Secretary of Education and the Governor of Tennessee, has dealt with education issues and has taken a major lead on trying to reform our education system so that it does meet the needs of the future generation.

Having the National Academy do a study, resulting in the report called ''Rising Above the Gathering Storm,'' was exactly the right thing to do. I would never have thought we could have such a clear message from the National Academy about what we do right, what we do wrong, what is missing, and what we have to improve.

Norm Augustine, former chairman of the board of Lockheed Corporation, was chairman of the committee. It was a distinguished group, including the former president of Texas A&M who is now Secretary of Defense. There were others. I was so pleased to see that they saw the problem.

The problem is that fewer than 30 percent of U.S. fourth- and eighth-grade students performed at a proficient level or higher in mathematics. The United States placed near the bottom 20 percent of nations in advanced mathematics and physics in testing. The United States is 20th among nations in the proportion of its 24-year-olds with degrees in science or engineering. The United States graduates about 70,000 engineers every year. India is matriculating about 250,000, and in China the number is even greater. Within a few years, approximately 90 percent of all scientists and engineers in the world will live in Asia. If we have fewer innovators, we are going to have fewer innovations.

America has staked its economy on being the creators for the world. We have had the innovators. We have had the engineers, the scientists, the researchers. Yet we are now falling back in K–12, and our institutions of higher education are not getting students with the proper prerequisites to go into those course studies. We have to start from the beginning. The bill before us takes those steps. I am proud to be a cosponsor.

There are three areas: research, education, and innovation.

First, research. The bill increases the research investment by doubling the authorized funding levels for the National Science Foundation. It also substantially increases funding in the Department of Energy's Office of Science, and it brings NASA into the equation, one of our premier research institutions. We are going to increase the emphasis on science in NASA because we already have the infrastructure. We have paid for the infrastructure, but we are shortchanging the science. So that is a part of this bill as well.

The second focus is education, specifically in the fields of science, technology, engineering, math, and critical foreign languages. We offer competitive grants to States to promote better coordination of elementary and secondary education. We want to strengthen the skill of teachers by giving them incentives to major in their course curriculum and then get education certifications in the same college degree but as a secondary part of their degree rather than the primary focus of their degree, because if we have math majors teaching math instead of education majors teaching math, we know the student is going to have a better opportunity to excel. We want to give the people who have already chosen teaching the opportunity to get a higher degree in their course curriculum, go back and get a master's degree and help them with grants to do that, because if they will commit to continuing to teach, then we will have better qualified teachers.

Innovation is the third focus of our bill. Since the beginning of the industrial revolution, America has been the innovator in the world. Economic studies have shown that as much as 85 percent of the measured growth in per

capita income has been due to technological change. But these technologies did not appear out of thin air; they were designed and developed by scientists and engineers at innovative companies such as EDS, Dell, Apple, Microsoft, and through Government investment in NASA and the National Science Foundation.

With that in mind, our bill ensures that both NASA and the National Science Foundation are able to expand their strong traditional roles in fostering technological and scientific excellence. We have increased NASA funding to support basic research and foster new innovation, but the NASA budget is being starved with infrastructure requirements. They are not able to do the science that would make the investment in the infrastructure pay off. We have to bring NASA back to its original scientific purpose. We have the Innovative Partnerships Program. We have the NASA Education Program. We are beginning to focus on exactly what we need to do.

This is a bipartisan effort sorely needed in Congress today, something on which we can all agree. America is falling behind. We are falling behind in education. We are falling behind in innovation. We are importing technological jobs that we ought to be creating ourselves with our own American students, but we don't have enough qualified students graduating from our colleges to fill these technical jobs. We need to upgrade our education system. That is exactly what this bill today is trying to do. We are attempting—both sides of the aisle—to make America better, to reclaim our prowess in education, K–12 as well as higher education, and to make sure we continue to be the innovators of the future as we have been in the past.

I urge my colleagues to support this legislation. Let's work on amendments. Let's get them through, but let's come to a conclusion. I know the President would like to sign a bill that moves our country forward in something as important as education.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Texas.

AMENDMENT NO. 902

(Purpose: To amend the Immigration and Nationality Act to increase competitiveness in the United States)

Mr. CORNYN. Mr. President, I have an amendment at the desk. I ask unanimous consent to set aside the pending amendment, call up amendment 902, and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 902.

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

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CORNYN. Mr. President, as I told the distinguished Senator from New Mexico and the distinguished Senator from Tennessee, it is my intention to withdraw this amendment following my remarks. But I believe it is important, when we are talking about America's competitiveness, to talk about people with some of the very most desirable skills and education and how it is that we might attract them to live and work and create jobs here in America.

First, I express my gratitude to both Senator BINGAMAN and Senator ALEXANDER for their leadership on this issue. It is not often enough that we have an opportunity to work on a bipartisan basis on something that is so right and so good and so meritorious as this. It feels good. I think we ought to do it more often.

I do wish to talk about this amendment which is called the Securing Knowledge, Innovation, and Leadership Act amendment, otherwise known as the SKIL bill. This was a component of the comprehensive immigration reform bill that passed the Senate last year. Of course, that did not go anywhere. We are back again. I assure my colleagues that we will be coming back time and time again until we get this matter voted on.

In the past 2 years, there has been much focus by Congress and the administration on restoring America's competitive edge. While some have viewed the SKIL bill, as it is called, as an immigration issue, I believe it should be considered as a competitiveness issue, not just an immigration one. In fact, the National Academy of Sciences included similar recommendations in its study ''Rising Above the Gathering Storm.'' This very report was the original, the genesis of America COMPETES and several other bills introduced in the 109th Congress. That report recommended to Congress that it should ''continue to improve visa processing for international students and scholars to provide less complex procedures and continue to make improvements on such issues as visa categories and duration, travel for scientific meetings, the technology-alert list, reciprocity agreements, and changes in status.'' The report also recommended that Congress should ''institute a new skills-based, preferential immigration option. Doctoral-level education in science and engineering skills would substantially raise an applicant's chances and priority in obtaining U.S. citizenship'' under this particular legislation.

The United States has always been blessed by recruiting the best and the brightest from all around the world, whether they be scholars, scientists, or researchers. As we all know, the United States is now engaged, though, in a global competition for these very same scientists, scholars, and researchers.

In this global economy, there are only three ways for us to retain the most brilliant workforce in the world: No. 1, we can grow our own talent, which is the intent of the bill we are debating right now; No. 2, we can continue to recruit the top students from around the world from other nations; or, No. 3, we can watch our companies move their workforce and jobs to other countries in order to find that talented workforce and to remain competitive. I don't know if there are any other choices than those—grow our own talent, import the best talent, or see our jobs go overseas. Those are the choices we have. The countries that can attract and retain the best and the brightest will obviously have an advantage over other countries in this global competition.

As we have heard, the United States does not produce enough engineers. Over half of master's and Ph.D. degrees in the United States go to foreign students each year, foreign students who study in the United States. China graduates four times as many engineers as we do, and within a few years approximately 90 percent of all scientists and engineers in the world will be in Asia.

Foreign students help us fill the gap right now—a gap we are going to try to make up through growing more of our own talent right here through the great provisions of this legislation—but then our immigration policy, as currently constituted, forces these best and brightest students, these foreign students, to return home because there are no high-tech visas.

Our immigration policy has not adapted to the changing international environment or this global competition. Only 65,000 visas are issued each year to this category of the best and the brightest. For the past few years, the cap has been reached before the fiscal year even begins. But this year, on April 1, 2007, there was a loud outcry for immediate relief in our highly skilled immigration policies because that was the day the U.S. Citizenship and Immigration Service announced the 2008 cap for H–1B visas was met. That is right, because the United States has already met the cap for H–1B visas, foreign students graduating from our universities this spring are virtually shut out of the U.S. job market. We hit that cap on the very day the opportunity for filing for those types of visas was presented.

This situation is unprecedented. What it means is employers cannot hire highly educated workers for up to 1 year, until the next allotment of visas becomes available. With global competition, of course, these workers have a lot of other options as to where to go. They can go to England. They can go to France. They can go to India. They can go to China. In short, they can go to our global competitors and work there and take the jobs that

could be created here in America with them.

This SKIL bill has important protections for American workers, and I hope my colleagues will listen to this because there is, frankly, a lot of misconception about foreign students and foreign workers coming here and taking American jobs at a lower wage. In fact, high-tech visas generate fees to pay for U.S. worker training programs. Every time an employer sponsors a foreign worker, that employer must contribute to a fund to train U.S. workers. Of course, under our law, they cannot be hired to come in and work at a lower wage than would have to be paid to a comparable U.S. worker. Immigrant professionals actually create jobs here in the United States. The founder of Intel is a prime example. He was an immigrant from Hungary and has created hundreds of thousands of jobs at his company here in America.

So sound policy will start by retaining foreign students who are educated here in the United States, particularly in the most sought after areas of math, science, and engineering.

We should exempt from the annual visa limit any foreign student who graduates from a U.S. university with a master's degree or a Ph.D. degree in these essential fields. It is simply a matter of economic survival and competition for the United States. Also, insourcing talented workers, as I pointed out, is preferable to outsourcing those jobs and the associated economic activity that goes with it to other countries. We should make it easier for those who do comply with our immigration laws to travel in and out of our country as well. We must also attract the best and brightest who are working in other countries to come here and do their work in the United States so those jobs can stay here.

In the long run, we have to improve our schools and encourage more U.S. students to study engineering and mathematics, and the America COMPETES Act, as it is currently written, does just that. But in the short term, we have to adapt our immigration policy so when those U.S. students are educated in engineering fields, there will be jobs right here in the United States for them to perform. Then we can reap the benefits of the most outstanding college and university education in the world, which students travel from all around the world in order to be able to obtain, and then that they not have to go home after they graduate from college if they are in the essential fields of math, science, and engineering.

If we do not act, America's technology industry, its health care industry, higher education, research institutions, financial services industries will be harmed and our economy will suffer. The intersection of our immigration policy and our country's ability to compete for global talent is critical, and we cannot wait years to address this issue. It is imperative we address it as soon as possible.

AMENDMENT NO. 902, WITHDRAWN

My only regret is we are unable to do so on this bill because it belongs on this bill. But I understand the practical ramifications of continuing to insist upon a vote on this particular amendment at this time. So it is with some regret that I ask unanimous consent to withdraw my amendment but urge my colleagues to continue to work to support H–1B visa reform and see that the SKIL bill, as currently presented as an amendment to this bill, is ultimately enacted into law because, frankly, it is in the best interest of the United States and American jobs right here at home.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, the amendment from the Senator from Texas is withdrawn.

Mr. CORNYN. I yield the floor.

Yhe PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, within 3 or 4 minutes, we will be moving to amendments as described by the Senator from New Mexico. But before he speaks, let me thank the Senator from Texas both for his leadership on the amendment and for his spirit of cooperation and willingness to withdraw the amendment.

It is my hope that this is not the end of that discussion. I strongly agree with him. Our immigration laws are archaic in this regard. We have 650,000 legal new citizens every year, and we should, in our own interests, allow highly skilled men and women—the brightest people in the world who come here to study, earn these degrees in science, technology, math—to stay here and create jobs instead of going home and creating jobs. We should do that. So he has highlighted that. The Senate adopted that last year. I hope we will have a chance to adopt it again before Memorial Day. I salute the Senator for that, and I hope this is just the beginning of his insistence on this and other types of legislation that would reform our immigration policy.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me also commend the Senator from Texas and thank him for his support for the underlying legislation. I do think the substance of what he is trying to get accomplished with regard to the immigration laws of the country—I very much support trying to facilitate allowing people who get an education here to stay here and use those talents and skills and knowledge they have acquired to benefit our country. So we need to work on that. I think the appropriate place to do that is as part of the debate we will do on immigration, which is coming up. The majority leader has indicated he plans to get to that issue in May, so I think, clearly, that is coming up very soon. But I commend the Senator from Texas for his willingness to withdraw his amendment at this time.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not going to take any time. In fact, I just want to do something I very rarely do, but it seems appropriate based on the arguments I have made this day. So I am going to ask for a parliamentary inquiry of the Chair. My parliamentary inquiry is, would this bill, with any of the amendments that have been adopted so far, be subject to a point of order under the Budget Act of the United States?

The PRESIDING OFFICER. The Chair is not aware of any such points of order against this bill.

Mr. DOMENICI. I thank the Chair.

I yield the floor.

Mr. BINGAMAN. 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. BINGAMAN. 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. 908, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send a modification to amendment No. 908 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 55, lines 21 and 22, strike ''engineering)'' and insert ''engineering and technology)''.

On page 56, line 8, after ''engineering'' insert ''and technology''.

On page 56, line 24, strike ''mathematics and science'' and insert ''mathematics, science, engineering, and technology''.

On page 59, line 6, strike ''mathematics and science'' and insert ''mathematics, science, and, to the extent applicable, technology and engineering''.

On page 59, line 15, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 60, line 6, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 60, line 10, before ''that'' insert ''in mathematics, science, and to the extent applicable, technology and engineering''.

On page 60, line 24, strike ''mathematics and science'' and insert ''mathematics, science, and to the extent applicable, technology and engineering''.

On page 61, lines 8 and 9, strike ''mathematics and science'' and insert ''mathematics, science, and, to the extent applicable, technology and engineering''.

On page 62, line 14, strike ''mathematics or science'' and insert ''mathematics, science, technology, or engineering''.

On page 65, lines 16 and 17, strike ''**MATHEMATICS AND SCIENCE**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**''.

On page 65, line 19, strike ''**MATHEMATICS AND SCIENCE**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**''.

On page 66, lines 8 and 9, strike ''Mathematics and Science'' and insert ''Mathematics, Science, Technology, and Engineering''.

On page 67, line 9, strike ''Mathematics and Science'' and insert ''Mathematics, Science, Technology, and Engineering''.

On page 67, lines 16 and 17, strike ''math and science'' and insert ''mathematics, science, and technology''.

On page 68, lines 21 and 22, strike ''mathematics or science (including engineering)'' and insert ''mathematics, science, or engineering''.

On page 69, lines 4 and 5, strike ''mathematics or science'' and insert ''mathematics, science, or technology''.

Beginning on page 69, line 25 through page 70, line 1, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 70, lines 10 and 11, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 71, line 7, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 71, line 10, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 71, line 18, strike ''mathematics and science'' and insert ''mathematics, science, and, to the extent applicable, technology and engineering''.

On page 72, line 23, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 73, line 14, strike ''mathematics and science'' and insert ''mathematics, science, and to the extent applicable, technology and engineering''.

On page 73, lines 18 and 19, strike ''mathematics and science'' and insert ''mathematics, science, and to the extent applicable, technology and engineering''.

On page 73, lines 23 and 24, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

Mr. BINGAMAN. Mr. President, I ask that we proceed to act on this modified amendment at this point. This is the managers' package from the Energy Committee, and it clarifies several points that are of a technical nature. I ask unanimous consent that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Without objection, the managers' amendment, as modified, is agreed to.

The amendment (No. 908), as modified, was agreed to.

AMENDMENT NO. 940

Mr. BINGAMAN. Mr. President, I also call up amendment No. 940.

The PRESIDING OFFICER. The amendment is pending.

Mr. BINGAMAN. Mr. President, again, this is a managers' package from the HELP Committee. Senator KENNEDY and Senator ENZI are cosponsoring this. I would urge that the Senate agree to this amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 940) was agreed to.

Mr. BINGAMAN. Mr. President, I yield the floor. I know Senator DODD and Senator SHELBY are here ready to speak, and Senator DEMINT as well, with regard to their respective amendments.

AMENDMENTS NOS. 947 AND 928

The PRESIDING OFFICER. Under the previous order, amendment No. 947 is modified to be a first-degree amendment.

Who yields time?

Mr. BINGAMAN. Mr. President, I believe Senator DODD has 5 minutes, Senator SHELBY has 5 minutes, and Senator DEMINT has 10 minutes under the order.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me briefly first thank my colleague from Alabama, Senator SHELBY, the former chairman of the Banking Committee, who will also be offering this amendment for the consideration of our colleagues.

Our markets, I think all of us know, are the most fair and efficient in the world due to many reasons, but in large part to our strong statutory and regulatory schemes in the country. The amendment we are offering recognizes the very significant role of the Sarbanes-Oxley Act of improving and maintaining the integrity of the capital markets of this country, as well as the important role of small businesses in economic growth and job creation. We all remember and understand very well the debate that went on a number of years ago as a result of some of the disasters that occurred in Enron and WorldCom to make sure our public companies would be more accountable and more responsive to the concerns of the shareholders.

The SEC and the PCAOB have determined that the existing implementation of section 404 of the Sarbanes-Oxley legislation has not fully achieved the intent of the statute. Last December, they proposed management guidance and revised auditing standards to more appropriately implement the statute, without having an unintended or inappropriate impact on small businesses.

The amendment I offer with my colleague from Alabama expresses the sense of the Senate that the Securities and Exchange Commission and the Public Company Accounting Oversight Board continue their rulemaking and finalize their ongoing rulemaking process. These two agencies are currently considering about 200 comments and letters from the public commenting on their proposed regulations dealing with section 404. The letters come from a wide variety of interested parties, offering views on the strengths of the proposals and suggestions for those improvements. The capital markets and all businesses, including small businesses, will be better served by a deliberative process of rulemaking conducted by these agencies.

I commend Chris Cox for the fine job he is doing at the SEC. They have responded very well to the concerns about the section 404 requirements, particularly the smaller public companies.

SEC Chairman Cox has recently said:

We don't need to change the law.

I am quoting him now, Mr. President.

We need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That is an important distinction.

He goes on to say.

I don't believe these important investor protections, which are even now only a few years old, should be opened up to an amendment, or that they need to be.

I agree with Chris Cox, President Bush's appointee to head up the SEC. They are doing a very fine job. I think it would be irresponsible for us at this juncture to jump in and basically reduce by 80 percent the number of companies that would have to comply with section 404. Let the SEC do their job. That is what we have asked them to do. They are responsible. They are a responsible agency in charge of looking at this. If and when they come back, and there are those of us here who feel they haven't gone far enough, that those burdens still exist, then I would welcome an opportunity to address that. But it is very premature to jump in at this juncture while the SEC is doing the job we asked them to do, acting responsibly, and performing their public functions under good leadership. It seems to me this is not a moment for us to jump into the middle of this and by a vote of small margins decide we are going to tell these agencies what to do with the professional staffs they have and the commentary process where the public has an opportunity to address and comment on the suggested rule changes that Christopher Cox and his staff at the SEC and the other commissioners are considering at this moment.

So for all of those reasons, we are offering this amendment which offers us an opportunity to express our concerns about where this is headed. Let's send a message that we are watching very carefully, we care about this, but avoid the situation of this body engaging in a regulatory process, which is properly left to the agencies charged with that responsibility. For those reasons I urge the adoption of the Dodd-Shelby amendment.

Mr. President, I ask unanimous consent to add Senator REED of Rhode Island, the chairman of the subcommittee, as a cosponsor of the amendment.

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

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

Mr. SHELBY. Mr. President, the Sarbanes-Oxley Act of 2002 that we are familiar with has provided real benefits to the capital markets. On the other hand, there is no question that its implementation has been too costly, particularly for small public companies. We know this. This is a given.

That is why I am encouraged that the securities regulators charged with implementing this legislation at the Securities and Exchange Commission and the PCAOB are near the end of a 2-year

process to make significant changes that are likely to reduce the unacceptable costs and burdens of section 404 compliance which Senator DODD alluded to.

This body, I believe, ought to give the regulators, the Securities and Exchange Commission, and the Public Company Accounting Oversight Board a chance to fix this problem, because they have been involved in this for over a year now. It is very complex. Both the SEC and the PCAOB acted last December, just a few months ago, to propose initiatives aimed at reducing the costs associated with section 404 of Sarbanes-Oxley. These actions are the most significant to date and should lower costs on investments while at the same time preserving the benefits of effective internal controls.

In testimony before the Senate Small Business and Entrepreneurship Committee last week, Chairman Cox of the Securities and Exchange Commission stated:

> Focusing on the implementation of 404, rather than changing the law, is consistent with the SEC's view that the problems we have seen with 404 to date can be remedied without amending the Sarbanes-Oxley Act.

I am willing to give the SEC a limited opportunity to deliver. Chairman Cox said the Commission's 404 proposal would permit companies to:

> Scale and tailor their evaluation procedures to fit their facts and circumstances, and investors will benefit from the use-compliance costs.

The SEC is expected to adopt the measure in the next few weeks.

The PCAOB, the Public Company Accounting Oversight Board's, proposals to repeal auditing standard No. 2 and replace it with a new standard on auditing internal control over financial reporting would provide, according to PCAOB Chairman Mark Olson:

> Additional flexibility to promote scalability, avoid unintended consequences, and address other valid concerns.

The PCAOB is currently reviewing the comments submitted in response to its proposal and is expected, along with the SEC, to submit the standard for SEC review and approval next month. Chairman Cox of the SEC, whom we have worked with on the Banking Committee a lot, said the two regulators have worked together to ensure that the new rules are:

> Mutually reinforceable and should significantly improve the implementation of section 404, making it more efficient and effective for small and medium-sized businesses.

That is what we all want. We all agree that unnecessary costs imposed by regulations are a real problem for both large and small companies. The regulators have acknowledged this fact and are attempting to address it. On the Banking Committee that Chairman DODD now chairs and which I chaired, we have oversight of that, and we have worked with them and have had hearings to give some relief to small businesses here, and they are in the process of doing it. I am willing to give the SEC and the PCAOB some additional time, but I am not willing to give them unlimited time. We shouldn't do that. Chairman DODD and I intend to monitor closely their progress and hold them accountable should there be any unnecessary delays.

I urge my colleagues this afternoon to support the Dodd-Shelby amendment with the understanding that we intend to follow closely in oversight, working with the regulators, their progress and will take whatever action is necessary to ensure the vitality of our small business community, which is vital and important to America. I urge support of the Dodd-Shelby amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, in a few moments the Senate will vote on two amendments related to Sarbanes-Oxley. The first is the Dodd-Shelby amendment, which is a nonbinding resolution that suggests the SEC and the Public Company Accounting Oversight Board move ahead with changing the Sarbanes-Oxley regulations. My amendment, which will come after that, actually changes the law in one small section of Sarbanes-Oxley, which would facilitate that happening.

Despite what has been reported today, my conversation with some of the regulators and some of the observers of the SEC is there is not real clarity as to how far the SEC can go in changing this one section that is problematic in Sarbanes-Oxley. We know from our work with Federal agencies that as long as there is doubt, there is no action. While there has been good intent from the SEC for many years, this bill has been destroying our capital formation in this country for nearly 5 years. Admittedly, Sarbanes-Oxley has done some good things, but I think it is beyond question particularly for small companies, small public companies, that section 404 of Sarbanes-Oxley is doing untold harm in this country today. So the difference here is a nonbinding resolution which encourages the SEC to act and an amendment that actually makes that happen.

I am going to support the Dodd-Shelby amendment. While I have some problems with the specific findings, the intent is right. The regulators have a responsibility to continue to look at their regulations to make sure they encourage competition and good enterprise in our country. So I am going to support the amendment. But Congress also has a responsibility to make sure that the laws we pass work, and if they are not interpreted properly by our regulatory agencies, that we go back and make those changes to make it work.

So the ''sense of the Senate'' maintains the status quo for regulatory agencies to determine how we deal with Sarbanes-Oxley. While I know the chairman and ranking member remain hopeful that something will happen, the same thing was said to me well over a year ago when I talked to Chairman Cox and others that the changes were eminent, but since then in this country we have lost our status as the No. 1 market exchange. Instead of 9 out of every 10 IPOs being formed in this country with foreign capital, it is completely reversed, where 9 out of 10 are out of this country. Our trade competitors have Sarbanes-Oxley free zones that encourage capital to come that way instead of toward us. We cannot leave the responsibility for this law on the regulatory agencies.

I encourage all of my colleagues to vote for both amendments.

I thank Senator MARTINEZ, Senator CORNYN, and Senator ENSIGN for supporting and cosponsoring my amendment. I also thank Democratic Congressman GREGORY MEEKS from New York for having the courage to introduce this measure in the House.

I also want to inform my colleagues that my amendment today is supported by the Independent Community Bankers of America. It is also being key voted by the Americans for Tax Reform, the Club for Growth, the Americans for Prosperity, and many other people who look at our economy across the country and realize it is time for Congress to act. We have waited for the SEC for 5 years and have seen capital chased from this country. It is time for Congress to take the responsibility for what we did in the first place, and I urge my colleagues to support both amendments.

I yield to my colleague, the Senator from Florida, to speak on behalf of my amendment.

Mr. MARTINEZ. Mr. President, I add a word of encouragement to our colleagues to support both of these good amendments. I agree wholeheartedly with my colleague from South Carolina that it is time we take action. It is time we act.

I have heard untold stories for years now as a candidate for the Senate and as a Senator of the problems that small companies of America are facing over the burdens imposed upon them by section 404, unfair burdens that disproportionately fall on small businesses than they do on large. A recent GAO study requested by our colleague Senator SNOWE found the cost of compliance for small public companies to comply with Sarbanes-Oxley has been disproportionately higher for small businesses than it was for larger companies.

Small businesses are vital to the growth of business in America. They are where most of our jobs are created in this day and time. The fact is for us to idly sit by and hope the regulators will do the right thing, hope they go far enough, isn't good enough for me. I want to act now. I want to make sure we support the amendment by Senators DODD and SHELBY, but I also want to encourage support for our amendment, because ours will take action and will do it now.

What it does is it exempts smaller companies with market capitalization

of less than $700 million, with revenues of less than $125 million, and with fewer than 1,500 shareholders from the onerous burdens of section 404.

There are a number of ways to maintain investor protections while lowering the cost of Sarbanes-Oxley compliance, but we should start by exempting small companies from having to comply with section 404 of Sarbanes-Oxley, the section that requires the double audit.

Oftentimes small business cannot even find an accounting firm willing to perform the audit, let alone afford to take a significant percentage of revenue to conduct a duplicate audit. The fact is this is strangling America's business. It is, as Senator DEMINT pointed out, not allowing us to play the role we have traditionally played in the capital market.

Mayor Bloomberg conducted a study in New York about why we were losing our competitive edge vis-a-vis other foreign markets. One of the reasons that was found for that, among several others—but it is a significant reason—was Sarbanes-Oxley compliance.

It is time we act. We passed the law and it was a good thing to do; it has done a lot of good. But aspects of it are now hurting American business and we need to pull those back. That is what the DeMint amendment does. I encourage my colleagues to do that as well.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 3 minutes 6 seconds.

Mr. DEMINT. Mr. President, parliamentary inquiry: These bills are side-by-sides, correct? This is not a second-degree amendment.

The PRESIDING OFFICER. Both amendments are first-degree amendments.

Mr. DEMINT. My colleagues can vote for both of these amendments. I encourage Members of the Senate, both Republicans and Democrats, to vote for both of them because both are needed. We need the SEC to take its responsibility. But since there is some concern as to how far the SEC can go to correct this problem, my amendment simply changes one aspect of Sarbanes-Oxley that allows small companies—companies with $125 million in revenue or less, or less than 1,500 shareholders—to voluntarily opt out of the external audit, with notification to their shareholders.

These are certainly not huge corporations. This certainly doesn't gut Sarbanes-Oxley. It does what so many economic experts have encouraged us to do for years, and that is to fix the one small part of Sarbanes-Oxley that costs small businesses in a disproportionate way.

I thank the managers and those who offered the side-by-side, and I encourage my colleagues to vote for both of them.

I yield the floor and reserve the remainder of my time.

Mr. DODD. Mr. President, is all time yielded back?

The PRESIDING OFFICER. The Senator from Connecticut has 38 seconds.

Mr. DODD. Again, Chris Cox, Chairman of the SEC, pointed out he doesn't want the law changed. He wants to be able to work with the Commission and the staff to deal with these issues. The Chairman of the SEC has wide latitude within which to operate here. The statute gives broad discretion. Senator SHELBY and I believe this matter ought to be left at this juncture. The Commission is relegated to do their job. Let them complete their work and make their recommendations. If we are dissatisfied, we can respond.

Mr. SHELBY. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 34 seconds.

Mr. SHELBY. Mr. President, I have been informed by my staff that the staff of the Securities and Exchange Commission, headed by Christopher Cox, a former Congressman, has reiterated a few minutes ago to our Banking Committee staff that they will be done with this work in a few weeks. This is premature, the amendment offered by the Senator from South Carolina. As I said earlier, I believe we need to let the SEC and PCAOB do their work. I agree with Chairman DODD.

Mr. DODD. Mr. President, I ask for the yeas and nays on the Dodd-Shelby-Reed amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—97

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

NOT VOTING—3

Johnson	Kerry	McCain

The amendment (No. 947), as modified, was agreed to.

AMENDMENT NO. 928

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 928 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, at an appropriate moment, along with my colleague from Alabama, I will offer a motion to table the DeMint amendment. I do so respectfully of my colleague. We are just about 2 or 3 weeks away from the SEC issuing regulations regarding Sarbanes-Oxley on this 404 issue. It would be inappropriate for us to jump in and draw a conclusion as to what the SEC ought to be doing.

Chris Cox is doing a very good job at the SEC. Staff and Commissioners are doing the job we asked them to do.

To conclude the point here, this is a matter that is being well addressed by the SEC under Chris Cox. They have asked to have the appropriate time, the remaining 2 or 3 weeks, to finish their recommendations. They may very well come to the recommendation that has been offered by our colleague from South Carolina, but we ought to allow them to do their job. That is what they have been asked to do.

We are not a regulatory body. We don't have to agree with them, but we should allow them to complete their work. That is why we are offering this amendment. It is premature for us to jump in before they have completed their task.

Mr. President, I yield to my colleague from Alabama.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I ask unanimous consent to have 30 seconds for my colleague from Alabama.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I agree with Senator DODD. We work on the Banking Committee with this. The SEC has asked us to hold off. We all want to give relief under Sarbanes-Oxley for small businesses. The SEC, PCAOB are in the process of doing this, and this is probably going to happen in the next couple of weeks.

I don't disagree with what Senator DEMINT is trying to do, but I think it is premature. The timing is not good. But the timing is always good if we work with the SEC on something they know a heck of a lot about. This is a very complex issue.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, the United States has the fairest, most transparent and most efficient financial markets in the world. Our Nation achieved this status by developing a regulatory approach that insures investors around the world have confidence in our markets. We cannot go back to the days of Enron accounting for small businesses.

As chairman of the Senate Committee on Small Business and Entrepreneurship, I oppose the amendment by Senator DEMINT to provide an exemption from Sarbanes-Oxley regulations for small public companies because I believe it is premature, would endanger small business investors and limit access to capital for small public companies in the United States.

Last week, I held a hearing in the committee on the upcoming changes to the Sarbanes-Oxley law and how they will affect small business. In that hearing, no Senator or witness expressed any support for providing a permanent exemption from Sarbanes-Oxley regulations for small public companies. The Securities and Exchange Commission Chairman Christopher Cox has said that he strongly opposes any type of permanent exemption for small public companies from Sarbanes-Oxley regulations.

Here is why. It wasn't too long ago, between the years 1998–2000, that public companies were issuing financial restatements at a rate that was higher than the previous 10 years combined. Too often, public companies were overstating their income to attract investors. As a result, the trust and confidence of the American people in their financial markets was dangerously eroded by the actions of WorldCom, Inc., Enron, Arthur Andersen and others. The shocking malfeasance by these businesses and accounting firms put a strain on the growth of our economy, cost investors billions in assets and hurt the integrity of our financial markets around the world.

By all accounts, the Sarbanes-Oxley Act has brought back accountability to corporate governance, auditing, and financial reporting for public companies. The audit of internal controls over financial reporting has produced significant benefits and public company financial reporting has improved. As a result, investor confidence in our capital markets has been restored and our Nation's economic growth continues. Recent published reports show that accounting restatements on large companies' financial reports declined by 20 percent last year. This is important evidence that Sarbanes-Oxley is working.

These improvements, however, have not come without some drawbacks. Too many small public companies who played by the rules are now expected to deal with the time and financial burden required to comply with the Sarbanes-Oxley law. Last year, small businesses with less than $75 million in assets saw the number of financial restatements increase by 46 percent. This shows that small businesses getting ready to comply with Sarbanes-Oxley are having trouble. But I believe we will all benefit when small businesses eventually comply with Sarbanes Oxley. According to a recent United States Government Accounting Office—GAO—study requested by Senator SNOWE, the cost of compliance and the time needed for small public companies to comply with Sarbanes-Oxley regulations has been disproportionately higher than for large public companies. Firms with assets of $1 billion or more spend just thirteen cents per $100 in revenue for audit fees, while small businesses are forced to spend more than a dollar per $100 in revenue to comply with the same rules.

The response to these problems is not to give a permanent blanket exemption from these regulations to small public companies, instead we need to assist them in making the transition to comply with the Law. That is why the SEC and the Public Company Accounting Oversight Board—PCAOB—are currently considering final rules and guidance on the implementation of Sarbanes-Oxley that will make it easier for small businesses to comply with the law.

In his testimony to the Small Business Committee, Chairman Cox said three quarters of the comment letters regarding the proposed Sarbanes-Oxley rule changes from small business interests supported the efforts to make it easier for small businesses to comply with the law. Specifically, these small businesses believed that the proposed rules would allow managements to tailor their audits and evaluations to the facts and circumstances of their particular companies and focus on their areas that are most important to reliable financial reporting.

Chairman Olson testified at the same hearing that while the PCAOB is committed to making the process cost-effective for small businesses, the oversight program it has in place is reducing the risk of financial reporting failures and renewing confidence in U.S. security markets. We also heard from Joseph Piche, whose private company Eikos, Inc. operates out of Franklin, MA. Mr. Piche's testimony reflected the sentiments of so many small business owners—that while the burdens of cost make it difficult under the current regulatory structure, entrepreneurs rely on capital markets, and capital markets rely on trust. The Sarbanes-Oxley law has helped to restore this trust.

So the upcoming changes to Sarbanes-Oxley will save small public companies time and money. Unfortunately, before these changes are even finalized, the DeMint amendment would provide a permanent exemption to more than 6,000 small public companies from ever having to comply with Sarbanes-Oxley.

As Mr. Piche and other industry witnesses told the Small Business Committee, small businesses aren't resistant to fair and open financial reporting, because they know that it leads the way to access to capital. Today, small public companies are vital participants in U.S. capital markets and play a critical role in future economic growth and high-wage job creation. Once provided with the necessary regulatory flexibility, I have no doubt that our small public companies will be able to comply with the Sarbanes-Oxley law, just as big businesses are doing today. All small public companies know it is in their best interest to have regulations in place that provide transparency and accountability. These are the qualities that encourage investor confidence in U.S. markets. It gives them access to more investors and increases the pool of available capital while keeping their competitors from manipulating the marketplace through faulty accounting.

As we move forward, there are additional steps that can be taken to assist small business. First, I recently wrote to the SEC and PCAOB with Senator SNOWE, urging the regulators to give small businesses up to an additional year to comply with the pending changes to the Sarbanes-Oxley regulations. I believe this added time will help small businesses adapt to the changing regulatory structure and make it easier for those who lack the expertise or financial resources to comply with the law. The SEC has previously supported providing small public companies with additional time to comply with Sarbanes-Oxley and I hope they will do so again.

The DeMint amendment is an overreaching, premature policy reversal that preempts years of thoughtful regulatory consideration on the part of the SEC and the PCAOB. It represents a blanket exemption that has the potential to take U.S. capital markets a large step backwards to the days of Enron. I urge my colleagues to oppose this amendment and allow the regulators to finish their jobs.

As chair of the Committee on Small Business and Entrepreneurship, I will continue to closely follow the impact of Sarbanes-Oxley on small firms and look forward to working with Senator SNOWE and my colleagues on the committee to determine what necessary steps Congress can take to help small public companies abide by the law while simultaneously allowing them to focus on what they do best—creating jobs and growing our economy by participating in our capital markets. This will help small businesses achieve the American dream of becoming innovative public companies.

We can help our small public companies and encourage additional small businesses to become public companies—while ensuring transparency and honest accounting. This will help ensure that the United States continues to have the fairest, most transparent and most efficient financial markets in the world.●

Mr. DEMINT. Mr. President, I am obviously disappointed the chairman will move to table. We have had a good debate on it. The debate on Sarbanes-Oxley has been going on for almost 5 years, since it was passed. Every time someone expresses a problem, they go right to section 404, and just to small businesses that are being hurt most by this.

I talked with the SEC well over a year ago. I heard exactly the same thing I am hearing today: We are on it. It is going to happen very soon.

Let me suggest this to my colleagues. Let us pass this bill today and send it to conference. That will be a few weeks of work. If the SEC responds, then take it out in conference. The Democrats are in control of the conference. There is no harm done. But let us not continue to allow investment capital to be shipped out of this country without doing anything about it.

The only reason the SEC is even talking about it now is that we introduced this bill with Democrats and Republicans in the House. It is time to act now. Please vote for this bill. Let us move it to conference and shake up the SEC.

Mr. DODD. Mr. President, I move to table the DeMint 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) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: 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 62, nays 35, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—62

Akaka	Byrd	Crapo
Baucus	Cantwell	Dodd
Bayh	Cardin	Dorgan
Bennett	Carper	Durbin
Biden	Casey	Enzi
Bingaman	Clinton	Feingold
Bond	Cochran	Feinstein
Boxer	Collins	Graham
Brown	Conrad	Harkin
Hatch	Mikulski	Schumer
Inouye	Murkowski	Sessions
Kennedy	Murray	Shelby
Klobuchar	Nelson (FL)	Snowe
Kohl	Nelson (NE)	Stabenow
Lautenberg	Obama	Stevens
Leahy	Pryor	Tester
Levin	Reed	Thomas
Lieberman	Reid	Webb
Lincoln	Rockefeller	Whitehouse
McCaskill	Salazar	Wyden
Menendez	Sanders	

NAYS—35

Alexander	Dole	Lugar
Allard	Domenici	Martinez
Brownback	Ensign	McConnell
Bunning	Grassley	Roberts
Burr	Gregg	Smith
Chambliss	Hagel	Specter
Coburn	Hutchison	Sununu
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Landrieu	Warner
DeMint	Lott	

NOT VOTING—3

Johnson	Kerry	McCain

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 917

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate on amendment No. 917, offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, regarding the amendment we are about to vote on, we voted on essentially the same amendment last Wednesday as an amendment to the Court Security Improvement Act. The amendment provides that any new program or initiative that is contained in legislation be offset. The point that defeated the amendment last week is still valid; that is, we should not be required to offset authorizing legislation. This is authorizing legislation. There is no spending in this bill. This does not appropriate funds.

Mr. President, on behalf of myself and my colleague, Senator DOMENICI, I will be moving to table the amendment after he completes his statement.

I yield the remainder of my time to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, might I say to the Senator from Oklahoma, I have watched you in your concern for spending, and I appreciate what you are trying to do to cut spending in the Senate.

But let me say to the Senate, this afternoon I asked the Chair for a point of order. I asked whether this bill would violate the Budget Act. After looking at the bill and coming back, I was advised it does not violate the Budget Act. The reason it does not is because there is no spending in it. If it were spending money, it would be violating the budget because it is not in the budget, and we passed a budget.

Having said that, if we are not spending money, then why should we chastise ourselves about spending money and suggesting that we have to offset something when, as a matter of fact, there is nothing to offset because there is no spending? If we get into this game that authorizing is spending, then we will have a fourth tier of Government. Instead of a budget appropriations and direct spending, we will have people bringing up a new way to attack it on every kind of authorizing bill. I don't think we need that. We need to get on with business every now and then. This is one time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the reason you ought to vote for this sense of the Senate—it doesn't say anything about authorizing. What it says is, and the American people expect, if we are going to create new programs, we ought to get rid of the programs that are not working. We spend $84,000 a second. We spent $350 billion we didn't have last year, and we charged it to the next generation. We have 10 percent of the Department of Energy that is ineffective, we have 10 percent of the Department of Education that is ineffective, and you offset none of the programs as you reauthorize this bill. We doubled up. This says, sense of the Senate, if we are going to spend more money and create new programs, we ought to go after the ones that do not work.

Vote against it at your own peril.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, this is the last vote this evening. I am glad to see the managers are moving this bill along. We are probably going to have a vote in the morning, around 11 o'clock. That will be the first vote.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: 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 54, nays 43, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—54

Akaka	Domenici	Nelson (NE)
Alexander	Feinstein	Obama
Baucus	Harkin	Pryor
Bennett	Inouye	Reed
Biden	Kennedy	Reid
Bingaman	Klobuchar	Rockefeller
Bond	Landrieu	Salazar
Boxer	Lautenberg	Sanders
Brown	Leahy	Schumer
Byrd	Levin	Snowe
Cantwell	Lincoln	Specter
Cardin	Lugar	Stabenow
Carper	McCaskill	Stevens
Casey	Menendez	Tester
Clinton	Mikulski	Warner
Cochran	Murkowski	Webb
Conrad	Murray	Whitehouse
Dodd	Nelson (FL)	Wyden

NAYS—43

Allard	Dorgan	Lieberman
Bayh	Durbin	Lott
Brownback	Ensign	Martinez
Bunning	Enzi	McConnell
Burr	Feingold	Roberts
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Coleman	Gregg	Smith
Collins	Hagel	Sununu
Corker	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	Voinovich
DeMint	Kohl	
Dole	Kyl	

NOT VOTING—3

Johnson	Kerry	McCain

The motion was agreed to.

Mr. MENENDEZ. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my friend from New Mexico, who is doing such a wonderful job on the legislation that is in front of us. I wish to compliment everyone who is involved with this legislation for working so hard, including Senator ALEXANDER and Senator BINGAMAN. This is a wonderful bill. So we congratulate them for that.

IRAQ SUPPLEMENTAL

I wish to speak this evening about the supplemental appropriations bill the Senate will vote on later this week. I also wish to rise with great concern and, frankly—I am not sure what the word is; ''disappointment'' is not strong enough for how I feel about what the Vice President has said today about our leader, our great leader in the Senate, who has spoken so passionately and cares so deeply about the troops who are serving us overseas, their families who are here at home, who wants to make sure the strategy is right for them.

We all know—and our military experts have told us time and again—that a military victory is not going to happen, that it has to be a political victory, a political strategy of the Iraqis stepping up and taking control and making the tough decisions they need to make to take control of their own security. We have heard that from many experts within the military and without. Yet today the Vice President was here, not far from this Chamber, unleashing his wrath, as only he seems to be able to, about our leader, calling him names and mischaracterizing his positions. That is extremely unfortunate because while the men and women are serving us right now in Iraq, over there doing their best to focus on the mission, they expect us to be at home focusing on the strategy, the resources, and the equipment they need.

I had an opportunity to talk to a young man not long ago who had come home from Iraq. I asked him how he felt about the debate going on about the strategy, the debate we were having in the Senate and the House. He said, frankly, he would expect us to be doing that because that is our job. That is our job. They are doing their job. As my husband, who was in the Air Force and Air National Guard, reminds me continually, their job is to implement the mission. They are doing it. Our job is to get it right, to have the right strategy, and to back them up and give them the resources they need.

The name calling coming from the Vice President is not going to get the job done. What is going to get the job done is our ability to work together and look at the facts, not some stubborn sense of unwillingness to change or to do more of the same which, unfortunately, is what is happening now with this surge. It is more of the same. Instead of doing that, we need to be joining together to say: Let's look at the reality of what is going on on the ground. More and more Americans and Iraqis are being killed every day. Let's look at the reality of what we need to do to be successful, to bring our troops home safely, to address the success we all would like to see happen in terms of a democracy that works, the Iraqi Government being able to step up and to govern their country, which is an incredibly difficult and complicated thing to do, obviously.

I find it very disappointing. I work with our leader, as we all do every day. There is no one who has spent more time thinking and focusing and discussing and listening on these issues around the war than he has—no one who is more thoughtful or more caring, no one who is more concerned about our veterans coming home.

We welcome, certainly, the Vice President coming and meeting with us and joining in the discussion. But I certainly hope we are not going to see more of what we saw today. It was an effort to attack a great leader and, essentially, instead of moving the ball forward, make it more difficult for us to do what we need to do to come together.

On this particular bill, the supplemental appropriations bill, I certainly hope the President will sign this legislation, will reconsider the position that has been taken and sign this legislation. We are going to be sending a bill to the President that will fund the troops—in fact, it adds dollars to do that—as well as veterans, as well as addressing a number of other critical issues. The question before the President will be, Will he sign this bill? We are not trying to play games. We are sending him an emergency supplemental for the war and for other critical American needs—our communities, our families' needs, just as we do every year in an appropriations bill, in a supplemental. The question is whether the President will step up and do his duty and sign this bill so that those dollars can get to the troops.

This legislation represents the best opportunity for us to change the course in Iraq as well as protect our troops and our veterans and to give them what they need now. Unfortunately, the President has put our troops in the middle of an endless Iraqi civil war. We know this to be true. People in my great State know this is true.

Unfortunately, we find ourselves in a situation where our troops are in an endless civil war. The American people are paying a huge price for this war, most importantly, in lives, not only family members lost but people coming home with permanent disabilities, with head injuries, with mental health problems. There is a huge price being paid by Americans for what is occurring and has been occurring.

We are also paying a huge price in dollars, $10 billion a month, and then we look at the fact that we could fund a program to cover every child with health care in America for $10 billion a year. We know while lives are the most important issue, resources for Americans to address our needs at home is also a critical issue.

We also know we are paying a huge price as it relates to our own security interests. The majority of Americans, a bipartisan majority in Congress, military experts, and the Iraq Study Group believe this war cannot be won militarily and that the current path is not sustainable. The supplemental appropriations bill recognizes it is long past time to change course. The American people know that. That is really what last November was about. People want a change. They know this isn't working. It is not sustainable. They expect us to step up together and make that change.

This bill fully funds our troops. We are passing a bill agreed to by the House and Senate that fully funds our troops and provides a plan to responsibly end the war and bring them home safely. I don't know what more we could ask of the proposal. We are providing the resources and also putting in place a responsible way to provide benchmarks and measurements and bring a responsible end to the war.

Our bill holds the Iraqis accountable for securing their own Nation and forging political reconciliation. We know more of the same—more surges, more efforts that have been tried and tried time after time—is not working. I don't believe they can work. But what can work is holding the Iraqis accountable for securing their own nation and making the tough decisions that one has to make when they want to have a democracy. It is not easy. We know that. They are in a very difficult situation. But it is their country, and they

need to step up and make those decisions and bring all parties together and find some way to live together.

Our bill ensures our troops are combat ready before being deployed to Iraq. I can't imagine that there is one individual in the armed services or one mom or dad or brother or sister or son or daughter of a combat troop that would not want us, and doesn't expect us already, to be making sure that our troops are combat ready before being deployed.

It provides them with all the resources needed on the battlefield and when they return. We are very committed and, in fact, I am very proud of the fact that in our budget resolution passed a few weeks ago, for the first time we meet the dollars needed for veterans health care and other critical veterans services identified by the veterans organizations themselves. For the first time ever, we put forth the dollars that are needed when our troops are coming home. A Presidential veto will deny our troops the resources and the strategy they need and send exactly the wrong message to the Iraqi political leaders. We hope the President will join us in giving our troops the resources and strategy they need and deserve. That is what this bill is about.

After more than 4 years of a failed policy, it is time for this Nation to change course and Iraq to take responsibility for its own future.

This is a good bill we will have before us. Overall, it provides more than $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. It includes a $1 billion increase for the National Guard and Reserves for equipment desperately needed and $1.1 billion for military housing. It provides $3 billion for the purchase of mine-resistant, ambush-protected vehicles, vehicles designed to withstand roadside bombs. Every day we pick up the paper and see where more lives have been lost, injuries have been sustained as a result of roadside bombs. It contains more than $5 billion to ensure that returning troops and veterans receive the health care they have earned with their service so that we don't ever have to have another Walter Reed incident.

It has $6.9 billion for the victims of Hurricanes Katrina and Rita as well. We know when we are doing an emergency supplemental, just as in every other year when our colleagues were in the majority, as well as when we are in the majority, there are a number of emergency needs for the country.

One thing in the supplemental has been funding the troops. We have added funding for our veterans and also understand there are some critical needs at home, critical needs that Americans have. Certainly, we all know the resources and the focus on those families who were hit by the hurricanes have been shamefully slow in going to that region to rebuild American communities, American homes, to support American families. Our bill does that.

It provides emergency funding also for the Children's Health Insurance Program because we have a number of places in the country where the resources are running out, and we want to make sure children can continue to get health care. That is an emergency at home.

Ask any family who is worried about whether their children are going to get sick tonight, say a little prayer: Please God, don't let the kids get sick because what are we going to do. Our bill addresses children's health care emergency funding.

It also includes homeland security investments totaling $2.25 billion for port security and mass transit security, for explosives detection equipment at airports, and for several initiatives in the 9/11 bill that recently passed the Senate. I am very proud of the fact that our new majority placed a priority on passing the 9/11 Commission recommendations. It was long overdue, but it was a priority for us in the first few weeks of our new majority, and we did it. Now we have the resources that go with that. It is not enough to pass the recommendations. We have to make sure the resources are there to keep us safe at home.

So, yes, this is a supplemental bill to support our troops abroad, to support their efforts while they are in theater in combat, but we also know we have folks on the front lines at home, our police officers and firefighters and others, and security needs here. We address that.

We also know there have been a group of folks waiting for way too long for some disaster assistance related to agriculture, including my home State of Michigan where apple and cherry growers have been waiting. In this legislation, $3.5 billion is provided to help relieve the enormous pressure on farmers and ranchers as a result of severe drought and agricultural disasters. Again, this is about helping people at home, putting Americans first when we know there is a disaster. Whether it is Hurricane Katrina or whether it is cherry growers in northern Michigan, our job is to also focus on our people here and their emergency needs.

The conference agreement also includes emergency funding for forest firefighting, low-income home energy assistance, and pandemic flu preparations, which we should all be concerned about—again, critical needs for Americans, American families.

Finally, there are other items in this bill that are good for workers and small business. The bill has an increase in the minimum wage to $7.25 an hour, giving hard-working Americans a much deserved raise after 10 years—10 years. It provides almost $5 billion in tax cuts for small businesses as well. We know the majority of jobs come from small business. This supports their efforts as well.

So I would say to President Bush: Sign this bill. Sign this bill. This is a bill which funds our troops, which keeps our commitments to our veterans, and which addresses other American priorities for our communities and our families.

Mr. President, if you do, we will change course in Iraq, give our troops the equipment they need, the health care they deserve, and provide much needed investments here at home in America.

President Bush, if you veto this bill, you are denying funds to the troops in the field and going against the wishes of the majority of the American people.

It is time for the administration to stop saying no to troops and no to the American people. We need the President to say yes to working with us, to support our troops and what they need, which this legislation does, to support the American people, American families, and critical emergency needs here at home, and to put in place a strategy for success—a real strategy for success—by focusing on efforts that empower and send a message to the Iraqi Government to step up. While we are willing to support them, we will not continue to send our brave men and women into the middle of a civil war day after day after day and continually say it is OK, everything is going great. It is not going great.

It is time for a new strategy. We have put forward a strategy in a very responsible way in this legislation, along with meeting our obligations and responsibilities to our troops, our veterans, their families, and to America as a whole.

I hope when President Bush reads this bill—and I hope he will—I hope he will look at what is in here with an open mind, and agree with us that this is a bill which makes sense for America at home and abroad.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 938 AND 936 EN BLOC

Mr. BINGAMAN. Mr. President, under the previous order, I call up amendments Nos. 938 and 936.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes en bloc amendments numbered 938 and 936.

The amendments are as follows:

(Purpose: To strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation)

Strike section 4002.

(Purpose: To increase the competitiveness of American workers through the expansion of employee ownership, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. EMPLOYEE OWNERSHIP EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than

$763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) UNITED STATES EMPLOYEE OWNERSHIP COMPETITIVENESS FUND.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the ''Fund'') to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION.—

(A) MANAGEMENT.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) FUNCTIONS.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) PRECONDITIONS.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) INSURANCE OF SUBORDINATED LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) ANNUAL PREMIUMS.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) PREMIUMS AND GUARANTEE FEES AVAILABLE TO COVER LOSSES.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) TECHNICAL ASSISTANCE IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) PARTICIPATION TRAINING IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) RULEMAKING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

Mr. BINGAMAN. Mr. President, I also wish to propound a unanimous consent request. I ask unanimous consent that when the Senate resumes consideration of S. 761 on Wednesday, there be 30 minutes of debate with respect to the Sununu amendment No. 938, with the time equally divided and controlled between Senators Sununu and Kennedy or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Tennessee wants to make a comment. If the Senator from Ohio would permit me, I have a very short statement to make concerning an amendment. It will not take more than 5 minutes.

Mr. BROWN. Sure.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Oklahoma and the Senator from Ohio for their courtesy.

I simply want to acknowledge the comments of Senator BINGAMAN from New Mexico and say I think our day has been productive and to say our colleagues have been very helpful in bringing their amendments to the floor.

I ask the Senator what he envisions for tomorrow beyond what he already announced.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his question and his great work on this legislation.

The plan for tomorrow, as I understand it, is we will go ahead with this Sununu amendment at around 10:45 and hopefully vote shortly after 11 o'clock on that amendment. We have talked to Senator COBURN from Oklahoma about considering three amendments he still has that he is committed to offering at some time in the 2 o'clock period.

We urge other Senators who have amendments they wish to have votes on to bring those to the floor for consideration after disposing of Senator SUNUNU's amendment shortly after 11 o'clock. Now, obviously, the Senator's amendment is still pending, as we have indicated, and we still have to get agreement as to how to proceed on that. We are working on that at the present time.

But I agree, we have made good progress today. I hope we can complete the remaining amendments tomorrow and proceed to final action on the bill.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. The majority leader and the Republican leader would both like us to finish tomorrow, if we can. I think we have a good chance of doing that. Senator INHOFE is staying tonight to talk about an amendment he hopes to bring up tomorrow. I talked with Senator GRASSLEY. The number of amendments that seem to need to be offered seems to be narrowing down. I would say to my colleagues, with the briefing that is scheduled for tomorrow afternoon at 4 o'clock, we are going to do our best to get as many of those as possible in before 4 o'clock so we can finish the bill tomorrow, if possible.

I am going to defer any other remarks I have until after the Senator from Oklahoma and the Senator from Ohio and the Senator from New York have had a chance to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what the Senator from New Mexico is suggesting is exactly what I have in mind. I have an amendment I will be calling up at an appropriate time that is mutually agreeable. It does affect the taxation end. I have talked to Senator BAUCUS and Senator GRASSLEY. I believe they are going to be favorable toward it.

There are not many one-sentence amendments. That is what this one is. Let me read it to you and tell you why I am offering it. Then I will wait until tomorrow and hopefully get in the mix.

Notwithstanding any other provision of the law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Let me just give you an example. After World War II, there was an effort to implement the Marshall Plan. When that was done, in 1961, an organization was formed that was called the Organization for Economic Cooperation and Development. This is an international organization which advocates tax increases for the United States specifically to make us less competitive. They have stated explicitly that low-tax policies ''unfairly erode the tax bases of other countries and distort the location of capital and services.''

What we have here is a Paris-based bunch of bureaucrats seeking to protect high-tax welfare states from the free market. That is why the OECD goes on to say that free market tax competition ''may hamper the application of progressive tax rates and the achievement of redistributive goals.'' Clearly, free market tax competition makes it harder to implement socialistic welfare states. The free market, evidently, has not been fair to socialistic welfare states. Well, it is a good thing they have the OECD and nearly $100 million in U.S. taxpayer money to aid them.

Noted economist Walter Williams clearly sees the direction in which this is headed when he says that ''the bottom line agenda for the OECD is to establish a tax cartel where nations get together and collude on taxes.''

Treasury Secretary Paul O'Neill seconded that when he said that he was ''troubled by the underlying premise that low tax rates are somehow suspect and by the notion that any country . . . should interfere in any other country's'' tax policy.

So the Organization for Economic Cooperation and Development has issued a report entitled ''Harmful Tax Competition: An Emerging Global Issue,'' which establishes a new international body, the Forum on Harmful Tax Practices, to implement the measures outlined in the report. The OECD has endorsed and encouraged higher taxes, new taxes, and global taxes no fewer than 24 times. They have advocated a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes from Federal taxes, and new taxes at the State level.

So I believe this is something we will have a chance to debate, and I would think it actually would be accepted. Again, all it is going to be is just one sentence. It reads:

Notwithstanding any other provision of the law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

I cannot think of any more appropriate bill to have this on than this bill we have before us currently.

With that, Mr. President, I yield the floor. I thank the Senator from Ohio, who has stepped aside for me.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I also thank the Senator from Ohio for letting me make some brief remarks, and then I will yield the floor to him.

First, I wish to praise my colleagues from New Mexico and Tennessee, who have done an excellent job on this legislation. I applaud the bipartisan group that put together this extraordinary bill we are considering, the America COMPETES Act, because this legislation will provide invaluable resources to help slingshot our economy forward and ensure that our great country does not lose step with our global competitors.

I am particularly proud of one provision I authored and has been included in the managers' amendment that was adopted earlier today. That is what I want to speak about.

The program is called the National Science Foundation Teaching Fellowship, and it will go a long way toward ensuring that our high school students are taught math and science by the best and the brightest.

I wish to express my deep gratitude to Senators KENNEDY, BINGAMAN, ENZI, and ALEXANDER for including this important provision in the bill. I would also like to thank my friend and colleague, Senator CLINTON, for her valuable support as a committee member in this process.

The NSF Teaching Fellowship is modeled after a highly successful program in New York City called Math for America. The program recruits top math and science graduates to become teachers and retains them as teachers by offering financial incentives. The program will ensure that leaders in math and science train future generations of innovators—instead of leaving the classroom for research or other opportunities.

It is working in New York City, and it is crucial to expand this model to the rest of the country. Let me share with you some statistics that will explain why.

Our students are not currently prepared to compete in a technological economy. In the 2003 PISA math assessment that compared 15-year-old students across the world, American students ranked 24th out of the 29 participating countries—here in America, in math, 24th out of 29. How are we going to stay the greatest country in the world when that has happened?

Students currently studying math and science will be the fuel that powers our economy for the next century, and there is no question we are not giving them the tools they need to compete.

One reason why our students are not doing well is because only one-third of math teachers and less than two-thirds of science teachers majored or minored in the subject they teach. It is not hard to understand why. Starting salaries for math and science majors can be as much as $20,000 higher in the private sector than they are for public school teachers. But by allowing this disincentive to teach to continue, we are ignoring our responsibility to have our students taught by teachers who know math and science backward and forward. The bottom line is the American economic engine may stall if we don't have a highly skilled workforce to keep it going. Unfortunately, this is where we are faltering.

So today the Senate has adopted the NSF Teaching Fellowship program, along with other excellent provisions in the America COMPETES Act, to fill in the gap. Here is how the program will work. NSF teaching fellows will have to take a test to prove their strengths in math or science. Then they enroll in a 1-year master's degree program in teaching that will give them teaching certification, and it is all paid for. They will agree to teach for at least 4 years, and for those 4 years, they will receive bonuses on top of their salaries. These individuals will infuse our schools with a deep passion for and an understanding of math and science and will share their knowledge with other teachers in their school.

To retain our current teachers who are outstanding at what they do and can provide expertise in the classroom that our teaching fellows won't yet have, there is another category called NSF Master Teaching Fellows. Master fellows are existing teachers who already have a master's degree in math or science education. They will also take a test demonstrating they have a high level understanding of their subject area. For the next 5 years they will serve as leaders in their school, providing mentorship for other teachers in their department as well as assisting with curriculum development and professional development. For these 5 years they also will receive bonuses on top of their salaries.

Last year I introduced the Math and Science Teaching Corps Act with my friend Congressman JIM SAXTON in the House. Today that bill has evolved into a program that has been included in the America COMPETES Act.

The question is: Will this generation have the skill sets necessary to take full advantage of this new economy? Right now our children are lagging behind and we must act quickly before businesses need to look elsewhere. Math and science skills are the key to

maintaining this country's competitiveness in the global economy, and this legislation will help ensure that.

I believe the NSF Teaching Fellowship, as well as the rest of the America COMPETES Act, will put us back on track. I am proud to have been included in the process and I look forward to working with my colleagues to complete work on this important bill.

MEDICARE

Mr. President, I want also to take 1 more minute to address the comments this afternoon of my friend and colleague Senator GREGG. He and I often agree, and I believe we do on this particular issue as well, about the need to shore up Medicare. I think he misunderstood my comments from yesterday and I want to take a moment to discuss them.

Yesterday the Social Security and Medicare trustees released their annual report showing that Social Security does not face an impending funding crisis, but Medicare funds are less secure. The report indicates that the Social Security trust fund would be solvent 1 year longer than was predicted in last year's report, that is until 2041, but Medicare would be exhausted as soon as 2019 in terms of the Medicare trust fund.

The Senator should know I did not and would not attack the independent trustees of the Medicare and Social Security trust funds. My statement responded to two things: first, the administration's misguided mission to use any and all news with regard to Social Security as an opportunity to push for privatizing Social Security; second, the administration's unwillingness to do something to fix underlying problems in our health care system and reduce budget deficits to shore up Medicare before it is too late.

My colleague from New Hampshire pointed out that most of us on this side of the aisle voted against some of his amendments. That doesn't mean we don't want to fix Medicare; it means we don't agree with the way he is proposing. In fact, we have to get a handle on the whole health care system to fix Medicare, not chop away and slash away at Medicare itself. So I agree with the Senator from New Hampshire, we can't leave these problems to future generations. I look forward to working with him on that important issue.

I once again thank my good colleague from Ohio for his generosity of both time and spirit.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, before the Senator from Ohio goes forward, I simply say to the Senator from New York I applaud his work on the math program. I remember last year when we talked about it, and I met with his constituents who have done so much good work with that model.

Among the other things which are important about the program is that it defines a fair way of identifying a high-need set of teachers—in this case math and science—and when they go into teaching, to pay them more for being good teachers. That is a tough thing to do. It is tough to do that in a fair way, but the Senator has found one way to do it. We have a variety of other ways to do it. Senator DURBIN and I have supported an amendment, the teacher incentive fund, which encourages that sort of experimentation, a not-made-in-Washington formula.

But if we are to have areas of high need such as math and science and low-income children who can't achieve, we are going to have to find some fair ways for outstanding school teaching and leadership. The Senator from New York has taken an important step in that direction as part of what he has done today, and I congratulate him for that.

Mr. SCHUMER. I thank my colleague.

VOTE EXPLANATION

Mr. OBAMA. Mr. President, during rollcall vote No. 137 today, I was at a speaking engagement in another part of the city and was unable to return in time for the vote. Had I been able to vote, I would have voted for the amendment offered by Senator DEMINT.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Majority Leader REID's legislation S. 761, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science—COMPETES—Act of 2007 to help maintain our Nation's competitive edge in the critical areas of math, science, engineering and technology.

I am pleased to be a cosponsor of this important bill with 57 of my colleagues.

This bill will strengthen educational opportunities in math, science, engineering, and technology from elementary through graduate school, increase the Federal investment in basic research, and develop an innovation infrastructure—all which is greatly needed in an increasingly competitive global economy.

This bipartisan bill reflects recommendations by the National Academies' report ''Rising Above the Gathering Storm'' and the Council on Competitiveness' ''Innovate America'' report.

Both of these reports conclude that action is needed now in order to secure our country's economic and technological leadership in the future.

For example, indicators of the need for action are the following: More than 600,000 engineers graduated from institutions of higher education in China in 2004. In India, the figure was 350,000. In the U.S., it was only about 70,000. Science and engineering jobs are expected to grow by 21 percent from 2004 to 2014, compared to a growth of 13 percent in all other fields, based on Bureau of Labor Statistics reports.

Nationwide, about 68 percent of middle school math students were taught by teachers who did not have a major or certification in the subject. For science middle school students, 57 percent were taught by teachers who did not have a major or certification in the subject—based on the 2004 report by the National Center for Education Statistics.

In California, the State also faces a critical shortage of math and science teachers. The State will need to produce more than 16,000 new math and science teachers within 5 years and more than 33,000 over the next decade due to attrition and retirement. This is from the March 2007 report by the California Council on Science and Technology.

This report also concludes that strengthening the teaching of math and science is crucial if California is to maintain its competitive edge and economic growth.

That is why it is imperative that we take steps to ensure that our children, as our future leaders, are fully prepared with the skills to take on the demands of the country's changing economy and workplace.

Specifically, this bill would increase authorized funding for the National Science Foundation from $6.8 billion in fiscal year 2008 to $11.2 billion in fiscal year 2011. California receives about 20 percent of total funding from NSF grants; increase authorized funding for the U.S. Department of Energy's Office of Science from $4.6 billion in fiscal year 2008 to over $5.2 billion in fiscal year 2011. California receives over 20 percent of total Federal funding; direct NASA to transfer $160 million from its accounts for the funding of basic science and research for fiscal year 2008 and fully participate in interagency activities to foster innovation; authorize $290 million over 4 years to establish a Distinguished Scientists Program under the U.S. Department of Energy which would be a joint program between universities and National Laboratories to support up to 100 distinguished scientist positions; authorize $210 million for fiscal year 2008, and such sums as necessary for each of the following three years, for new grants under the U.S. Department of Education to develop university degree programs for students to pursue bachelor's degrees in math, science, engineering, and critical foreign languages with concurrent teaching credentials.

Also, grants would be used for master's degree programs in these fields for current teachers to improve their skills.

This model is similar to the University of California's California Teach Program which aims to put a thousand new math and science teachers annually into the State's classrooms.

It will authorize $190 million over 4 years to create a new grant program to improve the skills of K–12 math and science teachers, under the U.S. Department of Energy, for summer institutes at each of the National Laboratories; authorizes $146.7 million for fiscal year 2008 and such sums as necessary for the following 3 years to provide ''Math Now'' grants, under the

U.S. Department of Education, to improve math instruction for struggling elementary and middle school students; authorize $140 million over 4 years for a new competitive grant program under the U.S. Department of Energy to assist States in establishing or expanding statewide math and science specialty schools and provide expert assistance in teaching from the National Laboratories' at these schools; establishes a President's Council on Innovation and Competitiveness and requires the National Academy of Sciences to conduct a study to identify barriers to innovation 1 year after enactment.

America's economy is fueled by innovation, and innovation is enabled by a strong foundation in math and science. Our country's math and science foundation is eroding, and our innovative strength is similarly weakening.

The U.S. trade balance in high-technology products has shifted from a $54 billion surplus in 1990 to a $50 billion deficit in 2001.

This legislation can help reverse this trend. It will help maintain our Nation's global competitiveness and continue to attract the best and brightest minds across the country to pursue careers as engineers, scientists, technicians, and very importantly, as math and science teachers.

I urge my colleagues to support this important legislation.

Mr. CARDIN. Mr. President, I rise today in strong support of S. 761, the America COMPETES Act of 2007. If we consider the people who have given us the light bulb, the blood bank, the artificial heart, the microchip processor, and Microsoft, we must acknowledge that access to quality education and openness to innovation in America have nurtured many of the most influential inventors and the best trained workforce in modern history.

But while technological progress has revolutionized the workplace, our education system has failed to keep pace; now, many of our Nation's schools are unable to provide their students with the scientific, technological, engineering, and mathematical knowledge and skills the 21st century economy demands. Without sufficient numbers of well-trained people and the scientific and technical innovations they produce, the United States is in jeopardy of losing its place as the center for the high-quality jobs and innovative enterprise that have been part of our national heritage.

I applaud Senators BINGAMAN and ALEXANDER and the other leading sponsors of the bill for taking action to ensure that this Nation remains a leader for innovation, and I am proud to join them as a cosponsor of this bill. I am grateful to the academic and business leaders, including Nancy Grasmick, the Maryland State superintendent of schools, and Dr. C.D. Mote, Jr., president of the University of Maryland, who produced both the National Academies' ''Rising Above the Gathering Storm'' and the Council on Competitiveness' ''Innovative America'' reports and recommendations that serve as the foundation for this legislation. I am proud of the legislation the Senate is considering: it takes significant steps to stimulate and support innovation in our Nation.

When I ask young scientists and engineers what triggered their interest, they cite—almost without exception—a teacher, mentor, or internship as the inspiration for their love of science, math, and innovation. I am pleased, therefore, that this bill includes several measures to improve teacher recruitment and training, develop partnerships between schools and laboratories, and encourage internship programs. All of these provisions will increase students' exposure to inspirational teaching, talented scientists, and real-world experience.

Education research and the anecdotal evidence I mentioned above indicate that teacher quality is the most important factor influencing student achievement. Yet our best teachers are not evenly distributed among our Nations communities. Far too many of our highest need school districts are struggling to recruit and retain experienced teachers. To address this inequity, S. 761 includes important measures to recruit and train high-quality math and science teachers for high-need school districts. The legislation also creates mentorship and apprenticeship programs for women, who are underrepresented in science, technology, engineering, and mathematics careers.

The growing gap between what is taught in elementary and secondary schools and the skills necessary to succeed in college, graduate school, and today's workforce threatens the implicit promise we have each made to our own children and those whom we represent: get good grades in school and you will succeed in life. S. 761 contains competitive grants to States that will encourage better alignment of elementary and secondary curricula with the knowledge and skills required by colleges and universities, 21st century employers, and the Armed Forces, so that high school graduates will be prepared to succeed in the world.

Those students who choose to pursue high-tech careers require Federal funding to conduct research. Many scientists and mathematicians make their greatest discoveries early in their careers, before they have developed the track records and reputations often required to secure research grants. The leaders of Johns Hopkins and other great Maryland research institutions have told me that it is difficult for their young and most daring researchers to secure necessary research funding.

S. 761 would significantly increase America's investment in research, doubling funding for the National Science Foundation and the Department of Energy's Office of Science over the next 4 years and authorizing a significant increase in funding for the National Institute of Standards and Technology. But the legislation goes further by also targeting more funds to young researchers and high-risk frontier research. S. 761 would increase the number of research fellowships and traineeships that provide critical support for science, technology, engineering, and mathematics graduate students and would require NIST to set aside at least 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Today, we face enormous technological challenges, which include halting global climate change, achieving energy independence, and finding cures for AIDS, malaria, diabetes, and other devastating diseases. We must equip ourselves with skills and resources to tackle these problems so that our children and grandchildren may inherit a world rich with economic opportunities. Therefore, I am urging my colleagues to join me in support of this critical legislation.

Mr. ROBERTS. Mr. President. I rise today in support of S. 761, the America COMPETES Act. This sweeping legislation takes bold steps to recapture America's prowess in the global economy.

The demand for talented persons in the areas of science, technology, engineering, mathematics, and critical foreign language far exceeds the supply in the United States. The likelihood of finding a job in these high-need areas after college is almost guaranteed, yet we find ourselves still lagging behind other countries in producing these graduates. America ranks No. 24 out of industrialized nations in mathematical literacy for children entering high school. Right now, China is graduating four times the number of engineers as the United States, with India not far behind.

I am deeply concerned with these trends. It is vital to have a superior science and mathematics education system and workforce. In 1997, I formed an Advisory Committee on Science, Technology, and the Future in my home State of Kansas. This committee helps me find ways to align Federal and State initiatives to enhance science and technology in the State. The advisory committee has been instrumental in identifying high-need high-tech jobs in the State while focusing on ways to educate, train, and attract talented persons into these fields.

Kansas continues to be a State rich with high-tech industry. Wichita is the aviation capital of the United States, producing approximately 50 percent of all U.S. general aviation. This industry needs aviation researchers, engineers, and skilled technicians. My home State is rapidly growing in the areas of bioscience, including drug discovery, new treatments for disease, food safety, animal health, and renewable energy. The Roberts Advisory Committee has recognized that while these industries are growing, they have a limited

pool of talented employees to choose from.

Like many States, Kansas is facing a shortage of math and science teacher applicants. I agree with my advisory committee that global competitiveness lies with our younger generation. It is imperative that we provide them with an education from science and math teachers possessing a solid knowledge base and effective teaching skills. We also need to find ways to spark students' interests in math, science, and technology while they are in the early years of education. The America COMPETES Act addresses these needs by strengthening the skills of math and science teachers, creating partnerships between National Laboratories and high-need high schools, facilitating the expansion of advanced placement programs, and increasing the number of students who study foreign languages.

Additionally, the bill provides an increase in research investment by doubling the funding for the National Science Foundation, NSF. The grants distributed to States from the NSF are being used to conduct extraordinary research in every corner of the world.

My advisory committee supports the America COMPETES Act, and so do I. It is only through our commitment to the underlying goals of this bill that we will see success in building our competitive workforce.

Ms. MIKULSKI. Mr. President, I would like to thank my colleagues Senator JEFF BINGAMAN, Senator PETE DOMENICI, Senator LAMAR ALEXANDER, and Majority Leader HARRY REID for their efforts to move this issue. I am so proud of this great bipartisan team of 54 Senators working to pass this bill. I can't say enough about the appreciation that many of us in the Senate feel about my colleagues' initiation of the report, ''Rising Above the Gathering Storm,'' which is the basis for this legislation, the America COMPETES Act.

America must remain an innovation economy. This legislation creates the building blocks that we need for a smarter America. Our Nation is in an amazing race—the race for discovery and new knowledge, the race to remain competitive and to foster an innovation society, to create new ideas that lead to new breakthroughs, new products, and new jobs, the innovations that have the power to save lives, create prosperity and protect the homeland, the innovation to make America safer, stronger, and smarter.

This legislation is called the America COMPETES Act or America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science. It is divided into three sections: research, education and innovation. It calls for getting new ideas by doubling Federal funding for research at the National Science Foundation and establishing the Innovation Acceleration Research Program to fund frontier research like testing new theories and using new research methods; getting the best minds with scholarships for future math and science teachers, including $10,000 scholarships from the National Science Foundation for undergraduate students majoring in math or science along with teacher certification; and establishing a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation and competitiveness in the public and private sectors.

Why is this so important? Because a country that doesn't innovate, stagnates. The whole foundation of American culture and economy is based on the concept of discovery and innovation. That is part of our culture. When you look at what has made America a superpower, it is our innovation and our technology. We have to look at where the new ideas are going to come from that are going to generate the new products and workforce for the 21st century.

I want America to win the Nobel Prizes and the markets. This legislation will help to set the framework. It will make sure that we're helping our young people with scholarships and helping our science teachers and those working in science with funding and research opportunities. We also are forming partnerships with the private sector and building an innovation-friendly Government.

The very essence of our culture is innovation and discovery. Remember we got here because someone wanted to discover. When Lewis and Clark set out on their expedition, it wasn't the National Geographic Society, to find a trail to the Pacific—it was called the Corps of Discovery. That is who we are. That is what our culture is, and that is what we need to maintain.

We are a nation of explorers and pioneers always searching for new frontiers. The next generation of pioneers, engineers, and scientists is out there. They will help us create jobs and win the markets. Most importantly, they will help us win the amazing race. I will use my position as chair of the subcommittee that funds science to make sure that there is money in the Federal checkbook to support these proposals, and I hope my colleagues will do the same.

Mr. HATCH. Mr. President, I have an amendment to S. 761, the America COMPETES Act. My amendment would allow competency-based institutions of higher learning to access grant programs which will help them train math, science, and critical foreign language teachers.

I applaud the goals of increasing the numbers of math, science, and critical foreign language teachers in our schools, including high-need schools. Our ability to compete as a nation is directly tied to our ability to educate our young people and retrain those who are in industries that are no longer viable.

We now have the finest system of higher education in the world. There is no doubt that if we provide the proper incentives, many brilliant innovators and educators will take up the clarion call.

I come before this body today to introduce my amendment because many of today's teachers are teaching an older generation of students. The U.S. economy is in a state of continual change, and with that change comes displacement of workers and a need to retrain and retool. These nontraditional students often receive their training from accredited schools who assess student development based on a student's ability to demonstrate competency in the material being taught. Under the bill as drafted, these competency-based universities would not be able to access the grant money for teacher development. My amendment would remove this bias and allow competency-based universities access to the teacher development grant money. This in turn will increase the teaching quality in math, science, and critical foreign language, thereby providing the students attending these universities with a better education.

Current bill language would prevent participation by well-respected and widely recognized institutions, such as Western Governors University, WGU. WGU was set up by over 19 Governors to provide innovation in higher education and is now training over 1,000 math and science teachers, the majority of whom are women and minorities. WGU's innovative approach to teacher education has proven very successful.

As we set about to ensure that our Nation has the needed highly qualified teachers in critical subject areas, we must make certain that these institutions are included in this legislation. Therefore, I ask my colleagues to join me in supporting this amendment.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

SUPPLEMENTAL APPROPRIATIONS

Mr. BROWN. Mr. President, recently we learned that the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well, General Wade and others in Ohio assure me, and their past history shows they will. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training, with inadequate equipment, with insufficient downtime.

The conference report released last night echoes what many of us in Congress and what so many military families across our great country have been saying: We need a new direction for Iraq.

Make no mistake, we take a back seat to no one in supporting the brave men and women fighting in Iraq, and we absolutely support their families. But more of the same is not a plan for our troops. More of the same, more involvement in this civil war, will not end the war in Iraq. This war has made our country, and our world, less safe. The Iraq war has cost 142 Ohioans their lives and wounded another 1,000.

GEN Colin Powell, talking about the President's surge, the President's escalation of this war, has said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

Colin Powell, General Powell, recognizes this is a civil war, recognizes that the surge, the President's escalation will not result in a different outcome in Iraq.

Congress will continue, of course, to fight for our Nation's military by working to see that they have the resources and the support they need and the leadership they deserve. The conference report fully funds and fully supports our troops while establishing conditions that will bring our troops home. It provides desperately needed funding to the Veterans' Administration to help care for the hundreds of thousands of new veterans created by this war.

When we think of the carnage brought about by this war, when we think of the literally tens of thousands of men and women who serve this country and who are back from Iraq and who are in the Veterans' Administration health care system, we understand why we need from our Government literally a 50-year plan. What are we going to do for the next five decades for these injured men and women who have suffered psychological injury and physical injury? Yet this administration is not even funding our troops, the health care of our returning troops well this year, let alone planning into the future. This supplemental bill we will send to the President in the next few days begins the process of what we need to do to take care of the health and the welfare of these returning troops, these injured, psychologically and physically injured soldiers.

If the President won't take responsibility for his failures and lead our troops home, then Congress needs to and Congress will. We owe it to our soldiers, to our sailors, to our airmen and women and to our marines, and we owe it to their families.

The President should listen to military leaders and the American people and work with Congress to change course in Iraq instead of threatening vetoes. Vetoing this legislation would deny funding that our military needs in Iraq. It would deny funding our veterans desperately need who have returned home.

The President says there is too much pork, too much spending in this bill, as if every other supplemental bill that previous Republican Congresses, the House and Senate, have sent to the President every time with other supplemental emergency spending has not. Mr. President: Please read this bill. Don't dismiss it out of hand because you don't like some of the language about Iraq, even though it protects our soldiers, even though it takes care of our veterans, even though it does things such as spend $3 billion for the mine-resistant ambush-protected vehicles, vehicles that will make our troops considerably safer than the flat-bottomed vehicles where far too many of our troops have been killed or badly injured.

This supplemental bill we are sending to the President includes billions of dollars for BRAC, billions of dollars for military construction, the kind of work we need to do to make our military even more efficient, even more productive. It spends $1.6 billion for individual body armor, something the military and the civilian leadership in the White House and the civilian leadership in the Pentagon have fallen short on, providing the kind of body armor for our troops and the kind of up-armor for our humvee vehicles that is needed.

I ask again, Mr. President: Please read this bill before you decide what you are going to do, and then sign this bill. The VA would get $1.7 billion more than the VA proposal from the President, which was zero; it would have $39 million in polytrauma-related funding; it would have $10 million for blind veterans programs. It has $100 million for VA mental services. It has $25 million for prosthetics.

This legislation we are sending to the President—again we ask him to read it before making his decision instead of dismissing it out of hand—has all kinds of support for our troops, for their health care, for their supplies, for supplying them in the field. It has way more money for our troops in Iraq, in Afghanistan, and for those troops returning home in our VA system, way more resources than the President has allowed in his budget.

The President has set our Nation on a path that leads nowhere. He did not listen to the voters last fall. He has not listened to the Iraq Study Group, the bipartisan panel of very distinguished Americans. He has not listened to many of the military advisers, free to speak freely, and he has not listened to the House and the Senate majorities about this legislation.

In addition, this legislation provides for help for mine safety. It provides for emergency spending for the LIHEAP program, for elderly indigent people who have had their heating or air-conditioning cut off because they simply can't afford to pay for their energy use at home. It has support for the pandemic flu. It has pandemic flu protections. As Senator STABENOW from Michigan said a few moments ago, it has a minimum wage increase, something this Senate or House has not done for 10 years.

Mr. President: Please read this bill before you decide whether you are going to sign it or veto it, and please listen again to General Powell, who said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

We are on the wrong course in Iraq. If the President signs this bill, it will help us redeploy our troops more quickly out of Iraq in the most orderly and safest way possible. It will also equally and importantly provide for health care for our troops, for the tens of thousands of injured troops who have returned home from this war.

Mr. President, I yield the floor.

HONORING PROFESSOR CHERIF BASSIOUNI

Mr. DURBIN. Mr. President, I wish to honor an outstanding Illinoisan, Professor Cherif Bassiouni, a great legal mind, teacher, and humanitarian, and to congratulate him on his retirement.

For more than 40 years, Professor Bassiouni has made Chicago—and DePaul University—his home. At DePaul, he has made countless contributions to international law and legal education. He has also been a consistent advocate for the rule of law. His legacy at DePaul continues the legacy of his family. The Bassiouni family is widely known for their impact on the struggle for independence in Egypt almost one century ago.

Cherif's maternal and paternal grandparents were lawyers and leaders in the struggle for Egyptian independence. His paternal grandfather led the 1919 revolt against the British. Professor Bassiouni's early instruction was comprised of French Jesuit schooling, Muslim tutors, and European nannies. His upbringing encompassed the best of different societies and was a sign of great things to come. He was introduced to the charitable works of St. Vincent de Paul and since his youth, has been guided by St. Vincent's motto, ''to serve God by serving the needs of man.'' He lived through some of the most dramatic moments in both Egyptian and American history; he was a solider during the 1956 war but then dissented against Nasser's regime and was placed under house arrest. Soon afterward he immigrated to the United States.

After finishing his law degree, Professor Bassiouni began his teaching career at the DePaul University College of Law in 1964, where he was able to link the experiences of his youth to the work of his adult life. He was steadfastly devoted to the advancement of human rights. He did pro bono work for clients involved in the civil rights movement that culminated in the 1967 Chicago riots and the 1968 Democratic National Convention protests. Ten years later he applied what he had learned to his native land, by advising President Anwar Sadat during the Camp David Peace Accords.

As a legal scholar, Professor Bassiouni's accomplishments are astounding. Several thousand judges and professors worldwide have studied under him. He is considered a world authority in the field of international criminal law. He cochaired the United Nations Committee of Experts that drafted the Convention Against Torture. He drafted this seminal document from his ninth floor office in the O'Malley Building of DePaul, right down the street from my office in Chicago.

At DePaul, Professor Bassiouni has left a lasting mark, perhaps most notably for his founding of the International Human Rights Law Institute. The IHRLI already has impacted generations of students and assisted people throughout the world.

Cherif Bassiouni has been a Nobel nominee and is a recipient of the Illinois Order of Lincoln—among many other honors. He was pivotal in the creation of the International Criminal Court. His has been a voice of reason and experience in complicated situations, including most recently his work as counsel to the Governments of Afghanistan and Iraq as they seek to establish rule of law. I hope he will continue to advise these wounded nations as they move towards peace and democracy.

I conclude by thanking Professor Bassiouni for his brilliant work and contributions not only to DePaul University but also to the lives and communities his work has helped shape. I commend him and his family and wish him an equally brilliant retirement.

IN MEMORY OF REPRESENTATIVE JUANITA MILLENDER-McDONALD

Mrs. BOXER. Mr. President, today I honor the memory of Representative Juanita Millender-McDonald, a kind-hearted woman whose remarkable life touched so many of us.

Juanita was a loving mother, and a dedicated public servant who approached her work with an upbeat attitude and can-do spirit that was an inspiration to us all.

Her passing is a tragic loss for California, the 37th Congressional District she so ably represented, and the many Members of Congress with whom she has worked over the years.

Juanita's career broke through so many barriers for women and African Americans. Her rise as the first African American woman to chair a Congressional Committee was only the latest of many firsts in her career.

In her seven terms of service in the House of Representatives, she fought valiantly for the rights of women, for the security of our Nation, and for the protection of human rights across our Nation and the world.

Juanita's efforts to reach across the aisle made her one the most effective Members of Congress, but it was her bold initiatives that embodied the courage with which she followed her convictions.

In her first year in Congress, Juanita immediately demanded the attention of the nation when she brought then-CIA director John Deutsch to Watts to address a newspaper report that the CIA was using profits from domestic crack-cocaine sales to fund CIA-backed Contras in Nicaragua.

Juanita's commitment to the health of our communities has been profound, and her efforts addressed the needs not only of her constituents, but to the victims of disease around the world.

She led the charge to enact the Mother-to-Child HIV–AIDS Transmission Act that has become the foundation of President Bush's $15 billion African AIDS initiative. For nearly a decade, Juanita coordinated the annual AIDS Walk in her district to help continue to inform the community and raise awareness of this deadly disease.

During her tenure as the Ranking Member of the Committee on House Administration, Juanita fought to ensure that every ballot that is cast is counted, and that all of the citizens of our country would know their voting rights.

Juanita has been inspiring young women since the beginning of her career as an educator in California, when she served the Los Angeles Unified School District as a career counselor and edited Images, a state textbook which encouraged young women to pursue non-traditional careers.

As the Democratic Chair of the Congressional Caucus for Women's Issues, she sought to address the plight of women globally, brought together the women of Congress with the first female Supreme Court Justices to discuss issues important to women across the Nation, and sought recognition for the women in uniform who have served our country in times of war with the first annual Memorial Day Tribute to Women in the Military at the Arlington National Cemetery's Women's Memorial.

On so many issues, I have been fortunate enough to consider Juanita a valuable ally and friend, but I will especially miss her work as a leading voice on the House Transportation and Infrastructure Committee. As the Representative of a district with two of the busiest ports in the United States, Juanita was a passionate supporter of the effort to ensure that the movement of goods is safe, secure and efficient.

Through these past years, Juanita and I worked together to keep the C–17 production line from being mothballed by President Bush and furloughing hundreds of employees.

I know that Juanita's presence will be sorely missed by communities which she served so tirelessly. Today I send my sincere condolences to her husband James, her five children, her staff, and all those who knew and loved her. Together we will continue her important work.

ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Armenian Genocide.

Ninety-two years ago today, on the night of April 24, 1915, the Ottoman government launched a series of raids in which hundreds of Armenian leaders and intellectuals were arrested and subsequently deported or killed. This event marked the beginning of a systematic campaign of murder, deportation, and forced starvation, during which as many as 1.5 million Armenians perished and 500,000 were exiled by the Ottoman government.

We are obliged to remember and speak about their suffering because silence about such atrocities plants the seed for another tragedy.

On the eve of the 1939 Nazi invasion of Poland, seeking to allay the fears of his aides, Adolf Hitler said: ''Who, after all, speaks today of the annihilation of the Armenians?''

And today, the world is again witnessing genocide, one waged by a government against its own people, one involving mass murder, ethnic cleansing, and forced starvation. I am speaking, of course, about the genocide in Darfur.

Let there be no mistake. The ongoing genocide in Darfur, carried out by the Government of Sudan and its janjaweed militias, traces its roots to the silence and quiescence of the international community during previous episodes of genocide and ethnic cleansing, including the Armenian genocide.

By acknowledging and learning from the Armenian genocide, then, we become better positioned to prevent present and future atrocities.

Open discussion of the Armenian genocide serves another important purpose. It enables the descendants of those involved in the Armenian genocide—both perpetrators and victims—to mend the wounds that have not yet healed.

As recently as January of this year, a Turkish-Armenian journalist, Hrant Dink, was murdered because of his outspoken advocacy for Turkish recognition of the Armenian genocide. This incident serves as an important reminder that an open, informed, and tolerant discussion of the genocide is critical.

California is home to many of the descendants of the genocide's survivors, who immigrated to the United States and, over the course of a few decades, built strong and vibrant communities. Working closely with the Armenian-American community over my many years in public service, I know how alive and painful this issue continues to be for many Armenian Americans.

So I rise before you today and ask that you join me in acknowledging and commemorating the Armenian genocide. Together, let us send a strong message that such atrocities will never be accepted, regardless of when and where they take place.

And let us ensure that the legacy of the Armenian genocide is one of reconciliation and hope.

Mr. REED. Mr. President, today, on behalf of the Armenian population of Rhode Island, and Armenians around the world, I wish to recognize the 92nd anniversary of the Armenian genocide.

On April 24, 1915, nationalists in the Ottoman Empire rounded up, deported, and executed 200 Armenian community leaders, writers, thinkers, and professionals in Constantinople, present day Istanbul. Also on that day in Constantinople, 5,000 of the poorest Armenians were massacred in the streets and in their homes. These events sparked an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., unsuccessfully pleaded President Wilson for intervention. Unfortunately, the United States and the world tragically failed to intervene on behalf of the Armenian people. Ambassador Morganthau would later write in his memoir, ''The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

Today, as a proud supporter of S. Res 106, legislation officially recognizing the Armenian genocide, I urge 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 U.S. record relating to the Armenian genocide. Dr. Martin Luther King, Jr., stated over 50 years after the Armenian genocide that: ''Injustice anywhere is a threat to justice everywhere . . . Whatever affects one directly, affects all indirectly.'' The time has come to officially recognize the Armenian genocide.

The United States is proud to have Armenia as an ally in the rebuilding and reconstruction of Iraq. For the past 4 years, Armenian soldiers have supported American and multinational force efforts in Iraq. As part of the Polish-led multinational division in south-central Iraq, Armenians have worked as truckdrivers, bomb detonators, and doctors. Armenia has proclaimed their fight by not allowing others to be left helpless as they were nearly a century ago.

We must study and remember the events of our past in order to be better citizens of tomorrow. In instances such as the Armenian genocide, I call on all nations, not just the United States, to educate their youth to stand against hatred and prejudice of others in order to deter future atrocities against humanity. We should be prepared to take a vigilant stand against similar atrocities, such as the current situation in Darfur, to not let history repeat itself.

We must honor the victims of the Armenian genocide by vowing to never allow the world to stand idle to atrocities against humanity again.

Menk panav chenk mornar. We will never forget.

Ms. KLOBUCHAR. Mr. President, I wish to add my voice to those asking that today, the 24th of April, 2007, be a day of reflection and remembrance for those Armenians who perished in the genocide that occurred between 1915 and 1923.

As many as one and a half million Armenians lost their lives during this systematic campaign of ethnic cleansing conducted in Turkey while the world was preoccupied by the First World War and its aftermath. That the major powers, including the United States, did not prevent or intervene at any point to stop this killing represents one of twentieth century's ugliest stains on humanity.

While today we all would like to believe that had world leaders been acutely aware of the atrocities occurring they would have acted to stop them, recent episodes make a clear that we as a people continue to struggle with the obligation to speak out when our neighbor's blood is shed. In Bosnia, Rwanda, and right now in Darfur, the world has stood by while hundreds of thousands of innocent civilians are slaughtered. Any action on the part of the international community has been too little and far too late.

Because I believe we cannot prevent future genocide unless we recognize past genocide, I am a sponsor of Senate Resolution 106, which calls upon the President to ensure that this Nation's foreign policy reflects appropriate understanding and sensitivity concerning human rights, ethnic cleansing, and genocide documented in the U.S. record relating to the Armenian genocide.

I join many of my colleagues today in urging the Senate to pass this resolution.

Turkey is good friend of the United States and a critical ally in the fight against terrorist networks. I hope that the ties that bind our two nations only grow closer in the coming years, as we continue to work through NATO to ensure cooperative security. And I will join my colleagues in pressing for Turkey's admittance to the European Union.

However, I believe that the Armenian genocide must be acknowledged.

Today, the 92nd anniversary commemorating this incident, we pause to pay tribute to those who died and renew our commitment to ensuring that similar atrocities never again occur.

DEFENSE AUTHORIZATION ACT

Mr. WARNER. Mr. President, I rise tonight to respond to those who have questioned the legislative history and intent of section 1076 of the fiscal year 2007 Defense Authorization Act, a provision dealing with the use of the Armed Forces and National Guard in major public emergencies.

This provision was the subject of a hearing today before the Senate Judiciary Committee.

I would like to outline that this provision was drafted jointly by the Senate Armed Services Committee in a bipartisan and transparent fashion, was approved unaninmously by the committee, and was printed on May 9, 2006 as part of the Senate report on this bill.

The provision was fully available in the public domain for review and debate for over 5 months prior to its final passage in the House and Senate, and approval by the President.

During the brief period today that I have had the opportunity to again review this legislation, I did not uncover any material that suggests there were any serious misgivings regarding this provision by Federal, State, or local officials.

I believe the committee's record speaks for itself. Attached below is an excerpt as put forth in the final conference report:

REPORT 109–702—CONFERENCE REPORT TO ACCOMPANY H.R. 5122

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007 (EXCERPT)

USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES (SEC. 1076)

The Senate amendment contained a provision (sec. 1042) that would amend chapter 15 of title 10, United States Code, the so-called 'Insurrection Act,' to clarify and update the statute, and to make corresponding changes toother provisions of law. Chapter 15 contains a collection of statutes dating to the 18th and 19th centuries that authorizes the use of the armed forces to put down insurrections, enforce Federal authority, and suppress conspiracies that interfere with the enforcement of Federal or State law.

The provision would amend section 333 of title 10, United States Code, to authorize the President, in any situation in which he determined that, as a result of a natural disaster, terrorist attack or incident, epidemic or other serious public health emergency, or other condition, domestic violence occurred to such an extent that the constituted authorities of the State are incapable of maintaining public order, and the violence obstructed the execution of the laws of the United States of impeded the course of justice thereunder, to use the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States until the State authorities are again capable of maintaining order. The President is to notify Congress of his determination to exercise this authority as soon as possible and every 15 days thereafter as long as the authority is exercised.

The provision would also amend chapter 152 of title 10, United States Code, to authorize the President, in any situation in which he determines to exercise the authority set out above, to direct the Secretary of Defense to provide supplies, services, and equipment necessary for the immediate preservation of life and property. Such supplies, services, and equipment may be provided: (1) only to the extent that the constituted authorities of the State are unable to provide them; (2) only until other departments and agencies of the United States charged with such responsibilities are able to provide them; and (3) only to the extent that their provision will not interfere with preparedness or ongoing operations. This authority is not subject to the provisions of section 403© of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b©).

The provision would further include a conforming amendment to section 12304© of

title 10, United Stated Code, to remove a restriction on the use of the Presidential Selected Reserve call up authority in chapter 15 or natural disaster situations. The House bill contained no similar provision. The House recedes with an amendment that would modify the conforming amendment to section 12304©) to provide that the Presidential Selected Reserve call up authority could be used in situations arising under chapter 15 and section 12406 of title 10, United States Code, as well as in situations set out in subsection (b) of section 12304.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT TIMOTHY WEINER, SENIOR AIRMAN DANIEL MILLER AND SENIOR AIRMAN ELIZABETH LONCKI

Mr. HATCH. Mr. President, today I pay tribute to three members of Hill Air Force Base's 75th Air Base Wing who, together, lost their lives in Iraq in performance of their duties. Tsgt Timothy Weiner of Tamarack, FL, SrA Daniel Miller of Galesburg, IL, and SrA Elizabeth Loncki of New Castle, DE, were killed while disarming an explosive device.

One of the core values of the Air Force is ''Service Before Self.'' These airmen met this standard every day while disarming improvised explosive devices and destroying munitions to protect their fellow servicemen and the people of Iraq. All three knew the risks inherent in their assignment, but still chose to volunteer so that others may be safe.

Technical Sergeant Weiner was the youngest of four sons of Ken Weiner, a Korean war veteran, and Marcia Fenster. It should be noted that all the sons of the Weiner family have worn the uniform of their Nation. Technical Sergeant Weiner's mother said, ''he was a unbelievable father and husband who could do a job that was rough and so demanding but was also a man who could show love and was not afraid to.''

This was Sergeant Weiner's second tour in Iraq. His professionalism is best exemplified by the fact that, in a previous assignment, he was part of explosive ordnance disposal team that provided protection for the President. He is survived by his wife Debbie and son Jonathan. The technical sergeant had planned to retire within a couple of years and work with computers. Now our prayers go with his wife and son.

SrA Airman Daniel Miller was the oldest of six children of Daniel B. Miller and Robin Mahnesmith. He is remembered by his family and friends as a happy person, who loved football, enjoyed hunting and fishing and was a silent leader. His girlfriend Dana Sopher stated ''the love he had for his family was just amazing.'' Senior Airman Miller knew of the risk of his job but still believed that you ''just have to live life.'' Senior Airman Miller had hoped to work for a metropolitan bomb squad after he had completed his service with the Air Force. I know I join with all of my colleagues in praying for his family during these difficult times.

SrA Elizabeth Loncki was also the oldest child of Stephen and stepmother Christine Loncki, who still plans on sending cookies and baked goods to troops in Iraq. After learning of her death, one of her training instructors contacted Senior Airman Lonki's family and recounted that Elizabeth had excelled at her explosive ordnance disposal training class and was a valuable member of any team. Senior Airman Loncki planned on getting married after she returned from Iraq; her future fiance was to visit her parents shortly and ask permission for the senior airman's hand in marriage. He has since accompanied her home to her family. Again our prayers go to her family.

All three of these airmen were heroes in the truest sense of the word. They volunteered for one of the most dangerous jobs in our Nation's military and risked their lives every day. Their sacrifice was not in vain, their bravery in the face of danger is an example to us all. They met and exceeded the Air Force principle of ''Service Before Self.''

CAPTAIN BRIAN S. FREEMAN

Mr. President, I would like to take this opportunity to recognize the loss of CPT Brian S. Freeman whose mother, Kathleen Snyder, is a resident of Utah.

Captain Freeman died while performing his duties in Karbala, Iraq, where he was assigned to the 412th Civil Affairs Battalion, U.S. Army Reserve, based in Whitehall, OH.

Captain Freeman resided in Temecula, CA, with his wife Charlotte, a 3-year-old son, Gunnar, and a 3-month-old daughter, Ingrid. The captain had just returned to Iraq after a 2-week Christmas leave. Charlotte Freeman commented about that time, ''We did all the family things packed into two weeks. It was wonderful. We had a picture perfect family and the two weeks were perfect.''

The captain was a 1999 West Point graduate who, after returning home, planned to attend graduate school. He had already received an important letter of recommendation from the Governor of Karbala who wrote: ''Freeman has assisted in forming a warmer relationship with the Army . . . I think Capt. Freeman genuinely cares about what happens to Karbala and its people.''

For a member of a civil affairs unit, whose responsibility it is to assist the local population while developing and maintaining close relationships with indigenous government officials, I cannot think of any higher praise. Not surprisingly, Captain Freeman had been decorated with two Army commendation medals, two Army achievement medals, a national defense service medal and a global war on terrorism service medal. I also understand that he was a member of the Army's bobsledding team.

America has lost another decorated hero. Captain Freeman had hope to make a difference during his time in Iraq. I believe that anyone who looks at the life and actions of Captain Freeman will see that he more than achieved that goal.

Captain Freeman and his family will always be in my prayers.

ANNIVERSARY OF THE L'AMBIANCE PLAZA COLLAPSE

Mr. DODD. Mr. President, yesterday marked the 20th anniversary of a dark day in my State's history: the day the L'Ambiance Plaza towers collapsed in Bridgeport and took with them the lives of 28 Connecticut construction workers.

For millions of people in Connecticut, that day's images are still fresh; time can blunt their pain, but it can never erase them. We remember the shock: 16 stories of new apartments reduced with a roar, within seconds, to ruined concrete and steel. We remember the hundreds of volunteers who combed the wrecked piles for their friends. This is how one newspaper reported their remarkable endurance: ''Physically and emotionally drained by a nightmarish task of seeking and sometimes finding the bodies of friends and loved ones, some of the volunteers have pushed themselves to exhaustion, working around the clock and then begging to go on working.'' We remember their frantic search for survivors, and the slow-dawning truth that there were none.

But above all, we remember 28 men who died too soon. They were union men from Bridgeport and Waterbury who poured concrete, laid pipe, and fixed steel. Not a single one of them went to work that morning expecting to die; but each knew the high risks of his trade, and willingly took them on to make a good living for his family.

We can clear rubble and rebuild towers, but not a single life can be replaced. If this tragedy can give us anything to be thankful for, it is the end of the dangerous lift-slab construction method that led to the collapse. We can and must demand the safest conditions for all workers, and do everything it takes to protect them. But try as we might, we will never be able to outlaw collapse, or regulate accidents, or legislate against tragedy.

We can only send our thanks to the men and women who risk themselves so we can lie down and wake up in safety and comfort. For those who died 20 years ago, we can pledge to keep their memories fresh. And today, we can repeat their names:

Michael Addona
Augustus Alman
Glenn Canning
Mario Colello
William Daddona
Francesco D'Addona
Donald Emanuel
Vincent Figliomeni
Herbert Goeldner
Terrance Gruber
John Hughes
Joesph Lowe
John Magnoli
Rocco Mancini
Richard McGill

Mario Musso
Nicholas Nardella
John Page
Guiseppe Paternostro
Antonio Perrugini
John Puskar Jr.
Anthony Rinaldi
Albert Ritz
Michael Russillo
Reginald Siewert
William Varga
Frank Visconti
Scott Ward

DARFUR

Mr. DODD. Mr. President, today I wish to talk about the ongoing genocide in Darfur, and this administration's inexcusable failure to do all it can to stop the violence there. We all understand the monumental challenge we face in ending the violence in Darfur, but this administration's behavior and recent statements on this issue suggest that it simply does not know when to stop talking and when to start acting. And all the while innocent people continue to needlessly die under our watch.

Last fall, the President's Special Envoy for Darfur, Andrew Natsios, announced that if the Sudanese Government did not accept a U.N.-African Union peacekeeping force by January 1, the administration would implement punitive measures as part of its Plan B.

Well here we are today. Over 100 days have passed since January 1. And what do we have to show for it? No U.N.-African Union peacekeeping force on the ground in Sudan. And no Plan B.

Meanwhile the death toll has risen. Over the course of the conflict, 200,000 people have been killed; 2.5 million displaced. Families and villages have been decimated; women and girls have been raped.

Fighting has infected Sudan's neighbors, leaving scores dead along the Sudan-Chad border. One U.N. official recently described the scene of dead bodies in the area as ''shocking and apocalyptic.''

So much death and destruction, 2½ years after this administration stated that genocide was indeed occurring in Darfur. More than 100 days after Mr. Natsios's deadline, the killings continue.

Earlier this month, Mr. Natsios testified before the Foreign Relations Committee on Darfur and Plan B. His testimony only deepened my concerns about the administration's Darfur paralysis.

When asked repeatedly by Senator MENENDEZ to answer yes or no as to whether genocide was occurring in Darfur, he did not answer yes. Instead his response was that the violence has abated in Darfur and that the rebel groups were also engaging in killings. His answer was incredibly disturbing to me and to other members of the committee.

Now I understand Mr. Natsios's desire to convey the complexity of the situation and the complicity of various parties on the ground, but the fact is that the primary party responsible for the killings is the Sudanese Government and its Janjaweed proxies. For Mr. Natsios to be unable to state that genocide is occurring in clear terms seems to me a classic example of missing the forest for the trees. It also raises a question of credibility. After all, how can this administration stop a genocide when its special envoy won't even fully acknowledge it?

Mr. Natsios also stated that although the President is supposedly angry about the situation in Darfur and has recently proposed certain sanctions, he has acceded to a request by U.N. Secretary-General Ban Ki-Moon to delay any implementation of Plan B for another two to four weeks to give the Secretary-General time to convince the Sudanese Government to accept a peacekeeping force.

Now 2 to 4 weeks may seem like nothing in the context of protracted and complex diplomatic negotiations, but this is no treaty that is being negotiated. There are lives at stake every day here and we just cannot afford to take a ''wait and see'' approach.

Recent reports suggest that the Sudanese Government has agreed to a hybrid force but based on its previous track record, I will believe it when I see some additional boots on the ground. In the meantime, a pause on the administration's part is simply unacceptable.

And so I believe that even as the modalities of a peacekeeping force, that may or may not materialize, are worked out, the administration must begin implementing certain elements of Plan B immediately. Not 4 weeks from now. Not 2 weeks from now. Immediately.

Select punitive measures as described by Mr. Natsios at the hearing include imposing personal sanctions on certain members of the rebel groups and the Sudanese Government; curbing the Sudanese Government's access to oil revenues; and increasing penalties on companies operating in Sudan.

There is nothing revolutionary about these measures. They were leaked to the public and have been under discussion for some weeks. The question in my mind is not so much about whether we should implement them but why haven't we already implemented them.

As chairman of the Banking Committee and a senior member of the Foreign Relations Committee, I am absolutely willing to work with the administration to put these measures into force and look forward to some clear answers from the administration on this.

Now let me be clear about what I mean in saying we should go ahead and implement elements of Plan B. I fully appreciate the sensitivities of our diplomatic efforts related to Darfur. I fully agree with the importance of working this issue through the U.N. in a multilateral manner. But if there are certain steps that the United States can take on its own account and indeed was supposed to take over 100 days ago to pressure the Sudanese Government, then what are we waiting for?

The time has come to delink certain elements of Plan B from our broader multilateral strategy to pressure Khartoum. The time has come to act where and when we can. This administration has shown no compulsion in acting unilaterally in the past. It did so by invading Iraq with disastrous consequence. Why does it continue to keep one foot on the side lines 4 years into this genocide when it not only has the ability but also the moral responsibility to act?

Moreover, we must not stop at implementing long overdue sanctions whose credibility has been called into question because they have yet to be implemented. We must also consider a more robust role for NATO forces, including their deployment to Sudan if the Sudanese Government continues to obstruct a hybrid peacekeeping force.

Even if the Sudanese Government consents to the U.N.-AU force, the United Nations may fail to muster the requisite troops within an acceptable period of time. In such a scenario, we should consider the deployment of an interim NATO force with U.S. participation. At a minimum, NATO forces, which already provide logistical support to the African Union mission, should enforce a no-fly zone in Darfur pursuant to U.N. Resolution 1591 to prevent military flights over Darfur.

Naturally, special attention will have to be paid in any operation to the security of refugee camps and aid workers but to those who say that military action will make things worse, I have only one thing to say: we are already at rock bottom.

The authorization of force is one of the most critical decisions a member of Congress has to make, especially if it entails sending our brave men and women into harm's way on the ground. U.S. participation however in any such action, even in a limited capacity, is critical to showing the world that America is not just about fighting the war against terrorism but also is willing to fight against injustice and mass murder. That we are prepared to fight for the principles of respect for human dignity and life, and not just talk about them.

In advocating certain measures outside the framework of the United Nations, I do not intend to dismiss the critical role that the U.N. and other countries can play. The fact is that the U.S. has limited leverage over Sudan and we need all the help we can get. We must work within the U.N. system, and also press other key countries that deal with Sudan such as India and China to do their part. China in particular has a crucial role to play in changing Khartoum's behavior.

But even as we assess the role and responsibilities of others, we must never forget our own. We must lead by example. Over the past few years, I have

voted for legislation sanctioning the Government of Sudan. I have delivered floor statements and attended hearings on Darfur, where witness after witness has testified to the ongoing atrocities. I have sent letters to the Chinese, the Russians, the Arabs and others urging them to use their clout with Sudan.

Yet after all such actions and deliberations by members of this body and after all the punitive authorities granted to this administration, to see it temporizing and regressing to a point where we are debating whether genocide is even occurring is utterly unacceptable.

The time for action is now, not in a few weeks. We are at rock bottom and the administration needs to deliver on its threats and translate its rhetoric into action. We must do everything in our power to end the genocide in Darfur immediately.

DISCUSSING PRESSING ISSUES FACING THE NATION

Mr. KENNEDY. Mr. President, on April 27–29, more than 800 of the foremost scientists, humanists and leaders in business and public affairs will gather here in Washington when the Nation's two oldest learned societies—the American Academy of Arts and Sciences and the American Philosophical Society—meet jointly for the first time.

Both organizations predate the birth of the Nation, and among their founders were Benjamin Franklin, John Adams, James Bowdoin, and John Hancock.

The two organizations were established to help advance ''useful knowledge'' in the colonies by promoting enlightened leaders and an engaged citizenry, and they have remained faithful to their original missions to the present day. Their current membership includes more than 170 Nobel laureates and more than 50 Pulitzer Prize winners.

This joint meeting, entitled ''The Public Good: Knowledge as the Foundation for a Democratic Society'' will bring together academics and practitioners for a series of panel discussions, conversations and dinner programs on many of the most pressing issues facing the Nation.

Joining them for the unprecedented 2½-day meeting will be members of these congressionally chartered National Academies—the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.

At the opening of their meeting next week, the presidents of all five organizations will issue a joint statement affirming the importance of knowledge as the foundation for sound policymaking for the public good, and I ask unanimous consent that their unprecedented joint statement be printed in the RECORD.

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

KNOWLEDGE IN SERVICE TO THE PUBLIC GOOD

As America's oldest national learned societies, we trace our origins to the tumultuous periods in the Nation's history. The American Philosophical Society was founded by Benjamin Franklin in 1743, during a period of rapid growth and intellectual development in the American colonies. The American Academy of Arts and Sciences was founded by John Adams in 1780, in the midst of the Revolutionary War. The National Academy of Sciences (1863), the National Academy of Engineering (1964), and the Institute of Medicine (1970) were all established under legislation signed by President Abraham Lincoln during the Civil War.

Our founders shared a conviction that knowledge in service to the public good is an indispensable pillar of our Nation. We have remained committed to that vision over the centuries, because democracy requires freedom of inquiry, engaged and educated citizens, and a wise and responsive government.

Our societies, individually and collectively, represent leading thinkers and practitioners of the Nation. We honor excellence and use our unique convening powers to engage the expertise of our members in collaborative action. We actively create, preserve, support, and disseminate knowledge critical to the growth and well-being of our Nation.

Each generation must reaffirm and reinforce the founders' reverence for scholarship and knowledge as the cornerstones of progress and the building blocks of enduring institutions. We live in an age of instantaneous access to unimaginably rich sources of information, but truly useful information continues to depend on underlying research and basic knowledge.

The Academies assemble today not just to assert the importance of research and free inquiry in every field, but to give practical demonstration of their worth through reflection on topics that affect the workings of our society and that define the public good. A nation attentive to these values will long endure.

Signed by: Emilio Bizzi, President, American Academy of Arts and Sciences; Baruch S. Blumberg, President, American Philosophical Society; Ralph J. Cicerone, President, National Academy of Sciences; Harvey V. Fineberg, President, Institute of Medicine; Wm. A. Wulf, President, National Academy of Engineering.

NOTICE OF CHANGE IN TRANSIT SUBSIDY REGULATIONS

Mrs. FEINSTEIN. Mr. President, I wish to announce that in accordance with Title V of the Rules of Procedure of the Committee on Rules and Administration, the Committee has amended the ''Public Transportation Subsidy Regulations.'' Based on the Committee's review of the regulations adopted on August 1, 1992, as amended, the following changes are effective April 24, 2007.

The regulations are amended by deleting and substituting as follows:

Sec. 2, substitute entire section for the following:

Sec. 2. Authority

The Federal Employees Clean Air Incentives Act (Pub.L. 103–172) allows Federal agencies to participate in state or local government transit programs that encourage employees to use public transportation. The Tax Reform Act of 1986, as amended by the Transportation Equity Act for 21st Century (Pub.L. 105–178) allows employers to give employees as a tax free ''de minimis fringe benefit'' transit fare media up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986, as modified by the Internal Revenue System's published Revenue Procedures, and upon written authority of the Rules Committee.

Sec. 3, (e)

Delete ''Pub. L. 101–509'' and insert ''Pub. L. 103–172''.

Sec. 3, insert definition at end of Section

Insert the following definition at the end of the definition: ''(f) Unique Identifier—A number or token, as approved by the Committee on Rules and Administration, designed to be used across all systems in the United States Senate to uniquely identify an individual's set of records within each of those systems.''

Sec. 4, (a)

Delete ''currently not to exceed $105 per month.''

Sec. 4, (e)

Replace entire section with the following language: ''(e) Any fare media purchased under this program may not be sold or exchanged, although exchanges of metro card media are permissible for transportation provided by Virginia Railway Express (VRE), the Maryland Transit Administration's (MARC's) train, or vanpools certified by Washington Metropolitan Area Transit Authority (WMATA).''

Sec. 7

Delete ''social security number'' and insert in its place ''unique identifier.''

Delete ''(currently $105)''.

Sec. 8, (A)

Delete ''Pub. L. 101–509'' and insert ''Pub. L. 103–172''.

Set forth below are the amended regulations which are effective April 24, 2007:

PUBLIC TRANSPORTATION SUBSIDY REGULATIONS

Sec. 1. Policy

It is the policy of the Senate to encourage employees to use public mass transportation in commuting to and from Senate offices.

Sec. 2. Authority

The Federal Employees Clean Air Incentives Act (Pub. L. 103–172) allows Federal agencies to participate in state or local government transit programs that encourage employees to use public transportation. The Tax Reform Act of 1986, as amended by the Transportation Equity Act for 21st Century (Pub. L. 105–178) allows employers to give employees as a tax free ''de minimis fringe benefit'' transit fare media up to the maximum monthly amount authorized under section 132(f)(2)(A) of the Internal Revenue Code of 1986, as modified by the Internal Revenue System's published Revenue Procedures, and upon written authority of the Rules Committee.

Sec. 3. Definitions

(a) Public Mass Transportation—A transportation system operated by a State or local government, e.g. bus or rail transit system.

(b) Fare Media—A ticket, pass, or other device, other than cash, used to pay for transportation on a public mass transit system.

(c) Office—Refers to a Senate employee's appointing authority, that is, the Senator, committee chairman, elected officer, or an official of the Senate who appointed the employee. For purposes of these regulations, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee, whose appointing authority is the Senator holding such position.

(d) Qualified Employee—An individual employed in a Senate office whose salary is disbursed by the Secretary of the Senate, whose salary is within the limit set by his or her appointing authority for participation in a transit program under these regulations, and who is not a member of a car pool or the holder of any Senate parking privilege.

(e) Qualified Program—Refers to the program of a public mass transportation system that encourages employees to use public transportation in accordance with the requirements of Pub. L. 103–172 whose participation in the Senate program in accordance with these regulations has been approved by the Committee on Rules and Administration.

(f) Unique Identifier—A number or token, as approved by the Committee on Rules and Administration, designed to be used across all systems in the United States Senate to uniquely identify an individual's set of records within each of those systems.

Sec. 4. Program Requirements

(a) Each office within the Senate is authorized to provide to qualified employees under its supervision a de minimis fringe employment benefit of transit fare media of a value not to exceed the amount authorized by statute.

(b) Each appointing authority may establish a salary limit for participation in this program by his or her employees. If such salary limit is established, all staff paid at or below that limit, and who meet the other criteria established in these regulations, must be permitted to participate in this program.

(c) For purposes of these regulations, an individual employed for a partial month in an office shall be considered employed for the full month in that office.

(d) The fare media purchased by participating offices under this program shall only be used by qualified employees for travel to and from their official duty station.

(e) Any fare media purchased under this program may not be sold or exchanged, although exchanges of Metro Card Media for transportation provided by Virginia Railway Express (VRE), the Maryland Transit Administration's MARC trains, or vanpools certified by Washington Metropolitan Area Transit Authority (WMATA).

(f) In addition to any criminal liability, any person misusing, selling, exchanging or obtaining or using a fare media in violation of these regulations shall be required to reimburse the office for the full amount of the fare media involved and may be disqualified from further participation in this program.

Sec. 5. Office Administration of Program

Each office electing to participate in this program shall be responsible for its administration in accordance with these regulations, shall designate an individual to manage its program, and may adopt rules for its participation consistent with these regulations.

An employee who wishes to participate in this program shall make application with his or her office on a form which shall include a certification that such person is not a member of a motor pool, does not have any Senate parking privilege (or has relinquished same as a condition of participation), will use the fare media personally for traveling to and from his or her duty station, and will not exchange or sell the fare media provided under this program. The application shall include the following statement:

This certification concerns a matter within the jurisdiction of an agency of the United States and making a false, fictitious, or fraudulent certification may render the maker subject to criminal prosecution under 18 U.S.C. 1001.

Safekeeping and distribution of fare media purchased for an office is the responsibility of the program manager in that office. Participating offices may not refund or replace any damaged, misplaced, lost, or stolen fare media.

Sec. 6. Senate Stationery Room Responsibilities

The only program currently available in the Washington, DC metropolitan area at this time is ''Metro Pool,'' a program established through Metro by the District of Columbia. Transit benefits will be provided through Metro Pool for participating offices in the Washington, DC area. The Committee on Rules and Administration shall enter into an agreement with Metro Pool for purchase of fare media by the Senate Stationery Room as required by participating offices on a monthly basis. A participating office shall purchase the fare media with its authorized appropriated funds from the Senate Stationery Room through its stationery account pursuant to 2 U.S.C.§119.

Each office shall present to the Senate Stationery Room [two copies of] the certification referred to in section 7 of these regulations. A new certification shall be submitted when an employee is added to or deleted from the program. The Stationery Room shall make available to the Senate Rules Committee Audit Section a monthly summary of office participation in this program. In addition, the Stationery Room may not refund or replace any damaged, misplaced, lost, or stolen fare media that has been purchased through the office's stationery account.

Sec. 7. Certification

The certification required by section 6 shall be approved by the appointing authority and shall include the name, and unique identifier of each participating employee within that office, and the following statements:

(a) Each person included on the list is currently a qualified employee as defined in Section 3.

(b) No person included on the list has any current Senate parking privilege and that no parking privileges will be restored to any person on the list during the period for which the fare media is purchased.

(c) That each month's fare media for each participating employee does not exceed the maximum dollar amount specified in statute.

Sec. 8. Other Participating Programs

Section 6 provides for procedures for participation by Washington offices in the Metro Pool program established through Metro by the District of Columbia. Additional programs in the Washington, DC metropolitan area, or programs offered in other locations where Members have offices that meet the requirements of the law and these regulations, may be used for qualified employees, subject to the following requirements:

(A) Authorization

The public transit system shall submit information to the Committee on Rules and Administration that it participates in an established state or local government program to encourage the use of public transportation for employees in accordance with the provisions of Pub. L. 103–172 and these regulations. If the program meets the requirements of the statute and these regulations and is approved by the Committee on Rules and Administration, any Senate office served by such transit system may provide benefits to its employees pursuant to these regulations.

(B) Procedures

(1) A qualified program operating in the Washington, DC metropolitan area that permits purchase arrangements similar to those provided by the Metro Pool program shall participate in the Senate program in accordance with the procedures set forth in Section 6.

(2) A qualified program operating in the Washington, DC metropolitan area that does not have purchase arrangements similar to Metro Pool, or a qualified program located outside that metropolitan area, that permits purchases directly by an office, may make arrangements for purchase of media directly with a participating office. Such an office may provide for direct payment to that system and shall submit the certification in accordance with Section 7.

(3) In the case of a qualified program that does not permit purchase arrangements as provided in paragraphs (1) or (2) above, an office may provide for reimbursement to a qualified employee and shall submit a certification in accordance with Section 7.

(C) Documentation

The following documentation must accompany a voucher submitted under paragraph 8(B)(2) or (3):

(1) A copy of the Rules Committee approval, in accordance with section 8(A), with the first voucher submitted for that transit program, provided subsequent vouchers identify the transit program.

(2) The certification.

(3) Proof of purchase of the fare media.

(D) Voucher Guidance

In the case of a Senator's state office, reimbursement for payment to either a qualified transit system, or a qualified employee shall be from the Senators' Official Personnel and Office Expense Account (SOP&OEA) as a home state office expense on a seven part voucher. In the Washington, DC metropolitan area, reimbursement for payment to either a qualified transit system, or a qualified employee shall be as follows:

1. In the case of a Senator's office from the SOP&OEA as an ''other official expense'' (discretionary expense).

2. In the case of a Senate committee or administrative office as an ''Other'' expense.

Sec. 9. Special Circumstances

Any circumstances not covered under these regulations shall be considered on application to the Committee on Rules and Administration.

Sec. 10. Effective Date

These regulations shall take effect on the first day of the month following date of approval.

VETERANS HONOR FLIGHT

Mr. DORGAN. Mr. President, North Dakota has long maintained strong ties with our Nation's military.

My State is home to two Air Force bases and the Nation's best Air National Guard unit. More of our young people volunteer to serve their country in the military than nearly any other State.

In North Dakota, our commitment to our troops does not end when we welcome them home from war. We also

have a strong tradition of honoring our veterans. In fact, when I started a North Dakota Veterans History Project 5 years ago to record the stories of our veterans for future generations, the outpouring of interest resulted in more than 1,500 interviews.

So I did not find it surprising that when the WDAY television station based in Fargo, ND, organized an ''Honor Flight'' to bring veterans of World War II to Washington, D.C., it had an overabundance of donors and too few seats to accommodate all the veterans. But WDAY has chartered a flight to Washington next month and will bring 100 veterans of World War II to see the memorial on our National Mall that was built in their honor. My colleagues, Senator CONRAD and Congressman POMEROY, and I will host a reception for them in the historic Russell Caucus Room.

I can't think of a better way to pay tribute to these heroes than this trip to our Nation's Capital. Many of them will visit for the first time the World War II Memorial that is a powerful symbol of the sacrifice they made for the safety and freedom of our country and the world.

This is a group of Americans who were appropriately labeled ''the greatest generation'' by Tom Brokaw. I remember reading his book some years ago and marveling again at the dedication those young men, and some young women, expressed to this country. They dedicated their lives to defeating the fascism and Nazism that threatened the peace and prosperity of the world. They kept the free world free. Many paid for it with the ultimate sacrifice—their lives.

Several years ago, I was reminded just how important their sacrifice was when I was part of a congressional delegation involved in discussions with members of the European Parliament. We had been discussing some differences between the United States and the Europeans for some time. It was at this point that a European delegate stopped me and said, ''Mr. Senator, I want you to understand how I feel about your country.''

He said, ''In 1944, I was 14 years old and standing on a street corner in Paris, France, when the U.S. Liberation Army marched in and freed my country from the Nazis.''

He said, ''A young American soldier reached out his hand and gave that 14-year-old boy an apple. I will go to my grave remembering that moment. You should understand what your country means to me, to us, to my country.''

To me, this man's story is a testament to the respect and admiration people around the world feel for our country. And this is because the ''greatest generation''—those same men and women who will visit Washington next month—were willing to leave their homes so many years ago and travel around the world to fight an enemy that threatened our freedom. They did it without complaint and without question. They loved their country.

There is a verse that goes, ''When the night is full of knives, and the lightning is seen, and the drums are heard, the patriots are always there, ready to fight and ready to die, if necessary, for freedom.''

The men and women who will travel to Washington next month are patriots who answered when duty called. The Honor Flight is an expression of our thanks for the sacrifice they made that is too large to ever fully repay.

ANNOUNCING THE BIRTH OF ROBERT RILEY LUGAR

Mr. LUGAR. Mr. President, Char and I want to share with all of our colleagues and friends the joyous news of the birth of Robert Riley Lugar on April 16, 2007, at Sibley Memorial Hospital in Washington, DC. Robert Riley was a healthy 8 pounds at birth. His parents are our son, John Hoereth Lugar, and his wife, Kelly Smith Lugar, daughter of Renee Routon Conner and the late Robert Lee Smith. Robert Riley was born at 6:21 p.m., and within the next hour, Renee, Char, and I were in the delivery room to admire a very healthy newborn baby boy and to congratulate John and Kelly as we shared these unforgettable moments together. Robert Riley joins his big brothers Preston Charles and Griffin Mack.

Kelly and John were married on November 3, 2001, in the Washington Cathedral with Dr. Lloyd Ogilvie, former Chaplain of the Senate, presiding. They and their families and guests had enjoyed a rehearsal dinner in the Mansfield Room of the Capitol on the night before the wedding. Kelly worked with many of our colleagues during her service to the administration of President George Bush and our former colleague, Secretary of Energy Spencer Abraham, as Deputy Assistant Secretary with responsibilities for congressional relations. She now has a private consulting business. A graduate of the University of Texas, she was once a member of the staff of Congressman RALPH HALL of Texas. John Lugar came with us to Washington, along with his three brothers, 30 years ago. He graduated from Langley High School in McLean, VA, Indiana University, and received his master's of business administration degree from Arizona State University. He is currently a vice president with Jones Lang LaSalle, a commercial real estate services and investment management firm.

We know that you will understand our excitement and our gratitude that they and we have been given divine blessing and responsibility for a glorious new chapter in our lives.

100TH ANNIVERSARY OF LENEXA, KANSAS

Mr. ROBERTS. Mr. President, I wish to honor the city of Lenexa, KS. On May 8, Lenexa, which is known as the City of Festivals for the numerous festivals and events it hosts each year, will mark its 100th anniversary. This grand event will be part of a weeklong community celebration of history and culture.

Lenexa was platted in 1869 by French-born civil engineer Octave Chanute, who, in addition to designing the original Hannibal Bridge over the Missouri River in Kansas City, also served as a mentor to the Wright Brothers in their quest for flight.

Lenexa was named for Na Nex Se, a highly respected, hard-working Shawnee Indian woman, the daughter-in-law of Chief Black Hoof. Thirty-eight years later, on May 8, 1907, Lenexa was incorporated as a City of the 3rd Class.

In Lenexa's earliest days, people from various backgrounds and cultures came together to form this great city. With a population of approximately 300, the young community boasted a healthful location, graded schools, three churches, suburban train service, excellent telephone service, and an electric railway station.

Today, Lenexa has grown to a population of 46,000 residents and enjoys a healthy business base and is considered a city of choice for a variety of high-tech and bioscience companies. The city also is looked to as a leader in local government initiatives, including watershed management and public safety.

Lenexa cherishes its rich history, heritage and culture, and with this celebration marking the city's 100th anniversary, Lenexa honors its past while looking forward to the future. I congratulate Lenexa and its residents, and I wish them an outstanding second hundred years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF BISHOP ARETHA E. MORTON

• Mr. BIDEN. Mr. President, I wish to honor one of the great inspirations to the young people of my hometown, Bishop Aretha E. Morton, who will be retiring this week from the Tabernacle Full Gospel Baptist Cathedral in Wilmington.

On this day, 48 years ago, she preached her trial sermon; 24 years later she was ordained, becoming the first woman to pastor a Baptist Church in Delaware. She has now served longer than any pastor in her church's almost 90-year history.

She also made history in 1993 by becoming the first woman, and the first African-American, to be a chaplain for the Wilmington Fire Department.

Around Wilmington, where everyone knows Bishop Morton, she is affectionately called ''Mother''—and for good reason. She has spent her career reaching out to my city's youth, inspiring students to achieve and offering something that those in trouble don't have enough of—hope.

For all of us in this Chamber, she is an example of what the country needs more of right now, someone with a lot of love in her heart, who teaches tolerance and respect.

I wish Bishop Morton the very best and hope that she has more time to spend with her children, Lorraine Gaskins and Dr. Donald Morton, seven grandchildren, and eight great-grandchildren.●

COMMENDING THOMAS AND JOAN BURNS

● Mr. BOND. Mr. President, for over 50 years, Thomas W. Burns, MD, and Joan F. Burns have served the University of Missouri-Columbia with great distinction. To honor this service, on April 27, 2007, the university will dedicate the Thomas W. and Joan F. Burns Center for Diabetes and Cardiovascular Research at the University of Missouri-Columbia School of Medicine.

Thomas W. Burns was one of the founding faculty members of MU's medical center, which opened in 1956 and graduated its first class of physicians in 1957. Since then, hundreds of physicians who trained under him have gone on to lead distinguished careers in medical care, education and research. MU's medical center has treated hundreds of thousands of patients from Missouri and beyond.

Dr. Burns has been a pioneer in endocrinology and contributed greatly to MU's national reputation in diabetes care, prevention, and research. Dr. Burns was a key architect in establishing MU's Cosmopolitan International Diabetes and Endocrinology Center and for many years served as the center's founding director. The Cosmopolitan International Diabetes and Endocrinology Center established by Dr. Burns was the first public-private partnership at MU. Thousands of patients have received state-of-the-art care in Mid-Missouri as a result of Thomas W. Burns' tremendous contributions to medicine.

Dr. Burns has received numerous awards from community, State and national organizations. The American College of Physicians, the largest internal medicine organization in the country, bestowed on him the title of ''Master,'' which is the ACP's highest academic honor, and presented him with the Laureate Award. Dr. Burns also received the University of Missouri Faculty-Alumni Award in 1986 and the University of Missouri Distinguished Faculty Award in 1992.

Thomas and Joan Burns are leaders in recognizing that diabetes and cardiovascular disease are linked and that together the diseases constitute one of the most pressing health problems for Missouri and the Nation. Their contribution and legacy will allow MU to make potentially lifesaving advances in diabetes and cardiovascular research.●

CONGRATULATING THE UNIVERSITY OF WISCONSIN-MADISON MEN'S INDOOR TRACK AND FIELD TEAM

● Mr. FEINGOLD. Mr. President, I congratulate the University of Wisconsin men's track and field team for winning the 43rd annual National Collegiate Athletic Association, NCAA, Indoor Track and Field Championship. As a proud alumnus, I enjoy the many opportunities to tout the success of the Badgers to my colleagues.

With their win on March 10, 2007, the Wisconsin men's track team became the first-ever Big Ten Conference school to win the NCAA Division I Indoor Track and Field Championship. Earlier in the season, the Badgers earned their seventh consecutive Big 10 championship by defeating the University of Minnesota by 27 points on February 24, 2007.

I sincerely congratulate Coach Ed Nuttycombe and Assistant Coaches Jerry Schumacher and Mark Guthrie for their dedication and hard work throughout the season. Congratulations to senior Chris Solinsky, who rewrote the record book in Wisconsin as a high school runner, on winning his fourth individual NCAA title, placing first in the 5,000-meter race.

The athletic prowess of the University of Wisconsin is a source of pride throughout my State and for alumni everywhere. I applaud the men's track and field team for its impressive accomplishment and wish it best of luck for a successful future.●

COMMENDING TALMADGE KING, JR., MD

● Mrs. FEINSTEIN. Mr. President, I offer my personal congratulations to Talmadge E. King, Jr., MD, for receiving the Edward Livingston Trudeau Medal from the American Thoracic Society. The award recognizes Dr. King for his lifelong commitment to the prevention, diagnosis, and treatment of lung disease.

Throughout his career, Dr. King has made significant contributions to pulmonary medicine in patient care, research, specialty organization, and through his generous philanthropic contributions.

Dr. King began his illustrious career after graduating from Gustavus Adolphus College in 1970 and Harvard Medical School in 1974. Following his graduation from Harvard Medical School, he began his residency at Emory University Affiliated Hospitals in Atlanta, GA. After 2 years of residency at Emory, Dr. King was offered a pulmonary fellowship at the University of Colorado Health Sciences Center, Denver. Here he also held a professorship in medicine at the University of Colorado Health Sciences Center.

Over the next decade, Dr. King spent time at two other Denver hospitals, the Veterans Administration Medical Center and the National Jewish Center for Immunology and Respiratory Medicine. In both of these capacities his talents as a doctor and as an administrator were quickly recognized and he rapidly advanced within both organizations.

By 1997, however, he was ready to bring his considerable talents to the Golden State—and we were happy to have him. Dr. King left Denver to take on two new roles in San Francisco, concurrently serving as the vice chairman of the Department of Medicine at the University of California, San Francisco and as the chief of medical services at San Francisco General Hospital. As chief of medical service at San Francisco General Hospital, he leads a department of over 140 full-time physicians and scientists and more than 500 support staff, with an annual budget of over $65 million.

Currently, Dr. King still serves as the chief of medical services at San Francisco General, and since 2005, he has also served as the interim chairman of the Department of Medicine at the University of California San Francisco.

Dr. King is also a founding board member of the Foundation of the American Thoracic Society, the philanthropic arm of the American Thoracic Society. In this role, Dr. King has been an exemplary contributor and tireless fundraiser to support domestic and international research to find better treatments for the myriad of lung diseases that afflict individuals around the globe.

Of course, no congratulations would be complete without mentioning the contributions of his wife Mozelle Davis King and his two children Consuelo and Malaika who have been there every step of the way and provided him with steadfast love and support.

Again, I congratulate Dr. King on this great achievement and wish him continued success in the years to come. It is truly a pleasure to honor and thank him for all that he has done for patients across the country.●

BATAAN DEATH MARCH SURVIVOR

● Mr. HAGEL. Mr. President, this is an article from the April 20, 2007, Omaha World Herald, ''Bataan Death March Survivor Still Beating Odds at 101'' by Joseph Morton:

When Albert Brown returned home after years in Japanese camps for prisoners of war, a doctor told him to get out and enjoy life while he still could.

The native of North Platte, Neb., was unlikely to see 50, the doctor told him, given the illnesses, extreme malnutrition and physical abuse he suffered as a POW.

Brown is 101 now—the oldest living survivor of the Bataan Death March.

He was recognized by fellow survivors at a Washington conference this week that coincided with the 65th anniversary of the march.

During the trip, Brown visited with a fellow veteran from North Platte, Sen. Chuck Hagel, R-Neb. He sat in Hagel's Capitol Hill office, spinning some of the tales he's racked up over an eventful life.

His darkest stories come from the war.

In the late 1930s, Brown—who had been in ROTC in high school and college—got the call from Uncle Sam. He was to leave his Council Bluffs dental practice and report to the Army in two weeks.

In 1941, when he was 35, Brown was shipped off to the Philippines, not long before the Japanese attacked there. Out of supplies and with no reinforcements in sight, American forces and their Filipino allies surrendered after months of fighting in 1942.

The exact numbers vary somewhat from account to account, but more than 70,000 American and Filipino soldiers were captured. Overwhelmed with the task of transporting so many prisoners, the Japanese forced them to march north. Disease, thirst, hunger and killings marked the brutal ordeal, which lasted for days.

Brown recalled being lined up and forced to march with no food and no water. He said local civilians would approach and attempt to throw food to the marchers.

''The Japanese would beat the hell out of them,'' he said. ''They'd go over there and take the butt of their rifle and just beat the hell out of those people, girls and boys, that threw stuff in there.''

Brown also witnessed the beheading of a 17-year-old Marine, who was forced to the ground ''on his hands and knees, and then they took the samurai sword out and severed his head.''

Brown himself was stabbed.

''I started faltering and got to the back of the pack, and then the Japanese (soldier) came up and stuck a bayonet in my fanny and he yelled 'Speed-o!,' and I knew what 'speed-o' meant. I never was at the back of the pack after that.''

At the prison camps in the Philippines, the violence and the shortages of food, medicine and water continued. Brown recalled how the temperature soared while the tens of thousands of men in camp relied on a single brass faucet for water. Fights would break out over places in line for that spigot, he said.

''Every drop in that canteen was your life.''

Later, Brown was one of the soldiers packed into a ''hell ship'' to camps in Japan and China. He remained a prisoner until the end of the war.

He suffered numerous health problems as a result of his captivity, even losing his eyesight for a time.

Brown's memories also wind their way back to his childhood in North Platte. His father, an engineer with Union Pacific Railroad, was killed when a locomotive exploded in 1910.

The family lived a couple of blocks from William F. ''Buffalo Bill'' Cody. Brown said his family became friends with the former Wild West hero, whom he described as a quiet man who liked to sit on their porch. As a child, Brown recalled, he would sit on Cody's lap and run a hand through his beard.

''I don't know whether he liked that or not. Anyway, I kept doing it.''

The family later moved to Council Bluffs, where Brown attended high school. He went to Creighton University's dental school.

He was quarterback of Creighton's football team and played as a forward on the basketball team. He received a medallion during the school's centennial celebration in 2005.

In the years after the war, Brown moved to Hollywood, where he met a number of movie stars, including John Wayne. He said he used to play handball with one of Wayne's sons.

Brown has retained his sense of humor and likes to throw a sly wink in with many of his jokes. He kidded that, during his trip to the East Coast, he had yet to find a girl to take back to Illinois, where he now lives with his daughter.

''I don't tell the girls I'm 102,'' he said, projecting his age to the milestone he'll hit later this year.

What's left for Brown to do? He suggested to Hagel that perhaps he could be a U.S. senator.

''We should make you a senator, and maybe we'd get some things done up here,'' Hagel replied.●

CONGRATULATING LANCE MACKEY

● Ms. MURKOWSKI. Mr. President, I wish to congratulate Lance Mackey for being the first dog musher to win the Iditarod Sled Dog Race and the Yukon Quest Sled Dog Race—the world's two longest sled dog races—in the same year. He won both races earlier this year.

For those who are not familiar with both races, this is an incredible accomplishment. To put his feat into perspective, Lance Mackey and his dogs traveled a total distance that is equal to traveling between Boston, MA and Salt Lake City, UT.

The Yukon Quest Sled Dog race is a 1,000-mile annual international sled dog race between Whitehorse, Canada, and Fairbanks, AK. The trail follows a portion of the Yukon River and trails used by gold prospectors over 100 years ago. On February 20, 2007, in Fairbanks, he completed this sled dog race in a record time of 10 days, 2 hours, and 37 minutes.

Only 12 days after winning the Yukon Quest, Lance and 13 of his 16 dogs that completed the Yukon Quest race started the Iditarod Sled Dog Race. This race starts in Willow, AK and ends in Nome, AK, and is 1,100 miles long. The Iditarod trail originally started out as a supply route to numerous remote Alaska communities, including Nome. On March 13, 2007, Lance Mackey and his team completed this race in 9 days, 5 hours and 8 minutes.

Both of these races travel through numerous small, rural Alaska villages but most of the trails pass through nothing but pure wilderness. Lance and his fellow mushers had to race through blizzards, temperatures as low as 40 degrees below zero, wind gusts up to 60 miles per hour, water overflows from partially frozen rivers and very rough terrain. Accidents due to terrain, trail conditions and other factors are not unusual. Occasionally, a moose will attack dog teams and mushers. Of course, these elements add additional challenges to these already arduous races. In fact, 21 mushers ''scratched''—or withdrew—from the Iditarod this year.

As a throat cancer survivor, Lance has to always drink water after eating since his salivary glands were removed during cancer treatment. However, Lance Mackey continued to pursue victory and almost entirely shunned food and drink for the last 219 miles of the Iditarod in order to save time. In addition to that, he suffered from frostbite as he made his way to the finish line.

The conventional wisdom is that the same musher could not win both sled dog races in the same year. This year, Lance Mackey proved everyone wrong. We are proud of Lance and his dog team for this unprecedented achievement. Once again, I congratulate Lance Mackey and his dog team and wish them continued success.●

TRIBUTE TO MAYOR SHARON BRANSTITER

● Mr. SMITH. Mr. President, the late Oregon Governor Tom McCall once said, ''Heroes are not giant statues framed against a red sky. They are individuals who say, 'This is my community, and it is my responsibility to make it better.' ''

I rise today with sadness because Oregon lost a true hero this past weekend with the passing of Sharon Branstiter, who had served as mayor of the wonderful community of Toledo since 1997. Few people have ever given more of their time, talents, and energy to make their community a better place than did Mayor Branstiter.

I consider myself very privileged to have called Sharon my friend. In my job, there are many people who will tell me what they think I want to hear. I always knew that Sharon would tell me what I needed to hear. She expressed her opinions with candor and eloquence, and she always made it very clear that the top item on her agenda was making Toledo a better and more beautiful place in which to live, work, and raise a family.

The Greek poet Sophocles wrote, ''One must wait until the evening to see how splendid the day has been.'' While the evening of Sharon's life came much to soon, I hope that her family and friends will take solace in the fact that Sharon could look back on a life filled with love and laughter, a life filled with accomplishment, and a life filled with making a positive difference and say that ''the day has indeed been splendid.''

I will never visit Toledo without thinking of Sharon, and I am confident that her work will live on through the good work of all those who call Toledo home.●

MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''.

The message also announced that the House has passed the following bill, without amendment:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the ''Gerald W. Heaney Federal Building and United States Courthouse and Customhouse''.

The message further announced that the House has agreed to the following resolution:

H. Res. 328. Resolution relative to the death of the Honorable Juanita Millender-McDonald, a Representative from the State of California.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 753. To redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the ''Clifford Davis and Odell Horton Federal Building''.

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 625. An act to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

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–1601. A communication from the Under Secretary (Research Education Economics), Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Small Business Innovation Research Grants Program'' (RIN0524–AA31) received on April 20, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1602. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that is identified as being case number 05–07; to the Committee on Appropriations.

EC–1603. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 230.146 Rules Under Section 18 of the Act (17 CFR 230.146)'' (RIN3235–AJ73) received on April 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1604. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (RIN3064–AD17) received on April 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1605. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Emissions of Greenhouse Gases in the United States 2005 Executive Summary''; to the Committee on Energy and Natural Resources.

EC–1606. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, the report of a draft bill intended to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC–1607. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled ''Interagency Review of U.S. Export Controls for China''; to the Committee on Foreign Relations.

EC–1608. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the management and adequacy of biometrics programs; to the Committee on Homeland Security and Governmental Affairs.

EC–1609. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the activities carried out by the Family Court during 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1610. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of student loan repayments by Federal agencies during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1611. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of five recommendations for legislative action; to the Committee on Rules and Administration.

EC–1612. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, the Commission's sixth report; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1082. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

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. DURBIN (for himself, Mr. SMITH, and Mr. OBAMA):

S. 1190. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. WHITEHOUSE, and Mr. SCHUMER):

S. 1191. A bill to authorize the Secretary of Commerce to award grants to States to establish revolving loan funds to provide loans to small manufacturers to develop new products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Mr. KYL):

S. 1192. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. SALAZAR):

S. 1194. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself and Mr. WEBB):

S. 1195. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mrs. BOXER):

S. 1196. A bill to improve mental health care for wounded members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. SMITH):

S. 1197. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1198. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance lifetime limits, to provide catastrophic health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY):

S. 1199. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr.

JOHNSON, Mr. TESTER, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, and Ms. MURKOWSKI):

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act; to the Committee on Indian Affairs.

By Mr. SANDERS (for himself, Mr. LIEBERMAN, Mr. LEAHY, and Mr. FEINGOLD):

S. 1201. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 1202. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1203. A bill to enhance the management of electricity programs at the Department of Energy; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 167. A resolution congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 168. A resolution congratulating the University of Wisconsin women's hockey team for winning the 2007 National Collegiate Athletic Association Division I Women's Ice Hockey Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Ms. MIKULSKI):

S. Res. 169. A resolution recognizing Susan G. Komen for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. BOXER, Mr. INOUYE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. DODD):

S. Res. 170. A resolution supporting the goals and ideals of a National Child Care Worthy Wage Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 95

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 95, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 383

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 383, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 459

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 573

At the request of Ms. STABENOW, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors 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. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 614

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes.

S. 621

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 621, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 731

At the request of Mr. SALAZAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Colorado (Mr. ALLARD) and the Senator from Nebraska (Mr. NELSON) 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. 755

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY) and the Senator from Louisiana (Mr. VITTER) 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. 766

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. THUNE) 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. 790

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch

Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 840

At the request of Mr. COLEMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 840, a bill to amend the Torture Victims Relief Act of 1998 to authorize assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Montana (Mr. TESTER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors 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. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. MCCAIN) 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. 973

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 973, a bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes.

S. 999

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) 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. 1115

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1161

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1178

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1178, a bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1185

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. CON. RES. 26

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 30

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. TESTER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 125

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 125, a resolution designating May 18, 2007, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 162

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr.

BROWNBACK), the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 162, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. SMITH, and Mr. OBAMA):

S. 1190. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1190

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 ''Connect The Nation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The deployment and adoption of broadband services and information technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband and other advanced information services is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 3. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.

(d) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and propriety information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(5) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved and underserved areas, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(6) to establish programs to improve computer ownership and Internet access for unserved and underserved populations;

(7) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(8) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(9) to create within each State a geographic inventory map of broadband service, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORT.—Each recipient of a grant under subsection (b) shall submit an report on the use of the funds provided by the grant to the Secretary of Commerce.

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(2) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology; and

(D) the board of directors of which is not composed of a majority of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency.

(3) BROADBAND SERVICE.—The term ''broadband service'' means any service that connects to the public Internet that provides a data transmission-rate equivalent to at least 200 kilobits per second, or 200,000 bits per second, or any successor transmission-rate established by the Federal Communications Commission, in at least 1 direction.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(j) NO REGULATORY AUTHORITY.—Nothing in this Act shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

By Mr. DOMENICI (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Mr. KYL):

S. 1192. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of

criminal immigration cases; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that authorizes the Federal judgeships recommended by the 2007 Judicial Conference for our U.S. District Courts that are overloaded with immigration cases.

For a year, I have been telling the Senate about the crisis on our Southwest border involving judges who are overwhelmed by the sheer number of immigration cases that are filed in their courts.

New caseload numbers have recently become available, and it is clear that this problem is not going away—Congress must act to fix it. Federal Court Management Statistics available at www.uscourts.gov reveal that for the 12-month period ending September 30, 2006, four District Courts each had more than one thousand criminal immigration filings. Not surprisingly, all of these Districts share a border with Mexico.

In fiscal year 2006, the Southern District of Texas had 3,679 immigration cases, the Western District of Texas had 2,324 immigration cases, the District of New Mexico had 1,940 immigration cases, and the District of Arizona had 1,924 immigration filings. In each of these Districts, immigration filings make up more than forty-nine percent of all of the District's criminal filings. No other District Court recommended for new judgeships had more than 314 immigration filings. In fact, the four Districts mentioned above account for more than 60 percent of all immigration filings in fiscal year 2006.

The legislation I am introducing today authorizes the ten new Federal judgeships recommended by the Judicial Conference for these four U.S. Districts, where immigration filings total more than forty-nine percent of all Federal criminal filings.

Based on these caseloads, we should already have given these Districts new judgeships. But to increase border security and immigration enforcement efforts, as we have over the past few years, without equipping these courts to handle the even larger immigration caseloads that they will face as a result of immigration enforcement efforts would amount to willful negligence on the part of Congress.

It is imperative to equip our Federal agencies with the assets they need to secure our borders and enforce our immigration laws, including the Federal District courts that try repeat immigration law violators who are charged with Federal felonies.

The New Mexico District Chief Judge, Martha Vazquez, wrote me a letter in May of 2006 about the situation her District faces. Judge Vazquez wrote:

> As it is, the burden on Article III Judges in this District is considerable. This District ranks first among all districts in criminal filings per judgeship: 405 criminal filings compared to the national average of 87. As in all federal districts along the southwest border, the majority of cases filed in this District relate to immigration offenses under United States Code, Title 8 and drug offenses arising under Title 21. Immigration and drug cases account for eighty-five percent of the caseload in the District of New Mexico. . . . In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration felony filings increased to 1,826, which is an increase of 661 percent.

The Albuquerque Tribune has also documented the burden on our Southwest border District Courts. An April 17, 2006 article entitled ''Judges See Ripple Effect of Policy on Immigration,'' stated:

> U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain. . . . From Sept. 30, 1999 to Sept. 30, 2004 (the end of the fiscal year), the caseload in the New Mexico federal district court increased 57.5 percent, from 2,804 to 4,416. In the 2004 fiscal year alone, 2,126 felony cases were heard, almost half of all cases in the entire 10th Circuit, which includes Colorado, Kansas, Oklahoma, Utah and Wyoming. Most typical immigration cases go before an immigration judge, and the subjects are deported. But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court. Those are the cases driving up New Mexico's caseload . . . Some days as many as 90 defendants crowd the courtroom in Las Cruces . . . The same problems are afflicting federal border courts in Arizona, California, and Texas.

Similar problems were documented in the May 23, 2006 Reuters article ''Bush Border Patrol Plan to Pressure Courts'' which said:

> President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them . . . Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been overburdened. Carelli [a spokesman for U.S. federal courts] said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts. . . Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes. . . Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said.

I have also heard first-hand about this problem from Federal judges in New Mexico, including one who travels almost 200 miles to hear cases in Southern New Mexico. Many of the situations he sees involve mass arraignments because there are so many defendants in the system. He is not alone in this arrangement; other Federal judges drive almost 300 miles to hear cases in the Southern part of my home State. This is a dire situation that must be addressed.

The United States Congress must address the overwhelming immigration caseload our southwestern border U.S. District Courts face. The bill I am introducing today does that by authorizing the eight permanent and two temporary judgeships recommended by the 2007 Judicial Conference for the four U.S. Districts in which the immigration caseloads total more than forty-nine percent of those Districts' total criminal caseload. I am proud to have Congressman CUELLAR join me in this effort by introducing companion 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. 1192

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 ''Federal Criminal Immigration Courts Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this Act is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 3. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 1 additional district judge for the district of New Mexico;

(C) 2 additional district judges for the southern district of Texas; and

(D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of

title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) by striking the item relating to Arizona and inserting the following:

Arizona 16;

(B) by striking the item relating to New Mexico and inserting the following:

New Mexico 7;

(C) by striking the item relating to Texas and inserting the following:

Texas:
Northern 12
Southern 21
Eastern 7
Western ..... 14.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the Albuquerque Indian School Act. I want to thank Senator BINGAMAN, my colleague from New Mexico, for joining me as a cosponsor of the bill again this Congress.

The Albuquerque Indian School Act seeks to take two parcels of Federal land into trust for the 19 Pueblos—Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni. I believe this property, if transferred, would receive greater utilization and would benefit the 19 New Mexico Pueblos.

In 1981, the New Mexico Pueblos petitioned the United States for the transfer of approximately 44 acres from the Albuquerque Indian School site for the purpose of economic development. In 1984, the Assistant Secretary of the Interior conveyed 44 acres to the Pueblos. This land is currently under development by the 19 New Mexico pueblos. In 2003, the 19 Pueblos requested conveyance of the ''B'' and ''D'' tracts, which total approximately 18 acres, located near Interstate 40. This land contains various metal buildings which have deteriorated to the point that they have little to no usable value at this time.

The return of these two properties to the 19 Pueblos is supported by the southwestern regional office of the Bureau of Indian Affairs. With the addition of these two tracts, the 19 pueblos will be able to continue their successful economic development of the Albuquerque Indian School property. I believe the transfer will benefit the 19 New Mexico Pueblos, and their individual tribal members.

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. 1193

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 ''Albuquerque Indian School Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term ''survey'' means the survey plat entitled ''Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey'' (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(c) SURVEY.—The Secretary may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

By Mr. DODD (for himself and Mr. SALAZAR):

S. 1194. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to introduce with Senator SALAZAR a very important piece of legislation, ''The No Child Left Behind Reform Act.'' This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

Five years ago I supported the No Child Left Behind Act because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing rigorous measures of student achievement, by helping teachers do a better job of instructing students, and by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. Throughout the years, this law has been implemented by the administration in a manner that is inflexible, unreasonable and unhelpful. As a result, it has failed the teachers, the schools, and, most importantly, the students it was meant to help.

Worse still, this administration's promise of sufficient resources to implement the law is a promise that has yet to be kept. This year's budget proposal underfunds No Child Left Behind by almost $15 billion. Since passage five years ago, the administration has underfunded the law by more than $70 billion below the level promised when the President signed the Act into law.

As a result of the failures of the current administration to fulfill its commitment to our Nation's school children under this law, children and their teachers are shouldering noteworthy hardships. Additional requirements without additional funding, and little,

if any, technical assistance from the Department, have left students, teachers, administrators and parents struggling to implement mandates that are often confusing, inflexible, unrealistic and costly. With the degree of underfunding that we have seen at the Federal level, many taxpayers are simultaneously paying for their mortgage, basic health care, the rising cost of their children's tuition and the Federal share of the No Child Left Behind Act.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposes to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others. These include dropout rates, the number of students who participate in advanced placement courses, and individual student improvement over time. Unfortunately, current law does not allow schools to use these additional ways to gauge school success in a constructive manner. Additional measures can only be used to further indicate how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement, it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be ''highly qualified'' to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area. Such requirements are unreasonable at a time when excellent teachers are increasingly hard to find. The legislation I introduce today will allow States to create a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, the changes I propose will provide significant assistance to schools struggling to comply with the No Child Left Behind law all across America. As time marches on and more deadlines set by this law come and go including additional testing, a highly qualified teacher in every classroom and 100 percent proficiency for all students—we have a responsibility to reauthorize the No Child Left Behind Act in a manner that will require it to be implemented in a fair and reasonable manner. I would caution that in doing so, however, we must also preserve the basic tenets of the law—providing a high quality education for all American students and closing the achievement gap across demographic and socioeconomic lines. Again, no child should left behind—no special education student, no English language learning student, no minority student and no low-income student. I stand by this commitment.

Obviously, funding this law is beyond the scope of this bill. I would note, however, that I will continue my efforts to direct increased funds to the law. Clearly, our children deserve the resources needed to make their dreams for a better education a reality. I urge my colleagues to join me in supporting this important reform 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. 1194

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 ''No Child Left Behind Reform Act''.

SEC. 2. ADEQUATE YEARLY PROGRESS.

(a) DEFINITION OF ADEQUATE YEARLY PROGRESS.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking ''such as'';

(B) by inserting ''such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3),'' after ''described in clause (v),''; and

(C) by striking ''attendance rates,''; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking ''the State'' and all that follows through ''ensure'' and inserting ''the State shall ensure''; and

(C) by striking ''; and'' and inserting a period.

(b) ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking '', except that'' and all that follows through ''action or restructuring''.

SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

''SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

''(a) GRANT AUTHORITY.—The Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies—

''(1) to develop or increase the capacity of data systems for accountability purposes; and

''(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

''(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

''(c) STATE USE OF FUNDS.—Each State that receives a grant under this section shall use—

''(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

''(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

''(1) purchasing database software or hardware;

''(2) hiring additional staff for the purpose of managing such data;

''(3) providing professional development or additional training for such staff; and

''(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

''(e) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) LEA APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may

require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $80,000,000 for each of fiscal years 2008, 2009, and 2010.''

SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.

(a) TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term ''all students enrolled in the school'' each place such term appears and inserting ''all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),'';

(2) in subsection (b)(1), by adding at the end the following:

''(G) MAINTENANCE OF LEAST RESTRICTIVE ENVIRONMENT.—A student who is eligible to receive services under the Individuals with Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act.'';

(3) in clause (vii) of subsection (c)(10)(C), by inserting '', who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),'' after ''Authorizing students''; and

(4) in subparagraph (A) of subsection (e)(12), by inserting '', who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)'' after ''under section 1113(c)(1)''.

(b) STUDENT ALREADY TRANSFERRED.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking ''or'' after the semicolon;

(2) in subclause (II), by striking ''and'' after the semicolon; and

(3) by adding at the end the following:

''(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

''(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

''(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and''.

By Mr. KERRY (for himself and Mr. SMITH):

S. 1197. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the ''Tax Depreciation, Modernization, and Simplification Act of 2007.'' This legislation will update our depreciation system so that it can keep pace with new technology.

Last July the Senate Finance Subcommittee on Long-Term Growth and Debt Reduction, on which Senator SMITH was Chairman and I served as Ranking Member, held a hearing on updating our depreciation system. During the hearing, we heard that the current depreciation system is out of date and that changes should be made.

Our tax system allows, as a current expense, a depreciation deduction that represents a reasonable allowance for the exhaustion, wear and tear of property used, or of property held for the production of income. Since 1981, the depreciation deduction for most tangible property has been under rules specified in section 168 of the Internal Revenue Code. The Modified Accelerated Cost Recovery System, or MACRS, specified under section 168 applies to most new investment in tangible property. MACRS depreciation allowances are computed by determining a recovery period called a ''class life'' and an applicable recovery method for each asset.

The current depreciation system has not kept pace with technological advances. Several industries were not even contemplated when class lives were assigned in 1981, and some class lives even date back to 1962.

In the 1980's it would have been difficult to imagine what our reliance on computer and wireless technology would be today. At that time, the wireless industry was in its infancy, and there was no specifically assigned life for wireless equipment. As a result, today's depreciation system is like playing ''audit roulette.'' There is no certainty in how these assets should be depreciated.

All this matters because it impacts investment, innovation, competitiveness, and ultimately the quality and quantity of jobs in America. My home state of Massachusetts is a leader in the high tech industry. Massachusetts employs hundreds of thousands of skilled workers in key technology sectors, including computer hardware, life sciences, software, medical products, semiconductor, defense technology and telecommunications. We have learned in Massachusetts that a strategic tax policy can have a positive effect on economic competitiveness.

For these reasons, we are reintroducing the ''Tax Depreciation, Modernization, and Simplification Act of 2007.'' This legislation makes four important changes to the current depreciation system.

First, the legislation creates a process that provides the Department of Treasury with the authority to modernize class lives. The Secretary of the Treasury will prescribe regulations to provide a new class life for certain eligible property. Eligible property does not include residential rental property, nonresidential real property, or property for which Congress has specifically legislated the recovery period.

The purpose of this provision is to provide Treasury with a mechanism to modify class lives that reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry, and take into account when the property becomes technologically or functionally obsolete to perform its original purpose. Treasury will also have the authority to modify class lives in order to more accurately reflect economic depreciation. For example, a personal computer has a depreciable life of five years, but it has an economic life of only 2 to 3 years. Even though a computer can be used for five years, it becomes economically obsolete after a couple of years because of the newer, faster, and more advanced computers on the market.

Our depreciation system has not been adequately updated since Congress revoked Treasury's rule making authority in 1988. When the MACRS system was enacted in 1986, Congress directed Treasury to establish an office to monitor and analyze the actual experience with class lives and to modify class lives if the new class life reasonably reflected the anticipated useful life and the anticipated decline in value over time of the property to the industry. The authority was then revoked because Congress did not agree with all of the decisions made by Treasury.

The authority provided in this legislation addresses this previous problem by requiring Treasury to consult with Congress 60 days prior to publishing any proposed regulations. In addition, the Congressional Review Act would apply to any regulation proposed by Treasury and each class life prescribed by Treasury would be considered a separate rule.

Providing Treasury with the authority to modify class lives would allow the process to move more efficiently than allowing Congress to make piecemeal changes to the current depreciation system. Congress would provide guidelines, and Treasury would have the role of administering those guidelines. Under the legislation, Treasury would monitor and analyze the actual experience of depreciable assets and report their findings to Congress. We expect Treasury to establish guidelines that will take into consideration the fact that some assets lose a significant percentage of their original value in

the early part of their lives. This legislation specifically provides consultation with Congress in order for Congress to continue to have a role in this important tax policy issue.

We do not expect Treasury within the first year or two to review all classes of assets. Rather, we expect Treasury to begin with new assets that do no fit into the system, assets that have undergone technological advances, and existing assets that do not really fit into the current system. For example, the current system creates an irrational result for fiber optic lines. The class life of a fiber optic line depends upon whether it is used for one-way or two-way communications.

Second, the legislation would eliminate the mid-quarter convention. The placed-in-service conventions determine the point in time during the year that the property is considered ''placed in service'' and this determines when depreciation for an asset begins or ends. Under current law, there are the half-year, mid-month, and mid-quarter conventions. The mid-quarter convention is a source of complexity because it requires an analysis of the depreciable basis of property placed in service during the last three months of any taxable year. The Joint Committee on Taxation recommended the elimination of the mid-quarter convention in its 2001 recommendations on simplifying the Federal tax system. The calculation of the mid-quarter convention is burdensome, and it requires taxpayers to wait until after the end of the taxable year to determine whether the proper placed-in-service convention was used to calculate depreciation for assets during the taxable year.

Third, the legislation would allow taxpayers to elect to use mass asset accounting for assets with a cost of less than $10,000. Generally, taxpayers calculate depreciation on an item-by-item basis. The bill would allow taxpayers to elect to use mass asset accounting for all assets with the same recovery period. This provision will help simplify the recordkeeping associated with depreciation.

Fourth, the legislation would permanently extend increased expensing for small businesses. In lieu of depreciation, a taxpayer with a small amount of annual investment may elect to deduct such costs. The Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a taxpayer may deduct from $25,000 to $100,000 and increased the total amount of investment a business can make in a year and still qualify for expensing from $200,000 to $400,000. In addition, the Act allows off-the-shelf computer software to be eligible for the provision.

The Tax Depreciation, Modernization, and Simplification Act of 2007 would make the $100,000 and $400,000 amounts permanent and index them for inflation. Off-the-shelf computer software would be eligible for the provision. Increased expensing for small businesses helps lower the cost of capital for mall businesses and eliminates complicated recordkeeping. In addition, it should reduce administrative costs for small businesses.

The four components of this legislation will result in updating and simplifying the current depreciation system. The Tax Depreciation, Modernization, and Simplification Act of 2007 will provide certainty for taxpayers and put an end to ''audit roulette.''

By Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY):

S. 1199. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH. Mr. President, I rise today with Senator WYDEN to introduce the Nanotechnology in the Schools Act.

Nanotechnology will revolutionize manufacturing, energy, healthcare, national defense and many other sectors by improving the way things are designed and made. The potential benefits of nanotechnology are tremendous, especially for the nation that leads the world in nanotechnology research and development. Studies project that by 2014 nanotechnology will be incorporated into more than $2 trillion worth of manufactured goods. China, Japan, the European Union, India and other nations are fighting for global leadership, and the competition is getting stiffer all the time.

For the United States to maintain and expand its leadership in the field of nanotechnology, we must train and educate more scientists and engineers who are capable of conducting research and development in this emerging technology. To reach this objective, students need to be taught the necessary skills beginning at the high school and college levels.

According to the National Science Foundation, foreign students on temporary visas earned approximately one-third of all science and engineering doctorates awarded in the United States. By providing high school and college students with the tools to learn nanotechnology, a higher number of American students will enter this crucial field.

The Nanotechnology in the Schools Act provides grants to American colleges and high-performing high schools to purchase the tools that will enable their students to learn nano-technology. The Act also provides training for teachers and professors to use these tools in the classroom and the laboratory. The Nanotechnology in the Schools Act is an investment in America's greatest asset, its students, and a key element of the nation's strategy to maintain nanotechnology leadership worldwide.

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. 1199

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 ''Nanotechnology in the Schools Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) PURPOSE.—The purpose of this Act is to strengthen the capacity of United States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) INSTITUTION OF HIGHER EDUCATION; SECONDARY SCHOOL; SECRETARY.—The terms ''institution of higher education'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) QUALIFIED NANOTECHNOLOGY EQUIPMENT.—The term ''qualified nanotechnology equipment'' means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

SEC. 4. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Director of the National Science Foundation (referred to in this Act as the ''Director'') shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(b) ACTIVITIES SUPPORTED.—

(1) IN GENERAL.—An eligible institution shall use a grant awarded under this Act—

(A) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(B) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(C) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(2) LIMITATION.—

(A) USES.—Not more than ¼ of the amount of the funds made available through a grant awarded under this Act may be used for software, educational services, or teacher education and certification as described in this subsection.

(B) PROGRAMS.—In the case of a grant awarded under this Act to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(c) APPLICATIONS AND SELECTION.—

(1) IN GENERAL.—To be eligible to receive a grant under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(2) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(3) SELECTION.—In selecting eligible institutions to receive grants under this Act, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(A) select eligible entities in geographically diverse locations;

(B) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(C) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as ''EPSCoR'').

(d) MATCHING REQUIREMENT AND LIMITATION.—

(1) IN GENERAL.—

(A) REQUIREMENT.—The Director may not award a grant to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(B) WAIVER.—The Director shall waive the matching requirement described in subparagraph (A) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(2) LIMITATION.—

(A) BRANCHES.—If a branch described in section 3(1)(C) receives a grant under this Act that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this Act.

(B) OTHER ELIGIBLE INSTITUTIONS.—If an eligible institution other than a branch referred to in subparagraph (A) receives a grant under this Act that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this Act.

SEC. 5. ANNUAL REPORT AND EVALUATION.

(a) REPORT BY INSTITUTIONS.—Each institution that receives a grant under this Act shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(b) REVIEW AND EVALUATION.—

(1) REVIEW.—The Director shall annually review the reports submitted under subsection (a).

(2) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this Act on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this Act and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(c) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subsection (b), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this Act, as may be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this Act $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

By Mr. DORGAN (for himself, Mrs. BOXER, Mr. REID, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. INOUYE, Mr. DOMENICI, Mr. BINGAMAN, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. THOMAS, Mr. OBAMA, and Ms. MURKOWSKI):

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I came to the Senate floor several times last year, and have already again this year in the 110th Congress, to talk about the need for Congress to pass legislation to reauthorize the Indian Health Care Improvement Act.

Legislation to amend and reauthorize the Indian Health Care Improvement Act has been considered by the 106th, 107th, 108th and 109th Congresses, and today, my colleagues and I put forward a new version of the bill in the 110th Congress.

The Indian Health Care Improvement Act Amendments of 2007 builds on the work of prior Congresses, work done not only by the Indian Affairs Committee, but also by the Senate Health, Education, Labor and Pensions and Finance Committees. These committees gave us their recommendations on provisions in the legislation which are within their jurisdiction. I thank my colleagues for their collaboration on the Indian health reauthorization.

I have added new provisions to this year's Indian health bill that seek to address the lack of access to health care services that exists in so many tribal communities, which may be due to limited hours of operation at existing health care facilities or other factors. The bill would allow grants for demonstration projects which include a convenient care services program as an additional means of health care delivery.

This bill also addresses an issue that has been of particular concern to me: Indian youth suicide. The bill would authorize additional resources for Indian communities to confront this issue and seek to prevent, intervene in and treat Native American youth who have lost hope and are contemplating or have attempted suicide.

I thank my colleagues who have joined me in introducing this bill. It is my highest priority as chairman of the Indian Affairs Committee.

I wish to note that title II of this bill sets forth amendments to the Social Security Act, addressing payments under Medicare, Medicaid and SCHIP and other provisions which are in the jurisdiction of the Senate Finance Committee. The Indian Affairs and Finance Committees worked very closely together during last year's session on the provisions that are contained in this bill. I appreciate the efforts of both Chairman BAUCUS and Ranking Member GRASSLEY in drafting these important provisions of the Indian Health Care Improvement Act Amendments of 2007, and I look forward to their committee's approval of these provisions as the Indian Affairs Committee considers the provisions under our jurisdiction.

Eight years is too long to wait to reauthorize the Indian Health Care Improvement Act. I intend to move aggressively to seek approval of this legislation by the Indian Affairs Committee, and to bring this bill to the Senate floor so that all my colleagues will have an opportunity to address the very fundamental need for—and right of—American Indians and Alaska Natives to adequate and innovative health care.

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. 1200

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 ''Indian Health Care Improvement Act Amendments of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.
Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

(a) IN GENERAL.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Declaration of national Indian health policy.
''Sec. 4. Definitions.

''TITLE I–INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

''Sec. 101. Purpose.
''Sec. 102. Health professions recruitment program for Indians.
''Sec. 103. Health professions preparatory scholarship program for Indians.
''Sec. 104. Indian health professions scholarships.
''Sec. 105. American Indians Into Psychology Program.
''Sec. 106. Scholarship programs for Indian Tribes.
''Sec. 107. Indian Health Service extern programs.
''Sec. 108. Continuing education allowances.
''Sec. 109. Community Health Representative Program.
''Sec. 110. Indian Health Service Loan Repayment Program.
''Sec. 111. Scholarship and Loan Repayment Recovery Fund.
''Sec. 112. Recruitment activities.
''Sec. 113. Indian recruitment and retention program.
''Sec. 114. Advanced training and research.
''Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
''Sec. 116. Tribal cultural orientation.
''Sec. 117. INMED Program.
''Sec. 118. Health training programs of community colleges.
''Sec. 119. Retention bonus.
''Sec. 120. Nursing residency program.
''Sec. 121. Community Health Aide Program.
''Sec. 122. Tribal Health Program administration.
''Sec. 123. Health professional chronic shortage demonstration programs.
''Sec. 124. National Health Service Corps.
''Sec. 125. Substance abuse counselor educational curricula demonstration programs.
''Sec. 126. Behavioral health training and community education programs.
''Sec. 127. Authorization of appropriations.

''TITLE II–HEALTH SERVICES

''Sec. 201. Indian Health Care Improvement Fund.
''Sec. 202. Catastrophic Health Emergency Fund.
''Sec. 203. Health promotion and disease prevention services.
''Sec. 204. Diabetes prevention, treatment, and control.
''Sec. 205. Shared services for long-term care.
''Sec. 206. Health services research.
''Sec. 207. Mammography and other cancer screening.
''Sec. 208. Patient travel costs.
''Sec. 209. Epidemiology centers.
''Sec. 210. Comprehensive school health education programs.
''Sec. 211. Indian youth program.
''Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
''Sec. 213. Other authority for provision of services.
''Sec. 214. Indian women's health care.
''Sec. 215. Environmental and nuclear health hazards.
''Sec. 216. Arizona as a contract health service delivery area.
''Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
''Sec. 217. California contract health services program.
''Sec. 218. California as a contract health service delivery area.
''Sec. 219. Contract health services for the Trenton service area.
''Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
''Sec. 221. Licensing.
''Sec. 222. Notification of provision of emergency contract health services.
''Sec. 223. Prompt action on payment of claims.
''Sec. 224. Liability for payment.
''Sec. 225. Office of Indian Men's Health.
''Sec. 226. Authorization of appropriations.

''TITLE III–FACILITIES

''Sec. 301. Consultation; construction and renovation of facilities; reports.
''Sec. 302. Sanitation facilities.
''Sec. 303. Preference to Indians and Indian firms.
''Sec. 304. Expenditure of non-Service funds for renovation.
''Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
''Sec. 306. Indian health care delivery demonstration projects.
''Sec. 307. Land transfer.
''Sec. 308. Leases, contracts, and other agreements.
''Sec. 309. Study on loans, loan guarantees, and loan repayment.
''Sec. 310. Tribal leasing.
''Sec. 311. Indian Health Service/tribal facilities joint venture program.
''Sec. 312. Location of facilities.
''Sec. 313. Maintenance and improvement of health care facilities.
''Sec. 314. Tribal management of Federally-owned quarters.
''Sec. 315. Applicability of Buy American Act requirement.
''Sec. 316. Other funding for facilities.
''Sec. 317. Authorization of appropriations.

''TITLE IV–ACCESS TO HEALTH SERVICES

''Sec. 401. Treatment of payments under Social Security Act health benefits programs.
''Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
''Sec. 403. Reimbursement from certain third parties of costs of health services.
''Sec. 404. Crediting of reimbursements.
''Sec. 405. Purchasing health care coverage.
''Sec. 406. Sharing arrangements with Federal agencies.
''Sec. 407. Payor of last resort.
''Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
''Sec. 409. Consultation.
''Sec. 410. State Children's Health Insurance Program (SCHIP).
''Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
''Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
''Sec. 413. Treatment under Medicaid and SCHIP managed care.
''Sec. 414. Navajo Nation Medicaid Agency feasibility study.
''Sec. 415. General exceptions.
''Sec. 416. Authorization of appropriations.

''TITLE V–HEALTH SERVICES FOR URBAN INDIANS

''Sec. 501. Purpose.

''Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
''Sec. 503. Contracts and grants for the provision of health care and referral services.
''Sec. 504. Contracts and grants for the determination of unmet health care needs.
''Sec. 505. Evaluations; renewals.
''Sec. 506. Other contract and grant requirements.
''Sec. 507. Reports and records.
''Sec. 508. Limitation on contract authority.
''Sec. 509. Facilities.
''Sec. 510. Division of Urban Indian Health.
''Sec. 511. Grants for alcohol and substance abuse-related services.
''Sec. 512. Treatment of certain demonstration projects.
''Sec. 513. Urban NIAAA transferred programs.
''Sec. 514. Consultation with Urban Indian Organizations.
''Sec. 515. Urban youth treatment center demonstration.
''Sec. 516. Grants for diabetes prevention, treatment, and control.
''Sec. 517. Community Health Representatives.
''Sec. 518. Effective date.
''Sec. 519. Eligibility for services.
''Sec. 520. Authorization of appropriations.

''TITLE VI–ORGANIZATIONAL IMPROVEMENTS

''Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
''Sec. 602. Automated management information system.
''Sec. 603. Authorization of appropriations.

''TITLE VII–BEHAVIORAL HEALTH PROGRAMS

''Sec. 701. Behavioral health prevention and treatment services.
''Sec. 702. Memoranda of agreement with the Department of the Interior.
''Sec. 703. Comprehensive behavioral health prevention and treatment program.
''Sec. 704. Mental health technician program.
''Sec. 705. Licensing requirement for mental health care workers.
''Sec. 706. Indian women treatment programs.
''Sec. 707. Indian youth program.
''Sec. 708. Indian youth telemental health demonstration project.
''Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
''Sec. 710. Training and community education.
''Sec. 711. Behavioral health program.
''Sec. 712. Fetal alcohol disorder programs.
''Sec. 713. Child sexual abuse and prevention treatment programs.
''Sec. 714. Behavioral health research.
''Sec. 715. Definitions.
''Sec. 716. Authorization of appropriations.

''TITLE VIII–MISCELLANEOUS

''Sec. 801. Reports.
''Sec. 802. Regulations.
''Sec. 803. Plan of implementation.
''Sec. 804. Availability of funds.
''Sec. 805. Limitation on use of funds appropriated to Indian Health Service.
''Sec. 806. Eligibility of California Indians.
''Sec. 807. Health services for ineligible persons.
''Sec. 808. Reallocation of base resources.
''Sec. 809. Results of demonstration projects.
''Sec. 810. Provision of services in Montana.
''Sec. 811. Moratorium.
''Sec. 812. Tribal employment.
''Sec. 813. Severability provisions.
''Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
''Sec. 815. Confidentiality of medical quality assurance records; qualified immunity for participants.
''Sec. 816. Appropriations; availability.
''Sec. 817. Authorization of appropriations.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

''(2) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

''(3) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

''(4) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

''SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

''Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

''(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

''(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

''(3) to the greatest extent possible, to allow Indians to set their own health care priorities and establish goals that reflect their unmet needs;

''(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

''(5) to require meaningful consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to implement this Act and the national policy of Indian self-determination; and

''(6) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

''(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

''(3) The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.

''(4)(A) The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

''(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

''(5) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 806.

''(6) The term 'community college' means—

''(A) a tribal college or university, or

''(B) a junior or community college.

''(7) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

''(8) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

''(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

''(A) controlling—

''(i) the development of diabetes;

''(ii) high blood pressure;

''(iii) infectious agents;

''(iv) injuries;

''(v) occupational hazards and disabilities;

''(vi) sexually transmittable diseases; and

''(vii) toxic agents; and

''(B) providing—

''(i) fluoridation of water; and

''(ii) immunizations.

''(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

''(11) The term 'health promotion' means—

''(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

''(B) encouraging adequate and appropriate diet, exercise, and sleep;

''(C) promoting education and work in conformity with physical and mental capacity;

''(D) making available safe water and sanitary facilities;

''(E) improving the physical, economic, cultural, psychological, and social environment;

''(F) promoting culturally competent care; and

''(G) providing adequate and appropriate programs, which may include—

''(i) abuse prevention (mental and physical);

''(ii) community health;

''(iii) community safety;

''(iv) consumer health education;

''(v) diet and nutrition;

''(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

''(vii) environmental health;

''(viii) exercise and physical fitness;

''(ix) avoidance of fetal alcohol disorders;

''(x) first aid and CPR education;

''(xi) human growth and development;

''(xii) injury prevention and personal safety;

''(xiii) behavioral health;

''(xiv) monitoring of disease indicators between health care provider visits, through

appropriate means, including Internet-based health care management systems;

''(xv) personal health and wellness practices;

''(xvi) personal capacity building;

''(xvii) prenatal, pregnancy, and infant care;

''(xviii) psychological well-being;

''(xix) reproductive health and family planning;

''(xx) safe and adequate water;

''(xxi) healthy work environments;

''(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

''(xxiii) stress control;

''(xxiv) substance abuse;

''(xxv) sanitary facilities;

''(xxvi) sudden infant death syndrome prevention;

''(xxvii) tobacco use cessation and reduction;

''(xxviii) violence prevention; and

''(xxix) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

''(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

''(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

''(ii) is a descendant, in the first or second degree, of any such member;

''(B) is an Eskimo or Aleut or other Alaska Native;

''(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

''(D) is determined to be an Indian under regulations promulgated by the Secretary.

''(13) The term 'Indian Health Program' means—

''(A) any health program administered directly by the Service;

''(B) any Tribal Health Program; or

''(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

''(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

''(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

''(18) The term 'Service' means the Indian Health Service.

''(19) The term 'Service Area' means the geographical area served by each Area Office.

''(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

''(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c–16(a)).

''(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

''(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

''(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

''(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

''(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

''(B) The individual is an Eskimo, Aleut, or other Alaska Native.

''(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

''(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

''(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

''TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

''SEC. 101. PURPOSE.

''The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

''SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

''(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

''(A) to enroll in courses of study in such health professions; or

''(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

''(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

''(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

''(b) GRANTS.—

''(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

''(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

''SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

''(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

''(1) have successfully completed their high school education or high school equivalency; and

''(2) have demonstrated the potential to successfully complete courses of study in the health professions.

''(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

''(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

''(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

''(c) OTHER CONDITIONS.—Scholarships under this section—

''(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

''(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

''(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

''SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

''(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

''(A) who shall receive scholarship grants under subsection (a); and

''(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

''(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Assistant Secretary and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(b) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

''(A) In an Indian Health Program.

''(B) In a program assisted under title V of this Act.

''(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

''(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

''(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

''(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

''(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

''(ii) serves the Indian Tribe in which the recipient is enrolled.

''(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

''(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

''(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

''(B) 2 years; and

''(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

''(d) BREACH OF CONTRACT.—

''(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) WAIVERS AND SUSPENSIONS.—

''(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, Tribal Organizations, or Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

''(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

''SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

''(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

''(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

''(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

''(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

''(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

''(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

''(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

''(7) to the maximum extent feasible, employs qualified Indians in the program.

''(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

''(1) in an Indian Health Program;

''(2) in a program assisted under title V of this Act; or

''(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2008 through 2017.

''SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

''(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

''(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

''(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

''(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

''(B) 20 percent of such costs may be paid from any other source of funds.

''(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

''(d) CONTRACT.—

''(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

''(2) REQUIREMENTS.—Such contract shall—

''(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

''(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

''(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

''(B) provide that the amount of the scholarship—

''(i) may only be expended for—

''(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

''(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

''(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

''(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

''(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

''(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

''(e) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

''(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

''(B) is dismissed from such educational institution for disciplinary reasons;

''(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

''(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

''(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

''(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

''(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

''(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

''SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

''(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

''(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

''(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

''(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

"SEC. 108. CONTINUING EDUCATION ALLOWANCES.

''In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

''(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

''(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

"SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

''(1) provide for the training of Indians as community health representatives; and

''(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

''(b) DUTIES.—The Community Health Representative Program of the Service, shall—

''(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

''(2) in order to provide such training, develop and maintain a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

''(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

''(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

''(4) maintain a system that provides close supervision of Community Health Representatives;

''(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

''(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

"SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

''(1)(A) be enrolled—

''(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

''(ii) in an approved graduate training program in a health profession; or

''(B) have—

''(i) a degree in a health profession; and

''(ii) a license to practice a health profession;

''(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

''(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

''(C) meet the professional standards for civil service employment in the Service; or

''(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

''(3) submit to the Secretary an application for a contract described in subsection (e).

''(c) APPLICATION.—

''(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

''(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

''(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) PRIORITIES.—

''(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

''(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

''(B) rank those positions in order of priority.

''(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

''(A) give first priority to applications made by individual Indians; and

''(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

''(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

''(ii) other individuals based on the priority rankings under paragraph (1).

''(e) RECIPIENT CONTRACTS.—

''(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

''(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (C), the Secretary agrees—

''(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

''(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

''(ii) subject to subparagraph (C), the individual agrees—

''(I) to accept loan payments on behalf of the individual;

''(II) in the case of an individual described in subsection (b)(1)—

''(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

''(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

''(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

''(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

''(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

''(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

''(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

''(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

''(2) the Secretary's disapproving an individual's participation in such Program.

''(g) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

''(A) tuition expenses;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

''(C) reasonable living expenses as determined by the Secretary.

''(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

''(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

''(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

''(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

''(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

''(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

''(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

''(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

''(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

''(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

''(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

''(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

''(l) BREACH OF CONTRACT.—

''(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

''(A) is enrolled in the final year of a course of study and—

''(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

''(ii) voluntarily terminates such enrollment; or

''(iii) is dismissed from such educational institution before completion of such course of study; or

''(B) is enrolled in a graduate training program and fails to complete such training program.

''(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

''(A) 'A' is the amount the United States is entitled to recover;

''(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

''(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

''(D) 's' is the number of months of such period served by such individual in accordance with this section.

''(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

''(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(5) RECOVERY OF DELINQUENCY.—

''(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) use collection agencies contracted with by the Administrator of General Services; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

''(m) WAIVER OR SUSPENSION OF OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

''(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

''(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

''(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

''(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

''(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

''(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

''(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

''(4) The amount of loan payments made under this section, in total and by health profession.

''(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

''(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

''(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

''(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF''). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

''(b) USE OF FUNDS.—

''(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

''(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

''(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

''(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

''(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

''(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

''(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

''(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

''(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

''(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

''(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

''(1) Public or private schools of nursing.

''(2) Tribal colleges or universities.

''(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

''(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

''(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

''(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

''(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

''(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

''(5) To provide any program that is designed to achieve the purpose described in subsection (a).

''(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

''(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

''(1) Programs that provide a preference to Indians.

''(2) Programs that train nurse midwives or advanced practice nurses.

''(3) Programs that are interdisciplinary.

''(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

''(5) Programs conducted by tribal colleges and universities.

''(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

''(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

''(1) in the Service;

''(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

''(3) in a program assisted under title V of this Act;

''(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

''(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

"SEC. 116. TRIBAL CULTURAL ORIENTATION.

''(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

''(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

''(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

''(2) be carried out through tribal colleges or universities;

''(3) include instruction in American Indian studies; and

''(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

"SEC. 117. INMED PROGRAM.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

''(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based

upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

''(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

''(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

''(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

''(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

''(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

''(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

''(5) to the maximum extent feasible, employs qualified Indians in the program.

''SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

''(a) GRANTS TO ESTABLISH PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

''(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

''(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

''(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

''(A) is accredited;

''(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

''(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

''(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

''(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

''(D) has a qualified staff which has the appropriate certifications;

''(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

''(F) agrees to provide for Indian preference for applicants for programs under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

''(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

''(2) providing technical assistance and support to such colleges.

''(d) ADVANCED TRAINING.—

''(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

''(A) has already received a degree or diploma in such health profession; and

''(B) provides clinical services on or near a reservation or for an Indian Health Program.

''(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

''(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

''SEC. 119. RETENTION BONUS.

''(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

''(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

''(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

''(3) has—

''(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

''(B) completed any service obligations incurred as a requirement of—

''(i) any Federal scholarship program; or

''(ii) any Federal education loan repayment program; and

''(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

''(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

''(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

''(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

''(1) a position for which recruitment or retention is difficult; and

''(2) necessary for providing health care services to Indians.

''SEC. 120. NURSING RESIDENCY PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

''(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

''SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

''(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

''(1) provides for the training of Alaska Natives as health aides or community health practitioners;

''(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

''(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

''(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

''(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

''(2) in order to provide such training, develop a curriculum that—

''(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

''(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

''(C) promotes the achievement of the health status objectives specified in section 3(2);

''(3) establish and maintain a Community Health Aide Certification Board to certify as

community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

''(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

''(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

''(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

''(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

''(c) PROGRAM REVIEW.—

''(1) NEUTRAL PANEL.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

''(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

''(2) STUDY.—

''(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

''(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

''(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

''(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

''(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

''(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

''(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

''(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

''(A) any determination of the neutral panel under paragraph (2)(C); and

''(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

''(d) NATIONALIZATION OF PROGRAM.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

''(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

''(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

''SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

''The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

''SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

''(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

''(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

''(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

''(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

''(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

''(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

''SEC. 124. NATIONAL HEALTH SERVICE CORPS.

''(a) NO REDUCTION IN SERVICES.—The Secretary shall not—

''(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

''(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

''(b) EXEMPTION FROM LIMITATIONS.—National Health Service Corps scholars qualifying for the Commissioned Corps in the Public Health Service shall be exempt from the full-time equivalent limitations of the National Health Service Corps and the Service when serving as a commissioned corps officer in a Tribal Health Program or an Urban Indian Organization.

''SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

''(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

''(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

''(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

''(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

''(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

''(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

''(1) Classroom education.

''(2) Clinical work experience.

''(3) Continuing education workshops.

''SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

''(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

''(b) POSITIONS.—The positions referred to in subsection (a) are—

''(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

''(A) elementary and secondary education;

''(B) social services and family and child welfare;

''(C) law enforcement and judicial services; and

''(D) alcohol and substance abuse;

''(2) staff positions within the Service; and

''(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes, Tribal Organizations (without regard to the funding source), and Urban Indian Organizations.

''(c) TRAINING CRITERIA.—

''(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe, Tribal Organization, or

Urban Indian Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

''(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

''(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

''(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

''SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE II—HEALTH SERVICES

''SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

''(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

''(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

''(2) eliminating backlogs in the provision of health care services to Indians;

''(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

''(4) eliminating inequities in funding for both direct care and contract health service programs; and

''(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

''(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

''(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

''(C) Dental care.

''(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

''(E) Emergency medical services.

''(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

''(G) Injury prevention programs, including data collection and evaluation, demonstration projects, training, and capacity building.

''(H) Home health care.

''(I) Community health representatives.

''(J) Maintenance and improvement.

''(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

''(c) ALLOCATION; USE.—

''(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

''(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

''(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

''(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

''(A) the health status objectives set forth in section 3(2) are not being achieved; and

''(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

''(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

''(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

''(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

''(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

''(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

''(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

''(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

''(4) an estimate of—

''(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

''(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

''(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

''(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

''(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

''(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

''SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

''(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the 'CHEF') consisting of—

''(1) the amounts deposited under subsection (f); and

''(2) the amounts appropriated to CHEF under this section.

''(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

''(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

''(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

''(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

''(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of

treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

''(A) the 2000 level of $19,000; and

''(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

''(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

''(A) Service Units; or

''(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

''(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

''(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

''(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other law.

''(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

''SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

''(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

''(1) improve the health and well-being of Indians; and

''(2) reduce the expenses for health care of Indians.

''(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

''(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

''(1) the health promotion and disease prevention needs of Indians;

''(2) the health promotion and disease prevention activities which would best meet such needs;

''(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

''(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

''SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

''(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

''(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

''(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

''(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108–87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and for projects which are added and funded thereafter.

''(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

''(e) OTHER DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

''(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

''(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

''(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

''(2) DIABETES CONTROL OFFICERS.—

''(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c–3).

''(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

''SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

''(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

''(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

''(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

''(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

''(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

''(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

''(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

''(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

''SEC. 206. HEALTH SERVICES RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

''(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

''(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

''(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

''(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

''(1) evaluate the impact of research conducted under this section; and

''(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

''SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

''The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

''(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with

standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

''(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b–4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

''(A) frequency;

''(B) the population to be served;

''(C) the procedure or technology to be used;

''(D) evidence of effectiveness; and

''(E) other matters that the Secretary determines appropriate.

''SEC. 208. PATIENT TRAVEL COSTS.

''(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

''(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

''(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

''(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

''(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

''(1) emergency air transportation and nonemergency air transportation where ground transportation is infeasible;

''(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

''(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

''SEC. 209. EPIDEMIOLOGY CENTERS.

''(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

''(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian Organizations, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

''(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the Service Area;

''(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

''(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

''(4) make recommendations for the targeting of services needed by the populations served;

''(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

''(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

''(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations to promote public health.

''(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

''(d) GRANTS FOR STUDIES.—

''(1) IN GENERAL.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Urban Indian Organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

''(2) ELIGIBLE INTERTRIBAL CONSORTIA.—An intertribal consortium is eligible to receive a grant under this subsection if—

''(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

''(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

''(3) APPLICATIONS.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

''(4) REQUIREMENTS.—An applicant for a grant under this subsection shall—

''(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

''(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

''(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

''(5) USE OF FUNDS.—A grant awarded under paragraph (1) may be used—

''(A) to carry out the functions described in subsection (b);

''(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

''(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

''(e) ACCESS TO INFORMATION.—An epidemiology center operated by a grantee pursuant to a grant awarded under subsection (d) shall be treated as a public health authority for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), as such entities are defined in part 164.501 of title 45, Code of Federal Regulations (or a successor regulation). The Secretary shall grant such grantees access to and use of data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary.

''SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

''(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

''(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

''(1) Developing health education materials both for regular school programs and after-school programs.

''(2) Training teachers in comprehensive school health education materials.

''(3) Integrating school-based, community-based, and other public and private health promotion efforts.

''(4) Encouraging healthy, tobacco-free school environments.

''(5) Coordinating school-based health programs with existing services and programs available in the community.

''(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

''(7) Developing behavioral health wellness programs.

''(8) Developing chronic disease prevention programs.

''(9) Developing substance abuse prevention programs.

''(10) Developing injury prevention and safety education programs.

''(11) Developing activities for the prevention and control of communicable diseases.

''(12) Developing community and environmental health education programs that include traditional health care practitioners.

''(13) Violence prevention.

''(14) Such other health issues as are appropriate.

''(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

''(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

''(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

''(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

''(A) school programs on nutrition education, personal health, oral health, and fitness;

''(B) behavioral health wellness programs;

''(C) chronic disease prevention programs;

''(D) substance abuse prevention programs;

''(E) injury prevention and safety education programs; and

''(F) activities for the prevention and control of communicable diseases.

''(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

''(A) provide training to teachers in comprehensive school health education materials;

''(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

''(C) encourage healthy, tobacco-free school environments.

''SEC. 211. INDIAN YOUTH PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and Urban Indian preadolescent and adolescent youths.

''(b) USE OF FUNDS.—

''(1) ALLOWABLE USES.—Funds made available under this section may be used to—

''(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

''(B) develop and provide community training and education.

''(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

''(c) DUTIES OF THE SECRETARY.—The Secretary shall—

''(1) disseminate to Indian Tribes, Tribal Organizations, and Urban Indian Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

''(2) encourage the implementation of such models; and

''(3) at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance in the implementation of such models.

''(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

''SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the following:

''(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

''(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

''(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

''(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

''(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

''(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

''(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

''(1) may, at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance; and

''(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

''SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERVICES.

''(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs not otherwise described in this Act, including—

''(1) hospice care;

''(2) assisted living;

''(3) long-term care; and

''(4) home- and community-based services.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Any service provided under this section shall be in accordance with such terms and conditions as are consistent with accepted and appropriate standards relating to the service, including any licensing term or condition under this Act.

''(2) STANDARDS.—

''(A) IN GENERAL.—The Secretary may establish, by regulation, the standards for a service provided under this section, provided that such standards shall not be more stringent than the standards required by the State in which the service is provided.

''(B) USE OF STATE STANDARDS.—If the Secretary does not, by regulation, establish standards for a service provided under this section, the standards required by the State in which the service is or will be provided shall apply to such service.

''(C) INDIAN TRIBES.—If a service under this section is provided by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the verification by the Secretary that the service meets any standards required by the State in which the service is or will be provided shall be considered to meet the terms and conditions required under this subsection.

''(3) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

''(A) Individuals who are unable to perform a certain number of activities of daily living without assistance.

''(B) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

''(C) Such other individuals as an applicable Indian Health Program determines to be appropriate.

''(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) The term 'home- and community-based services' means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with the standards described in subsection (b).

''(2) The term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

''(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

''SEC. 214. INDIAN WOMEN'S HEALTH CARE.

''The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

''SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

''(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water source and of the food chain. Such studies shall include—

''(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

''(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

''(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

''(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

''(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

''(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

''(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

''(2) preventive care and testing for Indians who may be exposed to such health hazards,

including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

''(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

''(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

''(d) INTERGOVERNMENTAL TASK FORCE.—

''(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

''(A) The Secretary of Energy.

''(B) The Secretary of the Environmental Protection Agency.

''(C) The Director of the Bureau of Mines.

''(D) The Assistant Secretary for Occupational Safety and Health.

''(E) The Secretary of the Interior.

''(F) The Secretary of Health and Human Services.

''(G) The Assistant Secretary.

''(2) DUTIES.—The Task Force shall—

''(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

''(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

''(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

''(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

''(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

''(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

''(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

''SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

''(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

''SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.

''(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

''(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

''SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

''(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the 'CRIHB') as a contract care intermediary to improve the accessibility of health services to California Indians.

''(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

''(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

''(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

''SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

''The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

''SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

''(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

''(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

''SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

''The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

''SEC. 221. LICENSING.

''Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

''With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

''SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

''(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

''(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

''(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

''SEC. 224. LIABILITY FOR PAYMENT.

''(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

''(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any

charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

''(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

''SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

''(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the 'Office of Indian Men's Health' (referred to in this section as the 'Office').

''(b) DIRECTOR.—

''(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

''(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

''(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

''(1) any activity carried out by the director as of the date on which the report is prepared; and

''(2) any finding of the director with respect to the health of Indian men.

''SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE III—FACILITIES

''SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

''(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall—

''(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

''(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

''(b) CLOSURES.—

''(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service, or any portion of such facility, may be closed if the Secretary has not submitted to Congress not less than 1 year, and not more than 2 years, before the date of the proposed closure an evaluation, completed not more than 2 years before the submission, of the impact of the proposed closure that specifies, in addition to other considerations—

''(A) the accessibility of alternative health care resources for the population served by such facility;

''(B) the cost-effectiveness of such closure;

''(C) the quality of health care to be provided to the population served by such facility after such closure;

''(D) the availability of contract health care funds to maintain existing levels of service;

''(E) the views of the Indian Tribes served by such facility concerning such closure;

''(F) the level of use of such facility by all eligible Indians; and

''(G) the distance between such facility and the nearest operating Service hospital.

''(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

''(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

''(1) IN GENERAL.—

''(A) PRIORITY SYSTEM.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

''(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

''(ii) shall give Indian Tribes' needs the highest priority;

''(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

''(II) shall include the methodology required in paragraph (2)(B)(v); and

''(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

''(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

''(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

''(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

''(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall not be affected by any change in the construction priority system taking place after that date if the project—

''(i) was identified in the fiscal year 2008 Service budget justification as—

''(I) 1 of the 10 top-priority inpatient projects;

''(II) 1 of the 10 top-priority outpatient projects;

''(III) 1 of the 10 top-priority staff quarters developments; or

''(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

''(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

''(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

''(I) on the initiative of the Secretary; or

''(II) pursuant to a request of an Indian Tribe or Tribal Organization.

''(2) REPORT; CONTENTS.—

''(A) INITIAL COMPREHENSIVE REPORT.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Assistant Secretary—

''(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

''(bb) to address other facilities issues.

''(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Assistant Secretary—

''(aa) to review the health care facilities construction priority system; and

''(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

''(ii) INITIAL REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

''(II) INCLUSIONS.—The initial report shall include—

''(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

''(bb) such other information as the Secretary determines to be appropriate.

''(iii) UPDATES OF REPORT.—Beginning in calendar year 2011, the Secretary shall—

''(I) update the report under clause (ii) not less frequently that once every 5 years; and

''(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

''(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

''(i) A description of the health care facility priority system of the Service established under paragraph (1).

''(ii) Health care facilities lists, which may include—

''(I) the 10 top-priority inpatient health care facilities;

''(II) the 10 top-priority outpatient health care facilities;

''(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

''(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

''(V) the 10 top-priority hostels associated with health care facilities.

''(iii) The justification for such order of priority.

''(iv) The projected cost of such projects.

''(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

''(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

''(A) consult with and obtain information on all health care facilities needs from Indian Tribes, Tribal Organizations, and Urban Indian Organizations; and

''(B) review the total unmet needs of all Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

''(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

''(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

''(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

''(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

''(A) the Committees on Indian Affairs and Appropriations of the Senate;

''(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

''(C) the Secretary.

''(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes, Tribal Organizations, and Urban Indian Organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

''SEC. 302. SANITATION FACILITIES.

''(a) FINDINGS.—Congress finds the following:

''(1) The provision of sanitation facilities is primarily a health consideration and function.

''(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

''(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

''(4) Many Indian homes and Indian communities still lack sanitation facilities.

''(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

''(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

''(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

''(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

''(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

''(c) FUNDING.—Notwithstanding any other provision of law—

''(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

''(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

''(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

''(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to fund up to 100 percent of the amount of an Indian Tribe's loan obtained under any Federal program for new projects to construct eligible sanitation facilities to serve Indian homes;

''(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

''(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

''(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

''(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

''(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

''(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

''(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

''(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

''(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

''(1) any funds appropriated pursuant to this section; and

''(2) any funds appropriated for the purpose of providing sanitation facilities.

''(h) REPORT.—

''(1) REQUIRED; CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

''(A) the current Indian sanitation facility priority system of the Service;

''(B) the methodology for determining sanitation deficiencies and needs;

''(C) the criteria on which the deficiencies and needs will be evaluated;

''(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

''(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

''(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

''(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

''(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

''(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

''(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

''(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

''(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

''(i) small or minor capital improvements needed to bring the facility back into compliance;

''(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

''(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

''(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

''(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

''(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

''(iii) there is no access to or no approved or permitted solid waste facility available.

''(D) A level IV deficiency exists—

''(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

''(I) lacks—

''(aa) a safe water supply system; or

''(bb) a waste disposal system;

''(II) contains no piped water or sewer facilities; or

''(III) has become inoperable due to a major component failure; or

''(ii) if only a washeteria or central facility exists in the community.

''(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

''(i) DEFINITIONS.—For purposes of this section, the following terms apply:

''(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

''(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

''SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

''(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

''(1) ownership and control by Indians;

''(2) equipment;

''(3) bookkeeping and accounting procedures;

''(4) substantive knowledge of the project or function to be contracted for;

''(5) adequately trained personnel; or

''(6) other necessary components of contract performance.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), unless such construction or renovation—

''(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

''(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

''(2) EXCEPTION.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

''SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

''(1) any plans or designs for such expansion, renovation, or modernization; and

''(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

''(b) PRIORITY LIST.—

''(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

''(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

''(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

''(1) the Indian Tribe or Tribal Organization—

''(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

''(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

''(2) the expansion, renovation, or modernization—

''(A) is approved by the appropriate area director of the Service for Federal facilities; and

''(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

''(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

''(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

''SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or

modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

''(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

''(b) USE OF GRANT FUNDS.—

''(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

''(A) located apart from a hospital;

''(B) not funded under section 301 or section 306; and

''(C) which, upon completion of such construction or modernization will—

''(i) have a total capacity appropriate to its projected service population;

''(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

''(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

''(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

''(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

''(c) GRANTS.—

''(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

''(A) adequate financial support will be available for the provision of services at such facility;

''(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

''(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve non-eligible persons on a cost basis.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

''(A) a need for increased ambulatory care services; and

''(B) insufficient capacity to deliver such services.

''(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

''(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

''(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

''SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry out, or to enter into contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations to carry out, a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

''(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize such contracts for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

''(1) waive any leasing prohibition;

''(2) permit carryover of funds appropriated for the provision of health care services;

''(3) permit the use of other available funds;

''(4) permit the use of funds or property donated from any source for project purposes;

''(5) provide for the reversion of donated real or personal property to the donor; and

''(6) permit the use of Service funds to match other funds, including Federal funds.

''(c) HEALTH CARE DEMONSTRATION PROJECTS.—

''(1) GENERAL PROJECTS.—

''(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

''(i) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

''(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

''(iii) The project has the potential to deliver services in an efficient and effective manner.

''(iv) The project is economically viable.

''(v) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(vi) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

''(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service Units:

''(i) Cass Lake, Minnesota.

''(ii) Mescalero, New Mexico.

''(iii) Owyhee, Nevada.

''(iv) Schurz, Nevada.

''(v) Ft. Yuma, California.

''(2) CONVENIENT CARE SERVICE PROJECTS.—

''(A) DEFINITION OF CONVENIENT CARE SERVICE.—In this paragraph, the term 'convenient care service' means any primary health care service, such as urgent care services, non-emergent care services, prevention services and screenings, and any service authorized by sections 203 or 213(d), that is—

''(i) provided outside the regular hours of operation of a health care facility; or

''(ii) offered at an alternative setting.

''(B) APPROVAL.—In addition to projects described in paragraph (1), in any fiscal year, the Secretary is authorized to approve not more than 10 applications for health care delivery demonstration projects that—

''(i) include a convenient care services program as an alternative means of delivering health care services to Indians; and

''(ii) meet the criteria described in subparagraph (C).

''(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration projects that meet all of the following criteria:

''(i) The criteria set forth in paragraph (1)(A).

''(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

''(iii) The project—

''(I) expands the availability of services; or

''(II) reduces—

''(aa) the burden on Contract Health Services; or

''(bb) the need for emergency room visits.

''(d) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria described in paragraphs (1)(A) and (2)(C) of subsection (c).

''(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

''(f) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

''(g) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

''(h) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are

fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

"SEC. 307. LAND TRANSFER.

"Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

"SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

"The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

"SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

"(1) inpatient facilities;

"(2) outpatient facilities;

"(3) staff quarters;

"(4) hostels; and

"(5) specialized care facilities, such as behavioral health and elder care facilities.

"(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

"(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

"(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

"(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

"(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

"(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

"(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

"(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

"(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

"(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

"(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

"(c) REPORT.—Not later than September 30, 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) the manner of consultation made as required by subsection (a); and

"(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

"(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

"(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

"(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

"(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

"(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

"(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

"(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

"(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

"(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

"SEC. 312. LOCATION OF FACILITIES.

"(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

"(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

"(1) all lands within the exterior boundaries of any reservation; and

"(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

"SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

"(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

"(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

"(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation

of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

"SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

''(a) RENTAL RATES.—

''(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

''(2) OBJECTIVES.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

''(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

''(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

''(3) EQUITABLE FUNDING.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

''(4) NOTICE OF RATE CHANGE.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

''(b) DIRECT COLLECTION OF RENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

''(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

''(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

''(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

''(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

''(2) RETROCESSION OF AUTHORITY.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

''(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

''(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

''(c) RATES IN ALASKA.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

"SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

''(a) APPLICABILITY.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

''(b) EFFECT OF VIOLATION.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

''(c) DEFINITIONS.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

''(a) AUTHORITY TO ACCEPT FUNDS.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

''(b) INTERAGENCY AGREEMENTS.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

''(c) ESTABLISHMENT OF STANDARDS.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

''(a) DISREGARD OF MEDICARE, MEDICAID, AND SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

''(b) NONPREFERENTIAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

''(c) USE OF FUNDS.—

''(1) SPECIAL FUND.—

''(A) 100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

''(B) USE OF FUNDS.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

''(2) DIRECT PAYMENT OPTION.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

''(d) DIRECT BILLING.—

''(1) IN GENERAL.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

''(2) DIRECT REIMBURSEMENT.—

''(A) USE OF FUNDS.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

''(B) AUDITS.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a

program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

''(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

''(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

''(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

''(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

''(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

''(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

''(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

''SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

''(a) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—From funds appropriated to carry out this title in accordance with section 416, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

''(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

''(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

''(b) CONDITIONS.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

''(1) to determine the population of Indians eligible for the benefits described in subsection (a);

''(2) to educate Indians with respect to the benefits available under the respective programs;

''(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

''(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

''(c) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—

''(1) IN GENERAL.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

''(2) REQUIREMENTS.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

''(A) consistent with the requirements imposed by the Secretary under subsection (b);

''(B) appropriate to Urban Indian Organizations and Urban Indians; and

''(C) necessary to effect the purposes of this section.

''(d) FACILITATING COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

''(e) AGREEMENTS RELATING TO IMPROVING ENROLLMENT OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

''(f) DEFINITION OF PREMIUMS AND COST SHARING.—In this section:

''(1) PREMIUM.—The term 'premium' includes any enrollment fee or similar charge.

''(2) COST SHARING.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

''SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

''(a) RIGHT OF RECOVERY.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

''(1) such services had been provided by a nongovernmental provider; and

''(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

''(b) LIMITATIONS ON RECOVERIES FROM STATES.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

''(1) workers' compensation laws; or

''(2) a no-fault automobile accident insurance plan or program.

''(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

''(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

''(A) intervening or joining in any civil action or proceeding brought—

''(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

''(ii) by any representative or heirs of such individual, or

''(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political

subdivision or local governmental entity of a State, such an action against an official thereof.

''(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

''(3) RECOVERY FROM TORTFEASORS.—

''(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

''(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

''(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

''(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

''(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

''(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

''(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

''(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

''SEC. 404. CREDITING OF REIMBURSEMENTS.

''(a) USE OF AMOUNTS.—

''(1) RETENTION BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

''(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

''(A) Titles XVIII, XIX, and XXI of the Social Security Act.

''(B) This Act, including section 807.

''(C) Public Law 87–693.

''(D) Any other provision of law.

''(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

''SEC. 405. PURCHASING HEALTH CARE COVERAGE.

''(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

''(1) a tribally owned and operated health care plan;

''(2) a State or locally authorized or licensed health care plan;

''(3) a health insurance provider or managed care organization; or

''(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

''(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

''SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

''(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

''(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

''(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

''(2) the quality of health care services provided to any Indian through the Service;

''(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

''(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

''(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

''(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

''(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

''SEC. 407. PAYOR OF LAST RESORT.

''Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

''SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

''(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

''(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

''(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

''(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

''(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

''(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

''(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

''(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

''SEC. 409. CONSULTATION.

''For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

''SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

''For provisions relating to—

''(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

''(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

''SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

''For provisions relating to—

''(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

''(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

''SEC. 412. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

''For provisions relating to—

''(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o–1(a)(1));

''(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

''(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

''SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

''For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

''SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

''(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

''(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

''(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

''(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

''(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

''(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

''(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

''(1) the results of the study under this section;

''(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

''(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

''(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

''SEC. 415. GENERAL EXCEPTIONS.

''The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91).

''SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE V—HEALTH SERVICES FOR URBAN INDIANS

''SEC. 501. PURPOSE.

''The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

''SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

''Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

''SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

''(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

''(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

''(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

''(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

''(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

''(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

''(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

''(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

''(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

''(2) the size of the Urban Indian population in the Urban Center or centers involved;

''(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

''(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

''(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

''(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

''(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

''(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

''(d) IMMUNIZATION SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

''(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

''(e) BEHAVIORAL HEALTH SERVICES.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

''(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

''(A) The behavioral health needs of the Urban Indian population concerned.

''(B) The behavioral health services and other related resources available to that population.

''(C) The barriers to obtaining those services and resources.

''(D) The needs that are unmet by such services and resources.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

''(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

''(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

''(f) PREVENTION OF CHILD ABUSE.—

''(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

''(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

''(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

''(A) To prepare assessments required under paragraph (2).

''(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

''(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

''(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

''(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

''(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

''(C) the assessment required under paragraph (2).

''(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

"SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

''(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

''(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

''(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

''(1) the Urban Indian Organization successfully undertakes to—

''(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

''(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

''(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

''(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

"SEC. 505. EVALUATIONS; RENEWALS.

''(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

''(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

''(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

''(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

''(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the

Urban Indian Organization whose contract or grant is not renewed under this section.

''(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

''SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

''(a) PROCUREMENT.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

''(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

''(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

''(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

''(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

''(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

''(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

''(B) by way of reimbursement.

''(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

''(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

''SEC. 507. REPORTS AND RECORDS.

''(a) REPORTS.—

''(1) IN GENERAL.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

''(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

''(B) Information on activities conducted by the organization pursuant to the contract or grant.

''(C) An accounting of the amounts and purpose for which Federal funds were expended.

''(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

''(2) HEALTH STATUS AND SERVICES.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall submit to Congress a report evaluating—

''(i) the health status of Urban Indians;

''(ii) the services provided to Indians pursuant to this title; and

''(iii) areas of unmet needs in the delivery of health services to Urban Indians.

''(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

''(i) shall consult with Urban Indian Organizations; and

''(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

''(b) AUDIT.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

''(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

''(1) a certified public accountant; or

''(2) a certified public accounting firm qualified to conduct Federal compliance audits.

''SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

''The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

''SEC. 509. FACILITIES.

''(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

''(b) LOAN FUND STUDY.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

''SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

''There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

''(1) carrying out the provisions of this title;

''(2) providing central oversight of the programs and services authorized under this title; and

''(3) providing technical assistance to Urban Indian Organizations.

''SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

''(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

''(1) The size of the Urban Indian population.

''(2) Capability of the organization to adequately perform the activities required under the grant.

''(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

''(4) Identification of the need for services.

''(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

''(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

''SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

''Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

''(1) be permanent programs within the Service's direct care program;

''(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

''(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

''(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants or enter into contracts with Urban Indian Organizations, to take effect not later than September 30, 2010, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

''(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

''(c) ELIGIBILITY.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

''(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

"SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

''(a) IN GENERAL.—The Secretary shall ensure that the Service consults, to the greatest extent practicable, with Urban Indian Organizations.

''(b) DEFINITION OF CONSULTATION.—For purposes of subsection (a), consultation is the open and free exchange of information and opinions which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

"SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

''(a) CONSTRUCTION AND OPERATION.—The Secretary, acting through the Service, through grant or contract, is authorized to fund the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

''(b) DEFINITION OF STATE.—A State described in this subsection is a State in which—

''(1) there resides Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting; and

''(2) there is a significant shortage of culturally competent residential treatment services for Urban Indian youth.

"SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

''(a) GRANTS AUTHORIZED.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

''(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

''(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

''(1) the size and location of the Urban Indian population to be served;

''(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

''(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

''(4) the capability of the organization to adequately perform the activities required under the grant; and

''(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

''(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

"SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

''The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

"SEC. 518. EFFECTIVE DATE.

''The amendments made by the Indian Health Care Improvement Act Amendments of 2007 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

"SEC. 519. ELIGIBILITY FOR SERVICES.

''Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or referral services provided pursuant to this title.

"SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

''(2) ASSISTANT SECRETARY FOR INDIAN HEALTH.—The Service shall be administered by an Assistant Secretary for Indian Health, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2007, the term of service of the Assistant Secretary shall be 4 years. An Assistant Secretary may serve more than 1 term.

''(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 shall serve as Assistant Secretary.

''(4) ADVOCACY AND CONSULTATION.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

''(A) facilitate advocacy for the development of appropriate Indian health policy; and

''(B) promote consultation on matters relating to Indian health.

''(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

''(c) DUTIES.—The Assistant Secretary shall—

''(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, carried out by or under the direction of the individual serving as Director of the Service on that day;

''(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

''(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

''(A) this Act;

''(B) the Act of November 2, 1921 (25 U.S.C. 13);

''(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

''(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

''(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(4) administer all scholarship and loan functions carried out under title I;

''(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

''(9) coordinate the activities of the Department concerning matters of Indian health; and

''(10) perform such other functions as the Secretary may designate.

''(d) AUTHORITY.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary, shall have the authority—

''(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

''(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

''(C) to manage, expend, and obligate all funds appropriated for the Service.

''(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

''(e) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

''(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

''(A) a financial management system;

''(B) a patient care information system for each area served by the Service;

''(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

''(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

''(E) an interface mechanism for patient billing and accounts receivable system; and

''(F) a training component.

''(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide

each Tribal Health Program automated management information systems which—

''(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

''(2) meet the management information needs of the Service.

''(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

''(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Assistant Secretary, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

''SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

''TITLE VII—BEHAVIORAL HEALTH PROGRAMS

''SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

''(a) PURPOSES.—The purposes of this section are as follows:

''(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

''(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

''(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

''(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

''(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

''(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

''(b) PLANS.—

''(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans, and Urban Indian Organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

''(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

''(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

''(ii) an estimate of the financial and human cost attributable to such illness or behavior.

''(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

''(C) An estimate of the additional funding needed by the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to meet their responsibilities under the plans.

''(2) NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, Urban Indian Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, Urban Indian Organization, or the Service.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

''(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

''(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

''(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

''(B) detoxification (social and medical);

''(C) acute hospitalization;

''(D) intensive outpatient/day treatment;

''(E) residential treatment;

''(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

''(G) emergency shelter;

''(H) intensive case management; and

''(I) diagnostic services.

''(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

''(A) preschool and school age fetal alcohol disorder services, including assessment and behavioral intervention;

''(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

''(C) identification and treatment of co-occurring disorders and comorbidity;

''(D) prevention of alcohol, drug, inhalant, and tobacco use;

''(E) early intervention, treatment, and aftercare;

''(F) promotion of healthy approaches to risk and safety issues; and

''(G) identification and treatment of neglect and physical, mental, and sexual abuse.

''(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches for risk-related behavior;

''(E) treatment services for women at risk of giving birth to a child with a fetal alcohol disorder; and

''(F) sex specific treatment for sexual assault and domestic violence.

''(4) FAMILY CARE.—Behavioral health services for families, including—

''(A) early intervention, treatment, and aftercare for affected families;

''(B) treatment for sexual assault and domestic violence; and

''(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

''(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

''(A) early intervention, treatment, and aftercare;

''(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

''(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

''(D) promotion of healthy approaches to managing conditions related to aging;

''(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

''(F) identification and treatment of dementias regardless of cause.

''(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

''(1) ESTABLISHMENT.—The governing body of any Indian Tribe, Tribal Organization, or Urban Indian Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

''(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization in the development and implementation of such plan.

''(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

''(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

''(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need.

In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

''(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

''(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

''(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

''(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

''(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

''(B) The right of Indians to participate in, and receive the benefit of, such services.

''(C) The actions necessary to protect the exercise of such right.

''(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

''(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

''(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

''(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

''(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

''(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

''(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

''(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

''(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

''(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

''(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

"SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

''(A) prevention, through educational intervention, in Indian communities;

''(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

''(C) community-based rehabilitation and aftercare;

''(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

''(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

''(F) diagnostic services.

''(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

''(b) CONTRACT HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

''(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

"SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

''(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

''(1) provides for the training of Indians as mental health technicians; and

''(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

''(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

''(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

''(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

"SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

''(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

''(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

''(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

''(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

''(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

"SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

''(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

''(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

''(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

''(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

''(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

''(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review

and approval of applications and proposals for funding under this section.

''(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

"SEC. 707. INDIAN YOUTH PROGRAM.

''(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

''(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

''(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

''(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

''(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

''(4) SPECIFIC PROVISION OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

''(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

''(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

''(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

''(A) pretreatment assistance;

''(B) inpatient, outpatient, and aftercare services;

''(C) emergency care;

''(D) suicide prevention and crisis intervention; and

''(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

''(2) USE OF FUNDS.—Funds provided under this subsection may be used—

''(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

''(B) to hire behavioral health professionals;

''(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

''(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

''(E) for intensive home- and community-based services.

''(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

''(d) FEDERALLY-OWNED STRUCTURES.—

''(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

''(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

''(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

''(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

''(e) REHABILITATION AND AFTERCARE SERVICES.—

''(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

''(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

''(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

''(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

''(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

''(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

''(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

''(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

''(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

''(5) the costs of the services described in paragraph (4).

"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

''(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

''(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

''(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

''(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

''(4) the development of culturally-relevant educational materials on suicide; and

''(5) data collection and reporting.

''(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

''(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

''(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

''(c) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

''(A) have expressed suicidal ideas;

''(B) have attempted suicide; or

''(C) have mental health conditions that increase or could increase the risk of suicide.

''(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal

Organizations that operate 1 or more facilities—

''(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

''(B) reporting active clinical telehealth capabilities; or

''(C) offering school-based telemental health services relating to psychiatry to Indian youth.

''(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

''(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

''(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

''(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

''(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

''(D) operate a detention facility at which Indian youth are detained.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

''(A) To provide telemental health services to Indian youth, including the provision of—

''(i) psychotherapy;

''(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

''(iii) alcohol and substance abuse treatment.

''(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

''(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

''(D) To develop and distribute culturally appropriate community educational materials on—

''(i) suicide prevention;

''(ii) suicide education;

''(iii) suicide screening;

''(iv) suicide intervention; and

''(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

''(E) For data collection and reporting related to Indian youth suicide prevention efforts.

''(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

''(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

''(2) a description of the manner in which the project funded under the grant would—

''(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

''(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

''(3) evidence of support for the project from the local community to be served by the project;

''(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

''(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

''(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

''(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

''(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

''(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

''(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

''(1) describes the number of telemental health services provided; and

''(2) includes any other information that the Secretary may require.

''(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

''(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

''(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

''(3) evaluates whether the demonstration project should be—

''(A) expanded to provide more than 5 grants; and

''(B) designated a permanent program; and

''(4) evaluates the benefits of expanding the demonstration project to include Urban Indian Organizations.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2008 through 2011.

''SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

''Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

''SEC. 710. TRAINING AND COMMUNITY EDUCATION.

''(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

''(b) INSTRUCTION.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

''(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

''(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

''(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

''(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

''SEC. 711. BEHAVIORAL HEALTH PROGRAM.

''(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent

with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

''(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

''(1) The project will address significant unmet behavioral health needs among Indians.

''(2) The project will serve a significant number of Indians.

''(3) The project has the potential to deliver services in an efficient and effective manner.

''(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

''(5) The project may deliver services in a manner consistent with traditional health care practices.

''(6) The project is coordinated with, and avoids duplication of, existing services.

''(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

''SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.

''(a) PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol disorder programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

''(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol disorders.

''(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

''(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected Indians and their families or caretakers.

''(iv) To develop and implement counseling and support programs in schools for fetal alcohol disorder affected Indian children.

''(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

''(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol disorder.

''(vii) To develop and implement, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in Indian communities and Urban Centers.

''(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

''(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorder among Indians.

''(ii) Community-based support services for Indians and women pregnant with Indian children.

''(iii) Community-based housing for adult Indians with fetal alcohol disorder.

''(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

''(b) SERVICES.—The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall—

''(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorder in Indian communities; and

''(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorder.

''(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorder Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

''(1) The National Institute on Drug Abuse.

''(2) The National Institute on Alcohol and Alcoholism.

''(3) The Office of Substance Abuse Prevention.

''(4) The National Institute of Mental Health.

''(5) The Service.

''(6) The Office of Minority Health of the Department of Health and Human Services.

''(7) The Administration for Native Americans.

''(8) The National Institute of Child Health and Human Development (NICHD).

''(9) The Centers for Disease Control and Prevention.

''(10) The Bureau of Indian Affairs.

''(11) Indian Tribes.

''(12) Tribal Organizations.

''(13) Urban Indian Organizations.

''(14) Indian fetal alcohol disorder experts.

''(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol disorder.

''(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

''SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

''(1) victims of sexual abuse who are Indian children or children in an Indian household; and

''(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

''(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

''(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

''(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

''(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

''(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

''(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

''(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

''(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

''(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

''SEC. 714. BEHAVIORAL HEALTH RESEARCH.

''The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

''(1) the multifactorial causes of Indian youth suicide, including—

''(A) protective and risk factors and scientific data that identifies those factors; and

''(B) the effects of loss of cultural identity and the development of scientific data on those effects;

''(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

''(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

''SEC. 715. DEFINITIONS.

''For the purpose of this title, the following definitions shall apply:

''(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

''(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means, with a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities. Behaviorally, there can be problems with irritability, and failure to thrive as infants. As children become older there will likely be hyperactivity, attention deficit, language dysfunction, and perceptual and judgment problems.

''(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client

or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

''(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

''(5) FETAL ALCOHOL DISORDERS.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome and alcohol related neurodevelopmental disorder (ARND).

''(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

''(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

''(B) Craniofacial abnormalities with at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(C) Prenatal or postnatal growth delay.

''(7) PARTIAL FAS.—The term 'partial FAS' means, with a history of maternal alcohol consumption during pregnancy, having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

''(8) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

''(9) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

''SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out the provisions of this title.

''TITLE VIII—MISCELLANEOUS

''SEC. 801. REPORTS.

''For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall transmit to Congress a report containing the following:

''(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

''(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

''(3) A report on the use of health services by Indians—

''(A) on a national and area or other relevant geographical basis;

''(B) by gender and age;

''(C) by source of payment and type of service;

''(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

''(E) provided under contracts.

''(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

''(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

''(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

''(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

''(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

''(9) A biennial report to Congress on infectious diseases as required by section 212.

''(10) A report on environmental and nuclear health hazards as required by section 215.

''(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

''(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

''(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

''(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

''(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

''(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

''(17) A report on evaluation and renewal of Urban Indian programs under section 505.

''(18) A report on the evaluation of programs as required by section 513(d).

''(19) A report on alcohol and substance abuse as required by section 701(f).

''(20) A report on Indian youth mental health services as required by section 707(h).

''(21) A report on the reallocation of base resources if required by section 808.

''SEC. 802. REGULATIONS.

''(a) DEADLINES.—

''(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and section 807. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007 and shall have no less than a 120-day comment period.

''(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007.

''(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

''(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

''(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

''SEC. 803. PLAN OF IMPLEMENTATION.

''Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

''SEC. 804. AVAILABILITY OF FUNDS.

''The funds appropriated pursuant to this Act shall remain available until expended.

''SEC. 805. LIMITATION ON USE OF FUNDS APPROPRIATED TO INDIAN HEALTH SERVICE.

''Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

''SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

''(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

''(1) Any member of a federally recognized Indian Tribe.

''(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

''(A) is a member of the Indian community served by a local program of the Service; and

''(B) is regarded as an Indian by the community in which such descendant lives.

''(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

''(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

''(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

''SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

''(a) CHILDREN.—Any individual who—

''(1) has not attained 19 years of age;

''(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

''(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

''(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

''(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

''(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

''(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

''(B) the Secretary and the served Indian Tribes have jointly determined that—

''(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

''(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

''(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

''(3) PAYMENT FOR SERVICES.—

''(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

''(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

''(4) REVOCATION OF CONSENT FOR SERVICES.—

''(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

''(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

''(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

''(1) achieve stability in a medical emergency;

''(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

''(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

''(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

''(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

''(f) ELIGIBLE INDIAN.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

''(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

''(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

''The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

''(a) CONSISTENT WITH COURT DECISION.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

''(b) CLARIFICATION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

''During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807, until the Service has submitted to the Committees on Appropriations of the Senate and the House of Representatives a budget request reflecting the increased costs associated with the proposed final rule, and the request has been included in an appropriations Act and enacted into law.

"SEC. 812. TRIBAL EMPLOYMENT.

''For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 813. SEVERABILITY PROVISIONS.

''If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

''(a) ESTABLISHMENT.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

''(b) DUTIES OF COMMISSION.—The duties of the Commission are the following:

''(1) To establish a study committee composed of those members of the Commission appointed by the Director of the Service and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

''(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian

needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently.

''(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

''(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

''(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

''(2) To review and analyze the recommendations of the report of the study committee.

''(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

''(c) MEMBERS.—

''(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

''(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

''(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director of the Service to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

''(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

''(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

''(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

''(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

''(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

''(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(d) COMPENSATION.—

''(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

''(e) MEETINGS.—The Commission shall meet at the call of the Chair.

''(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

''(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

''(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

''(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

''(2) Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(5) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

''(8) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted

from or affect any other appropriation for health care for Indian persons.

''(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"SEC. 815. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

''(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

''(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

''(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

''(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

''(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

''(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

''(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

''(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

''(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

''(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization. Such requirement does not apply to the release of information pursuant to section 552a of title 5.

''(d) DISCLOSURE FOR CERTAIN PURPOSES.—

''(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program or Urban Indian Organizations's medical quality assurance programs.

''(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

''(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

''(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5.

''(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

''(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(i) REGULATIONS.—The Secretary, acting through the Service, shall promulgate regulations pursuant to section 802.

''(j) DEFINITIONS.—In this section:

''(1) The term 'health care provider' means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

''(2) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

''(3) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

"SEC. 816. APPROPRIATIONS; AVAILABILITY.

''Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93–344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 817. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.''.

(b) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Health and Human Services (6).'' and inserting ''Assistant Secretaries of Health and Human Services (7)''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Indian Health Service, Department of Health and Human Services''.

(c) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(1) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106–310) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(A) in section 3 (25 U.S.C. 3902)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(iii) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.'';

(B) in section 5 (25 U.S.C. 3904), by striking the section designation and heading and inserting the following:

"SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.";

(C) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY'';

(D) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY''; and

(E) by striking ''Director'' each place it appears and inserting ''Assistant Secretary''.

(3) Section 5504(d)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(4) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(5) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) are amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(6) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b–14(b)) is amended—

(A) by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''; and

(B) in paragraph (2)(A), by striking ''the Directors referred to in such paragraph'' and inserting ''the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health''.

(7) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285–9(b)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(8) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(9) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is amended in the last sentence by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(10) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

''SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).''.

SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

''SEC. 801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

''(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

''SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

''(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

''(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

''(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

''(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

''(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

''(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

''(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(g) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall have staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(h) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(i) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(j) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(m) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the

Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

''(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

''(A) for the first fiscal year described in that paragraph, 20 percent;

''(B) for the following fiscal year, 15 percent; and

''(C) for each fiscal year thereafter, 10 percent.

''(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

''(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

''SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

''(1) are available; and

''(2) are provided on reimbursable cost basis.''.

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 701''.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

''SEC. 1911. INDIAN HEALTH PROGRAMS.''; and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.''.

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.''.

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

''(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.''.

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

''(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

''(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

''SEC. 1880. INDIAN HEALTH PROGRAMS.''; and

(B) by amending subsection (a) to read as follows:

''(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.''.

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.''.

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

''(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement

to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

''(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.''.

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting ''and section 401(c)(1) of the Indian Health Care Improvement Act'' after ''Subsection (c)''.

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

''(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).''.

SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9) is amended to read as follows:

''SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

''(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

''(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

''(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

''(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

''(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).''.

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking ''(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))'' and inserting '', including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance''.

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking ''insurance program, other than an insurance program operated or financed by the Indian Health Service'' and inserting ''program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization''.

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

''(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

''(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.''.

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

''(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''and (i)'' and inserting '', (i), and (j)''; and

(B) by adding at the end the following new subsection:

''(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

''(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

''(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

''(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

''(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(2) CONFORMING AMENDMENT.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking ''section 1916(g)'' and inserting ''subsections (g), (i), or (j) of section 1916''.

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

''(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

''(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

''(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

''(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

''(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).''.

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.''.

SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

''(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

''(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

''(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

''(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

''(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

''(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

''(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

''(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.''.

SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

''(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).''.

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking ''and'' at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

''(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

''(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

''(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.''.

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by adding at the end the following new subsection:

''(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the

request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.''.

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

''(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

''(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

''(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

''(ii) inventory or supplies;

''(iii) staff; or

''(iv) a waiver of all or part of premiums or cost sharing.

''(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

''(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

''(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

''(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

''(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

''(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

''(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

''(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.''.

SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

''(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

''(A) has an Indian enrolled with the entity; and

''(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

''(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

''(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

''(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or

''(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

''(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

''(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

''(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

''(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

''(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

''(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

''(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

''(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

''(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

''(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center

to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

''(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

''(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

''(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

''(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program, the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

''(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

''(A) ENROLLMENT.—

''(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

''(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

''(iii) DEFAULT ENROLLMENT.—

''(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

''(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

''(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

''(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

''(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

''(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

''(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

''(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

''(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

''(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

''(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

''(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

''(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

''(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

''(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

''(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

''(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

''(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

''(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.''.

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

''(H) Subsections (a)(2)(C) and (h) of section 1932.''.

SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

''(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2007, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

''(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

''(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

''(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

''(5) Such other information as the Secretary determines is appropriate.''.

Mr. THOMAS. Mr. President, I rise today regarding the introduction of the Indian Health Care Improvement Act Amendments of 2007. This legislation will reauthorize the Indian Health Care Improvement Act and provide essential improvements to the Indian health system.

These improvements are needed to raise the health status of Indian communities where the mortality and disease rates are far greater than the national averages. For example, on the Wind River Indian Reservation in Wyoming, the average age at death is 49, according to recent data from the Indian Health Service.

The reauthorization has been an ongoing effort since 1999 and significant progress has been made particularly in the last two Congresses. The bill being introduced today incorporates provisions that the Committee has developed in the course of the previous two Congresses.

Even though there may be remaining issues on certain provisions, the introduction of this very important bill will facilitate the process of resolving those issues. I look forward to continuing work on those issues and advancing a bill that is effective in addressing the health care needs of Indian people.

I encourage my colleagues to join Chairman DORGAN and me in these efforts to improve the lives of Indian people.

By Mr. SANDERS (for himself, Mr. LIEBERMAN, Mr. LEAHY, and Mr. FEINGOLD):

S. 1201. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

Mr. SANDERS. Mr. President, today I am introducing the Clean Power Act of 2007. I ask unanimous consent that the full text of the bill be printed in the RECORD. This legislation is modeled after legislation spearheaded by my predecessor and ardent protector of the environment and the public health, Senator JIM JEFFORDS. I am proud to sit on the Environment and Public Works Committee that was under his leadership for a time, and I am also honored to be a member of another Committee of significant importance, the Energy and Natural Resources Committee.

The Clean Power Act of 2007 gets to a problem on the minds of those in the northeast, who suffer insults to their health and their environment in the form of dirty air and polluted lakes, as well as those all across the country who want to see power plants shape up their act. This legislation will help clean the air and reduce global warming pollution by dramatically reducing the four major pollutants emitted by power plants—carbon dioxide, nitrogen oxide, sulfur dioxide, and mercury.

Congress must work toward an economy-wide approach to addressing global warming, along the lines of the legislation I introduced with Senator BOXER and others: S. 309, the Global Warming Pollution Reduction Act. However, power plants should begin reducing their greenhouse gas emissions now, at the same time they are reducing emissions of other air pollutants. The Clean Power Act of 2007 would set this process in motion by using a cap and trade approach for reducing carbon dioxide, nitrogen oxide, and sulfur dioxide emissions. Additionally, the legislation makes specific linkages to an economy-wide reduction of pollutants responsible for global warming by specifying that if Congress has not passed, and the President has not signed, legislation affecting at least 85 percent of manmade sources of global warming pollutants by 2012, that the emissions from power plants must be decreased each year by 3 percent until atmospheric concentrations of global warming pollutants are stabilized at 450 parts per million carbon dioxide equivalent. So, while I am putting forward this power plant only bill today, let it be clear that I remain firm in my belief that we must tackle the problem of global warming in a way that will actually make a difference to the future of the planet.

I am happy to be joined in introducing this legislation by Senator LIEBERMAN, Senator LEAHY, and Senator FEINGOLD. Additionally, I am glad to have the support of many national organizations, including the Clean Air Task Force, National Wildlife Federation, Environmental Defense, National Environmental Trust, the American Lung Association, Natural Resources Defense Council, and U.S. PIRG.

As we move forward to address global warming and to protect current and future generations, dealing with power plant emissions is a good start. I look forward to gaining the support of my colleagues on this important legislation.

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

S. 1201

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 ''Clean Power Act of 2007''.

SEC. 2. ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS.

(a) IN GENERAL.—The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS

''Sec. 701. Findings.
''Sec. 702. Purposes.
''Sec. 703. Definitions.
''Sec. 704. Emission limitations.
''Sec. 705. Emission allowances.
''Sec. 706. Permitting and trading of emission allowances.
''Sec. 707. Emission allowance allocation.
''Sec. 708. Mercury emission limitations.
''Sec. 709. Other hazardous air pollutants.
''Sec. 710. Emission standards for affected units.
''Sec. 711. Low-carbon generation requirement.
''Sec. 712. Geological disposal of global warming pollutants.
''Sec. 713. Energy efficiency performance standard.
''Sec. 714. Renewable portfolio standard.
''Sec. 715. Standards to account for biological sequestration of carbon.
''Sec. 716. Effect of failure to promulgate regulations.
''Sec. 717. Prohibitions.
''Sec. 718. Modernization of electric generation facilities.
''Sec. 719. Condition for treatment of electric generation facilities after 2020.
''Sec. 720. Paramount interest waiver.
''Sec. 721. Relationship to other law.

''SEC. 701. FINDINGS.

''Congress finds that—

''(1) public health and the environment continue to suffer as a result of pollution emitted by powerplants across the United States, despite the success of Public Law 101–549 (commonly known as the 'Clean Air Act Amendments of 1990') (42 U.S.C. 7401 et seq.) in reducing emissions;

''(2) according to the most reliable scientific knowledge, acid rain precursors must be significantly reduced for the ecosystems of the Northeast and Southeast to recover from the ecological harm caused by acid deposition;

''(3) because lakes and sediments across the United States are being contaminated by mercury emitted by powerplants, there is an increasing risk of mercury poisoning of aquatic habitats and fish-consuming human populations;

''(4) electricity generation accounts for approximately 40 percent of the total emissions in the United States of carbon dioxide, a major global warming pollutant causing global warming;

''(5) the cumulative impact of powerplant emissions on public and environmental health must be addressed swiftly by reducing those harmful emissions to levels that are less threatening;

''(6) 1,803,000,000 metric tons of carbon dioxide equivalent were emitted during 1990;

''(7)(A) the atmosphere is a public resource; and

''(B) emission allowances, representing permission to use that resource for disposal of air pollution from electricity generation, should be allocated to promote public purposes, including—

''(i) protecting electricity consumers from adverse economic impacts;

''(ii) providing transition assistance to adversely affected employees, communities, and industries; and

''(iii) promoting clean energy resources and energy efficiency;

''(8) an array of technological options exist for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

''(9) the ingenuity of the people of the United States will allow the United States to become a leader in solving global warming; and

''(10) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to ensure the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

"SEC. 702. PURPOSES.

''The purposes of this title are—

''(1) to alleviate the environmental and public health damage caused by emissions of sulfur dioxide, nitrogen oxides, global warming pollutants, and mercury resulting from the combustion of fossil fuels in the generation of electric and thermal energy;

''(2) to reduce the annual national emissions from electric generation facilities to not more than—

''(A) for calendar years 2010 through 2012—

''(i) 2,250,000 tons of sulfur dioxide; and

''(ii) 1,510,000 tons of nitrogen oxides; and

''(B) for calendar year 2013 and each calendar year thereafter—

''(i) 1,300,000 tons of sulfur dioxide; and

''(ii) 900,000 tons of nitrogen oxides;

''(3)(A) to reduce, by December 31, 2012, the annual national emissions of mercury from electric generation facilities to not more than 5 tons; and

''(B) to the maximum extent practicable, to achieve a facility-specific reduction in emissions of mercury of more than 90 percent;

''(4) beginning in calendar year 2010, to reduce each calendar year the annual national emissions of global warming pollutants from electric generation facilities to achieve a reduction in emissions of global warming pollutants equal to—

''(A) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

''(B) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

''(C) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

''(D) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent;

''(5) to effectuate the reductions described in paragraphs (2) through (4) by—

''(A) requiring electric generation facilities to comply with specified emission limitations by specified deadlines; and

''(B) allowing electric generation facilities to meet the emission limitations (other than the emission limitation for mercury) through an alternative method of compliance consisting of an emission allowance and transfer system;

''(6) to reduce, by December 31, 2050, emissions from power plants of global warming pollutants that cause global warming to facilitate the achievement of an economy-wide reduction, consistent with the goal of stabilization of worldwide atmospheric concentrations of global warming pollutants at 450 parts per million carbon dioxide equivalent; and

''(7) to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as long-range strategies, consistent with this title, for reducing air pollution and other adverse impacts of energy generation and use.

"SEC. 703. DEFINITIONS.

''In this title:

''(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

''(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into consideration the report described in section 705(d)(1).

''(3) COVERED POLLUTANT.—The term 'covered pollutant' means—

''(A) sulfur dioxide;

''(B) any nitrogen oxide;

''(C) mercury; and

''(D) any global warming pollutant.

''(4) ELECTRIC GENERATION FACILITY.—The term 'electric generation facility' means an electric or thermal electricity generating unit, a combination of such units, or a combination of 1 or more such units and 1 or more combustion devices, that—

''(A) has a nameplate capacity of 25 megawatts or more (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

''(B) generates electric energy, for sale, through combustion of fossil fuel; and

''(C) emits a covered pollutant into the atmosphere.

''(5) ELECTRICITY INTENSIVE PRODUCT.—The term 'electricity intensive product' means a product with respect to which the cost of electricity consumed in the production of the product represents more than 5 percent of the value of the product.

''(6) EMISSION ALLOWANCE.—The term 'emission allowance' means a limited authorization to emit in accordance with this title—

''(A) 1 ton of sulfur dioxide;

''(B) 1 ton of nitrogen oxides; or

''(C) 1 ton of global warming pollutant.

''(7) ENERGY EFFICIENCY PROJECT.—The term 'energy efficiency project' means any specific action (other than ownership or operation of an energy efficient building) commenced after the date of enactment of this title—

''(A) at a facility (other than an electric generation facility), that verifiably reduces the annual electricity or natural gas consumption per unit output of the facility, as compared with the annual electricity or natural gas consumption per unit output that would be expected in the absence of an allocation of emission allowances (as determined by the Administrator); or

''(B) by an entity that is primarily engaged in the transmission and distribution of electricity, that significantly improves the efficiency of that type of entity, as compared with standards for efficiency developed by the Administrator, in consultation with the Secretary of Energy, after the date of enactment of this title.

''(8) ENERGY EFFICIENT BUILDING.—The term 'energy efficient building' means a residential building or commercial building completed after the date of enactment of this title for which the projected lifetime consumption of electricity or natural gas for heating, cooling, and ventilation is at least 30 percent less than the lifetime consumption of a typical new residential building or commercial building, as determined by the Administrator (in consultation with the Secretary of Energy)—

''(A) on a State or regional basis; and

''(B) taking into consideration—

''(i) applicable building codes; and

''(ii) consumption levels achieved in practice by new residential buildings or commercial buildings in the absence of an allocation of emission allowances.

''(9) ENERGY EFFICIENT PRODUCT.—The term 'energy efficient product' means a product manufactured after the date of enactment of this title that has an expected lifetime electricity or natural gas consumption that—

''(A) is less than the average lifetime electricity or natural gas consumption for that type of product; and

''(B) does not exceed the lesser of—

''(i) the maximum energy consumption that qualifies for the applicable Energy Star label for that type of product; or

''(ii) the average energy consumption of the most efficient 25 percent of that type of product manufactured in the same year.

''(10) FACILITY.—The term 'facility' means any building, structure, or installation that is located—

''(A) on 1 or more contiguous or adjacent properties under the common control of at least 1 person; and

''(B) in the United States.

''(11) GLOBAL WARMING POLLUTANT.—The term 'global warming pollutant' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons;

''(F) sulfur hexafluoride; and

''(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

''(12) GLOBAL WARMING POLLUTION.—The term 'global warming pollution' means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

''(13) LIFETIME.—The term 'lifetime' means—

''(A) in the case of a residential building that is an energy efficient building, 30 years;

''(B) in the case of a commercial building that is an energy efficient building, 15 years; and

''(C) in the case of an energy efficient product, a period determined by the Administrator to be the average life of that type of energy efficient product.

''(14) MERCURY.—The term 'mercury' includes any mercury compound.

''(15) NAS REPORT.—The term 'NAS report' means a report completed by the Academy under subsection (d)(1) or (e)(2) of section 705.

''(16) NONWESTERN REGION.—The term 'nonwestern region' means the area of the States that is not included in the western region.

''(17) RENEWABLE ELECTRICITY GENERATING UNIT.—The term 'renewable electricity generating unit' means a unit that—

''(A) has been in operation for 10 years or less; and

''(B) generates electric energy by means of—

''(i) wind;

''(ii) biomass;

''(iii) landfill gas;

''(iv) a geothermal, solar thermal, or photovoltaic source; or

''(v) a fuel cell operating on fuel derived from a renewable source of energy.

''(18) SMALL ELECTRIC GENERATION FACILITY.—The term 'small electric generation facility' means an electric or thermal electricity generating unit, or combination of units, that—

''(A) has a nameplate capacity of less than 25 megawatts (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

''(B) generates electric energy, for sale, through combustion of fossil fuel; and

''(C) emits a covered pollutant into the atmosphere.

''(19) WESTERN REGION.—The term 'western region' means the area comprising the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

"SEC. 704. CONDITION FOR TREATMENT OF ELECTRIC GENERATION FACILITIES AFTER 2020.

''If, by December 31, 2012, Congress does not enact, and the President does not sign, an Act affecting at least 85 percent of man-made sources of global warming pollution in the United States designed to reduce, on an economy-wide basis, the quantity of global warming pollutants emitted from those

sources, the emissions limitations for electric generation facilities shall be successively decreased by at least 3 percent below the limitations required by this title for the preceding calendar year—

''(1) for each of calendar years 2026 through 2050;

''(2) until, as determined by the Administrator, the purpose described in section 702(6) is achieved; or

''(3) until Congress enacts, and the President signs, such an Act.

''SEC. 705. EMISSION LIMITATIONS.

''(a) IN GENERAL.—Subject to subsections (b) through (e), the Administrator shall promulgate regulations to ensure that the total annual emissions of covered pollutants from all electric generation facilities located in all States does not exceed—

''(1) in the case of sulfur dioxide—

''(A) in the western region—

''(i) for calendar years 2010 through 2012, 274,500 tons; and

''(ii) for calendar year 2013 and each calendar year thereafter, 158,600 tons; and

''(B) in the nonwestern region—

''(i) for calendar years 2010 through 2012, 1,975,500 tons; and

''(ii) for calendar year 2013 and each calendar year thereafter, 1,141,400 tons;

''(2) in the case of nitrogen oxides—

''(A) for calendar years 2010 through 2012, 1,510,000 tons; and

''(B) for calendar year 2013 and each calendar year thereafter, 900,000 tons;

''(3) in the case of global warming pollutants, beginning in calendar year 2010, a quantity to be reduced each calendar year to achieve a reduction in emissions of global warming pollutants equal to—

''(A) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

''(B) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

''(C) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

''(D) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent; and

''(4) in the case of mercury, by December 31, 2012, and during each calendar year thereafter, the lower of, as applicable—

''(A) 5 tons; and

''(B) to the maximum extent practicable, with respect to an electric generation facility, a quantity of mercury emissions that represents more than a 90-percent reduction of emissions of mercury by the electric generation facility, as compared to the average emissions of mercury during calendar years 2009 through 2011.

''(b) EXCESS EMISSIONS BASED ON UNUSED ALLOWANCES.—The regulations promulgated under subsection (a) shall authorize emissions of covered pollutants in excess of the national emission limitations established under that subsection for a calendar year to the extent that the number of tons of the excess emissions is less than or equal to the number of emission allowances that are—

''(1) used in the calendar year; but

''(2) allocated for any preceding calendar year under section 708.

''(c) REDUCTIONS.—For calendar year 2010 and each calendar year thereafter, the quantity of emissions specified for each covered pollutant in subsection (a) shall be reduced by the sum of—

''(1) the number of tons of the covered pollutant that were emitted by small electric generation facilities in the second preceding calendar year; and

''(2) any number of tons of reductions in emissions of the covered pollutant required under section 706(h).

''(d) ACCELERATED GLOBAL WARMING POLLUTION EMISSIONS LIMITATIONS.—

''(1) ACADEMY REPORT ON GLOBAL CHANGE EVENTS.—

''(A) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any event described in subparagraph (B)—

''(i) has occurred or is more likely than not to occur in the foreseeable future; and

''(ii) in the judgment of the Academy, is the result of anthropogenic climate change.

''(B) EVENTS.—The events referred to in subparagraph (A) are—

''(i) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

''(ii) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

''(2) ACCELERATION OF LIMITATIONS.—If a NAS report determines that an event described in paragraph (1)(B) has occurred, or is more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for notice and public comment and taking into consideration the new information contained in the NAS report, may—

''(A) adjust any global warming pollution emissions limitation under this section; and

''(B) promulgate such regulations as the Administrator determines to be necessary—

''(i) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

''(ii) to minimize the effects of rapid climate change and otherwise achieve the purposes of this title.

''(e) REPORT ON ACHIEVEMENT OF GLOBAL WARMING POLLUTION EMISSIONS LIMITATIONS.—

''(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to compliance with a standard or requirement under this subsection, means that adequate technology or infrastructure does not exist, or is not reasonably anticipated to exist, within a sufficient time to permit compliance with the standard or requirement.

''(2) TECHNOLOGY REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that analyzes—

''(A) the status of current global warming pollution emission reduction technologies, including—

''(i) technologies for capture and disposal of global warming pollutants;

''(ii) efficiency improvement technologies;

''(iii) zero-global-warming-pollution-emitting energy technologies; and

''(iv) above- and below-ground biological sequestration technologies;

''(B) whether any requirement under this title (including regulations promulgated pursuant to this title) requires a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirement becomes effective;

''(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

''(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible before January 1, 2050; and

''(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technology that is determined to be technologically infeasible.

''(3) CONCLUSION.—If a NAS report concludes that a global warming pollution emissions limitation required by this section cannot be achieved because the limitation is technologically infeasible, the Administrator shall submit to Congress a notification of that conclusion.

''(4) EVALUATION OF CERTAIN PURPOSE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the purpose described in section 702(6), taking into consideration—

''(A) information that was not available as of the date of enactment of this title; and

''(B) events that have occurred since that date relating to—

''(i) climate change;

''(ii) climate change technologies; and

''(iii) national and international climate change commitments.

''SEC. 706. EMISSION ALLOWANCES.

''(a) CREATION AND ALLOCATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), there are created, and the Administrator shall allocate in accordance with section 708, emission allowances as follows:

''(A) In the case of sulfur dioxide—

''(i) in the western region—

''(I) for calendar years 2010 through 2012, emission allowances for 274,500 tons; and

''(II) for calendar year 2013 and each calendar year thereafter, emission allowances for 158,600 tons; and

''(ii) in the nonwestern region—

''(I) for calendar years 2010 through 2012, emission allowances for 1,975,500 tons; and

''(II) for calendar year 2013 and each calendar year thereafter, emission allowances for 1,141,400 tons.

''(B) In the case of nitrogen oxides—

''(i) for calendar years 2010 through 2012, emission allowances for 1,510,000 tons; and

''(ii) for calendar year 2013 and each calendar year thereafter, emission allowances for 900,000 tons.

''(C) In the case of global warming pollutants, beginning in calendar year 2010, a quantity of emission allowances to be reduced each calendar year to achieve a reduction in emissions of global warming pollutants equal to—

''(i) by December 31, 2011, not more than 2,300,000,000 metric tons of carbon dioxide equivalent;

''(ii) by December 31, 2015, not more than 2,100,000,000 metric tons of carbon dioxide equivalent;

''(iii) by December 31, 2020, not more than 1,803,000,000 metric tons of carbon dioxide equivalent; and

''(iv) by December 31, 2025, not more than 1,500,000,000 metric tons of carbon dioxide equivalent.

''(2) REDUCTIONS.—For calendar year 2010 and each calendar year thereafter, the number of emission allowances specified for each covered pollutant in paragraph (1) shall be reduced by a number equal to the sum of—

''(A) the number of tons of the covered pollutant that were emitted by small electric generation facilities in the second preceding calendar year; and

''(B) any number of tons of reductions in emissions of the covered pollutant required under subsection (h).

''(3) UPDATES.—Once every 5 years, the Administrator shall—

''(A) review the formula by which the Administrator allocates allowances under this title; and

''(B) update that formula, as the Administrator determines to be necessary given the results of the review.

''(b) NATURE OF EMISSION ALLOWANCES.—

''(1) NOT A PROPERTY RIGHT.—An emission allowance allocated by the Administrator under subsection (a) is not a property right.

''(2) NO LIMIT ON AUTHORITY TO TERMINATE OR LIMIT.—Nothing in this title or any other provision of law limits the authority of the United States to terminate or limit an emission allowance.

''(3) TRACKING AND TRANSFER OF EMISSION ALLOWANCES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish an emission allowance tracking and transfer system for emission allowances of sulfur dioxide, nitrogen oxides, and global warming pollutants.

''(B) REQUIREMENTS.—The emission allowance tracking and transfer system established under subparagraph (A) shall—

''(i) incorporate the requirements of subsections (b) and (d) of section 412 (except that written certification by the transferee shall not be necessary to effect a transfer); and

''(ii) permit any entity—

''(I) to buy, sell, or hold an emission allowance; and

''(II) to permanently retire an unused emission allowance.

''(C) PROCEEDS OF TRANSFERS.—Proceeds from the transfer of emission allowances by any person to which the emission allowances have been allocated—

''(i) shall not constitute funds of the United States; and

''(ii) shall not be available to meet any obligations of the United States.

''(c) IDENTIFICATION AND USE.—

''(1) IN GENERAL.—Each emission allowance allocated by the Administrator shall bear a unique serial number, including—

''(A) an identifier of the covered pollutant to which the emission allowance pertains; and

''(B) the first calendar year for which the allowance may be used.

''(2) SULFUR DIOXIDE EMISSION ALLOWANCES.—In the case of sulfur dioxide emission allowances, the Administrator shall ensure that the emission allowances allocated to electric generation facilities in the western region are distinguishable from emission allowances allocated to electric generation facilities in the nonwestern region.

''(3) YEAR OF USE.—Each emission allowance may be used in the calendar year for which the emission allowance is allocated or in any subsequent calendar year.

''(d) ANNUAL SUBMISSION OF EMISSION ALLOWANCES.—

''(1) IN GENERAL.—On or before April 1, 2011, and April 1 of each year thereafter, the owner or operator of each electric generation facility shall submit to the Administrator 1 emission allowance for the applicable covered pollutant (other than mercury) for each ton of sulfur dioxide, nitrogen oxides, or global warming pollutants emitted by the electric generation facility during the preceding calendar year.

''(2) SPECIAL RULE FOR OZONE EXCEEDANCES.—

''(A) IDENTIFICATION OF FACILITIES CONTRIBUTING TO NONATTAINMENT.—Not later than December 31, 2009, and the end of each 3-year period thereafter, each State, consistent with the obligations of the State under section 110(a)(2)(D), shall identify the electric generation facilities in the State and in other States that are significantly contributing (as determined based on guidance issued by the Administrator) to nonattainment of the national ambient air quality standard for ozone in the State.

''(B) SUBMISSION OF ADDITIONAL ALLOWANCES.—In calendar year 2010 and each calendar year thereafter, on petition from a State or a person demonstrating that the control measures in effect at an electric generation facility that is identified under subparagraph (A) as significantly contributing to nonattainment of the national ambient air quality standard for ozone in a State during the preceding calendar year are inadequate to prevent the significant contribution described in subparagraph (A), the Administrator, if the Administrator determines that the electric generation facility is inadequately controlled for nitrogen oxides, may require that the electric generation facility submit 3 nitrogen oxide emission allowances for each ton of nitrogen oxides emitted by the electric generation facility during any period of an exceedance of the national ambient air quality standard for ozone in the State during the preceding calendar year.

''(3) REGIONAL LIMITATIONS FOR SULFUR DIOXIDE.—The Administrator shall not allow—

''(A) the use of sulfur dioxide emission allowances allocated for the western region to meet the obligations under this subsection of electric generation facilities in the nonwestern region; or

''(B) the use of sulfur dioxide emission allowances allocated for the nonwestern region to meet the obligations under this subsection of electric generation facilities in the western region.

''(e) EMISSION VERIFICATION, MONITORING, AND RECORDKEEPING.—

''(1) IN GENERAL.—The Administrator shall ensure that Federal regulations, in combination with any applicable State regulations, are adequate to verify, monitor, and document emissions of covered pollutants from electric generation facilities.

''(2) INVENTORY OF EMISSIONS FROM SMALL ELECTRIC GENERATION FACILITIES.—On or before July 1, 2008, the Administrator, in cooperation with State agencies, shall complete, and on an annual basis update, a comprehensive inventory of emissions of sulfur dioxide, nitrogen oxides, global warming pollutants, and particulate matter from small electric generation facilities.

''(3) MONITORING INFORMATION.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall promulgate regulations to require each electric generation facility to submit to the Administrator—

''(i) not later than April 1 of each year, verifiable information on covered pollutants emitted by the electric generation facility in the preceding calendar year, expressed in—

''(I) tons of covered pollutants; and

''(II) tons of covered pollutants per megawatt hour of energy (or the equivalent thermal energy) generated; and

''(ii) as part of the first submission under clause (i), verifiable information on covered pollutants emitted by the electric generation facility in each of calendar years 2002 through 2006 if the electric generation facility was required to report that information in those calendar years.

''(B) SOURCE OF INFORMATION.—Information submitted under subparagraph (A) shall be obtained using a continuous emission monitoring system (as defined in section 402).

''(C) AVAILABILITY TO THE PUBLIC.—The information described in subparagraph (A) shall be made available to the public—

''(i) in the case of the first year in which the information is required to be submitted under that subparagraph, not later than 18 months after the date of enactment of this title; and

''(ii) in the case of each year thereafter, not later than April 1 of the year.

''(4) AMBIENT AIR QUALITY MONITORING FOR SULFUR DIOXIDE AND HAZARDOUS AIR POLLUTANTS.—

''(A) IN GENERAL.—Beginning January 1, 2008, each coal-fired electric generation facility with an aggregate generating capacity of 50 megawatts or more shall, in accordance with guidelines issued by the Administrator, commence ambient air quality monitoring within a 30-mile radius of the coal-fired electric generation facility for the purpose of measuring maximum concentrations of sulfur dioxide and hazardous air pollutants emitted by the coal-fired electric generation facility.

''(B) LOCATION OF MONITORING POINTS.—Monitoring under subparagraph (A) shall include monitoring at not fewer than 2 points—

''(i) that are at ground level and within 3 miles of the coal-fired electric generation facility;

''(ii) at which the concentration of pollutants being monitored is expected to be the greatest; and

''(iii) at which the monitoring shall be the most frequent.

''(C) FREQUENCY OF MONITORING OF SULFUR DIOXIDE.—Monitoring of sulfur dioxide under subparagraph (A) shall be carried out on a continuous basis and averaged over 5-minute periods.

''(D) AVAILABILITY TO THE PUBLIC.—The results of the monitoring under subparagraph (A) shall be made available to the public.

''(f) EXCESS EMISSION PENALTY.—

''(1) IN GENERAL.—Subject to paragraph (2), section 411 shall be applicable to an owner or operator of an electric generation facility.

''(2) CALCULATION OF PENALTY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the penalty for failure to submit emission allowances for covered pollutants as required under subsection (d) shall be equal to 3 times the product obtained by multiplying—

''(i) as applicable—

''(I) the number of tons emitted in excess of the emission limitation requirement applicable to the electric generation facility; or

''(II) the number of emission allowances that the owner or operator failed to submit; and

''(ii) the average annual market price of emission allowances (as determined by the Administrator).

''(B) MERCURY.—In the case of mercury, the penalty shall be equal to 3 times the product obtained by multiplying—

''(i) the number of grams emitted in excess of the emission limitation requirement for mercury applicable to the electric generation facility; and

''(ii) the average cost of mercury controls at electricity generating units that have a nameplate capacity of 25 megawatts or more in all States (as determined by the Administrator).

''(g) SIGNIFICANT ADVERSE LOCAL IMPACTS.—

''(1) IN GENERAL.—If the Administrator determines that emissions of an electric generation facility may reasonably be anticipated to cause or contribute to a significant adverse impact on an area (including endangerment of public health, contribution to acid deposition in a sensitive receptor area, and other degradation of the environment), the Administrator shall limit the emissions of the electric generation facility as necessary to avoid that impact.

''(2) VIOLATION.—Notwithstanding the availability of emission allowances, it shall be a violation of this Act for any electric

generation facility to exceed any limitation on emissions established under paragraph (1).

''(h) ADDITIONAL REDUCTIONS.—

''(1) PROTECTION OF PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT.—If the Administrator determines that the emission levels necessary to achieve the national emission limitations established under section 705 are not reasonably anticipated to protect public health or welfare or the environment (including protection of children, pregnant women, minority or low-income communities, and other sensitive populations), the Administrator may require reductions in emissions from electric generation facilities in addition to the reductions required under the other provisions of this title.

''(2) EMISSION ALLOWANCE TRADING.—

''(A) STUDIES.—

''(i) IN GENERAL.—In 2015 and at the end of each 3-year period thereafter, the Administrator shall complete a study of the impacts of the emission allowance trading authorized under this title.

''(ii) REQUIRED ASSESSMENT.—The study shall include an assessment of ambient air quality in areas surrounding electric generation facilities that participate in emission allowance trading, including a comparison between—

''(I) the ambient air quality in those areas; and

''(II) the national average ambient air quality.

''(B) LIMITATION ON EMISSIONS.—If the Administrator determines, based on the results of a study under subparagraph (A), that adverse local impacts result from emission allowance trading, the Administrator may require reductions in emissions from electric generation facilities in addition to the reductions required under the other provisions of this title.

''(i) USE OF CERTAIN OTHER EMISSION ALLOWANCES.—

''(1) IN GENERAL.—Subject to paragraph (2), emission allowances or other emission trading instruments created under title I or IV for sulfur dioxide or nitrogen oxides shall not be valid for submission under subsection (d).

''(2) EMISSION ALLOWANCES PLACED IN RESERVE.—

''(A) IN GENERAL.—An emission allowance described in paragraph (1) that was placed in reserve under section 404(a)(2) or 405 or through regulations implementing controls on nitrogen oxides, because an affected unit emitted fewer tons of sulfur dioxide or nitrogen oxides than were permitted under an emission limitation imposed under title I or IV before the date of enactment of this title, shall be valid for submission under subsection (d).

''(B) EMISSION ALLOWANCES RESULTING FROM ACHIEVEMENT OF NEW SOURCE PERFORMANCE STANDARDS.—If an emission allowance described in subparagraph (A) was created and placed in reserve during the period of 2001 through 2009 by the owner or operator of an electric generation facility through the application of pollution control technology that resulted in the achievement and maintenance by the electric generation facility of the applicable standards of performance required of new sources under section 111, the emission allowance shall be valid for submission under subsection (d).

''SEC. 707. PERMITTING AND TRADING OF EMISSION ALLOWANCES.

''Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish a permitting and emission allowance trading compliance program to implement the limitations on emissions of covered pollutants from electric generation facilities established under section 705.

''SEC. 708. EMISSION ALLOWANCE ALLOCATION.

''(a) SULFUR DIOXIDE AND NITROGEN OXIDES.—

''(1) INITIAL ALLOCATIONS.—For calendar years 2010 through 2012, the Administrator shall allocate emission allowances for sulfur dioxide and nitrogen oxides, consistent with applicable law (including regulations).

''(2) SUBSEQUENT ALLOCATIONS.—

''(A) IN GENERAL.—For calendar year 2013 and each calendar year thereafter, the Administrator shall allocate emission allowances for sulfur dioxide and nitrogen oxides as the Administrator determines to be appropriate in accordance with subparagraphs (B) and (C).

''(B) ALLOCATION FACTORS.—In allocating emission allowances for sulfur dioxide and nitrogen oxides under subparagraph (A), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration the factors described in subsection (c)(1).

''(b) GLOBAL WARMING POLLUTANTS.—

''(1) IN GENERAL.—For calendar year 2010, the Administrator shall transfer to each trustee appointed pursuant to paragraph (4)(A) for auction not less than 50 percent of the quantity of emission allowances available for allocation for global warming pollutants for the calendar year for the purposes described in paragraph (4).

''(2) INCREASE IN QUANTITY.—For calendar year 2011 and each calendar year thereafter, taking into consideration the factors described in paragraph (3), the Administrator shall successively increase the quantity of emission allowances transferred to trustees for auction under paragraph (1) until, by not later than 15 years after the date of enactment of this title, 100 percent of emission allowances available for allocation for global warming pollutants for a calendar year are available for auction.

''(3) ALLOCATION FACTORS.—In transferring emission allowances to trustees for auction under paragraph (1), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration the factors described in subsection (c)(1).

''(4) REQUIREMENTS.—Regulations promulgated to carry out this subsection may provide for, as the Administrator determines to be necessary, the appointment of 1 or more trustees—

''(A)(i) to receive emission allowances for the benefit of households, communities, and other entities;

''(ii) to sell the emission allowances at fair market value; and

''(iii) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries; or

''(B) to allocate emission allowances, in accordance with applicable regulations, to—

''(i) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

''(I) the transition to a lower carbon-emitting economy; or

''(II) global warming;

''(ii) owners and operators of highly energy-efficient buildings, including—

''(I) residential users;

''(II) producers of highly energy-efficient products; and

''(III) entities that carry out energy-efficiency improvement projects that result in consumer-side reductions in electricity use;

''(iii) entities that will use the emission allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

''(iv) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through above-ground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

''(v) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

''(vi) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

''(c) ADMINISTRATION.—

''(1) ALLOCATION FACTORS.—Before making any allocation or transfer of emission allowances under subsection (a) or (b), the Administrator, in consultation with the Secretary of Commerce, shall take into consideration—

''(A) the distributive effect of the allocations on household income and net worth of individuals;

''(B) the impact of the allocations on corporate income, taxes, and asset value;

''(C) the impact of the allocations on income levels and energy consumption of consumers;

''(D) the effects of the allocations with respect to economic efficiency;

''(E) the ability of electric generation facilities to pass through compliance costs to customers of the electric generation facilities;

''(F) the degree to which the quantity of allocations to the covered sectors should decrease over time; and

''(G) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

''(2) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this title, and before making any allocation or transfer of emission allowances under subsection (a) or (b), the Administrator shall submit a description of any determination of the Administrator relating to the allocation or transfer under that subsection to—

''(i) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate; and

''(ii) the Committees on Energy and Commerce and Science of the House of Representatives.

''(B) TREATMENT OF DETERMINATIONS.—A determination of the Administrator described in subparagraph (A), and any allocation or transfer of emission allowances made pursuant to such a determination, shall be—

''(i) considered to be a major rule (as defined in section 804 of title 5, United States Code); and

''(ii) subject to the requirements of chapter 8 of that title.

''(d) RATEPAYER PROTECTION.—

''(1) DEFINITIONS.—In this subsection:

''(A) AFFECTED FACILITY.—The term 'affected facility' means an electric generation facility that uses a conventional coal technology.

''(B) AUTHORIZED RATE.—The term 'authorized rate' means a rate charged for electricity generated by an affected facility that is—

''(i) authorized by an appropriate regulatory agency; and

''(ii) based on, or calculated to recover, the reasonable capital and operating costs of the generation.

''(C) CONVENTIONAL COAL TECHNOLOGY.—The term 'conventional coal technology' means a

technology for the generation of electricity that—

''(i) involves the combustion of coal in a boiler; and

''(ii) does not provide for the capture or sequestration of carbon.

''(2) PROTECTION.—

''(A) IN GENERAL.—Subject to paragraph (3) and except as provided in subparagraph (B), no owner or lessor of an affected facility who sells, at wholesale or retail, any electricity generated by the affected facility at an authorized rate shall recover through the authorized rate, in whole or in part, the cost of compliance with any Federal greenhouse gas reduction requirement relating to emissions from the affected facility.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to an owner or lessor of an affected facility if the appropriate regulatory agency determines no feasible alternative exists to the use of conventional coal technology by the affected facility.

''(3) APPLICABILITY.—Paragraph (2)(A) shall apply to an owner or lessor described in that paragraph only if—

''(A) the affected facility enters operation after January 1, 2009; and

''(B) the cost of compliance described in paragraph (2) is incurred after the date of enactment of this title.

''SEC. 709. MERCURY EMISSION LIMITATIONS.

''(a) IN GENERAL.—

''(1) REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish emission limitations for mercury emissions by coal-fired electric generation facilities.

''(B) NO EXCEEDANCE OF NATIONAL LIMITATION.—The regulations shall ensure that the national limitation for mercury emissions from each coal-fired electric generation facility established under section 705(a)(4)(A) (and, to the maximum extent practicable, the goal described in section 705(a)(4)(B)) is not exceeded.

''(C) EMISSION LIMITATIONS FOR 2012 AND THEREAFTER.—In carrying out subparagraph (A), for calendar year 2012 and each calendar year thereafter, the Administrator shall not—

''(i) subject to subsections (e) and (f) of section 112, establish limitations on emissions of mercury from coal-fired electric generation facilities that allow emissions in excess of 2.48 grams of mercury per 1000 megawatt hours; or

''(ii) differentiate between facilities that burn different types of coal.

''(2) ANNUAL REVIEW AND DETERMINATION.—

''(A) IN GENERAL.—Not later than April 1 of each year, the Administrator shall—

''(i) review the total mercury emissions during the 2 preceding calendar years from electric generation facilities located in all States; and

''(ii) determine whether, during the 2 preceding calendar years, the total mercury emissions from facilities described in clause (i) exceeded the national limitation for mercury emissions established under section 705(a)(4)(A).

''(B) EXCEEDANCE OF NATIONAL LIMITATION.—If the Administrator determines under subparagraph (A)(ii) that, during the 2 preceding calendar years, the total mercury emissions from facilities described in subparagraph (A)(i) exceeded the national limitation for mercury emissions established under section 705(a)(4)(A), the Administrator shall, not later than 1 year after the date of the determination, revise the regulations promulgated under paragraph (1) to reduce the emission rates specified in the regulations as necessary to ensure that the national limitation for mercury emissions is not exceeded in any future year.

''(3) COMPLIANCE FLEXIBILITY.—

''(A) IN GENERAL.—Each coal-fired electric generation facility subject to an emission limitation under this section shall be in compliance with that limitation if that limitation is greater than or equal to the quotient obtained by dividing—

''(i) the total mercury emissions of the coal-fired electric generation facility during each 30-day period; by

''(ii) the quantity of electricity generated by the coal-fired electric generation facility during that period.

''(B) MORE THAN 1 UNIT AT A FACILITY.—In any case in which more than 1 coal-fired electricity generating unit at a coal-fired electric generation facility subject to an emission limitation under this section was operated in 1999 under common ownership or control, compliance with the emission limitation may be determined by averaging the emission rates of all coal-fired electricity generating units at the electric generation facility during each 30-day period.

''(b) PREVENTION OF RE-RELEASE.—

''(1) REGULATIONS.—Not later than July 1, 2008, the Administrator shall promulgate regulations to ensure that any mercury captured or recovered by emission controls installed at an electric generation facility is not re-released into the environment.

''(2) REQUIRED ELEMENTS.—The regulations shall require—

''(A) daily covers on all active waste disposal units, and permanent covers on all inactive waste disposal units, to prevent the release of mercury into the air;

''(B) monitoring of groundwater to ensure that mercury or mercury compounds do not migrate from the waste disposal unit;

''(C) waste disposal siting requirements and cleanup requirements to protect groundwater and surface water resources;

''(D) elimination of agricultural application of coal combustion wastes; and

''(E) appropriate limitations on mercury emissions from sources or processes that reprocess or use coal combustion waste, including manufacturers of wallboard and cement.

''(c) NEW AFFECTED UNIT LIMITATION.—An affected unit that enters operation on or after the date of enactment of this title shall achieve, on an annual average basis, a mercury emission rate of not more than 2.48 grams of mercury per 1,000 megawatt hours, regardless of the type of coal used at the affected unit.

''SEC. 710. OTHER HAZARDOUS AIR POLLUTANTS.

''(a) IN GENERAL.—Not later than January 1, 2008, the Administrator shall issue to owners and operators of coal-fired electric generation facilities requests for information under section 114 that are of sufficient scope to generate data sufficient to support issuance of standards under section 112(d) for hazardous air pollutants other than mercury emitted by coal-fired electric generation facilities.

''(b) DEADLINE FOR SUBMISSION OF REQUESTED INFORMATION.—The Administrator shall require each recipient of a request for information described in subsection (a) to submit the requested data not later than 180 days after the date of the request.

''(c) PROMULGATION OF EMISSION STANDARDS.—The Administrator shall—

''(1) not later than January 1, 2008, propose emission standards under section 112(d) for hazardous air pollutants other than mercury; and

''(2) not later than January 1, 2009, promulgate emission standards under section 112(d) for hazardous air pollutants other than mercury.

''(d) PROHIBITION ON EXCESS EMISSIONS.—It shall be unlawful for an electric generation facility subject to standards for hazardous air pollutants other than mercury promulgated under subsection (c) to emit, after December 31, 2010, any such pollutant in excess of the standards.

''(e) EFFECT ON OTHER LAW.—Nothing in this section or section 709 affects any requirement of subsection (e), (f)(2), or (n)(1)(A) of section 112, except that the emission limitations established by regulations promulgated under this section shall be deemed to represent the maximum achievable control technology for mercury emissions from electricity generating units under section 112(d).

''SEC. 711. EMISSION STANDARDS FOR AFFECTED UNITS.

''(a) DEFINITION OF AFFECTED UNIT.—In this subsection, the term 'affected unit' means a unit that—

''(1) is designed and intended to provide electricity at a unit capacity factor of at least 60 percent; and

''(2) begins operation after December 31, 2011.

''(b) INITIAL STANDARD.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations requiring each affected unit to meet the standard described in paragraph (2).

''(2) STANDARD.—Beginning on December 31, 2015, an affected unit shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

''(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulations promulgated pursuant to paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (2) with respect to affected units as the Administrator determines to be appropriate to ensure a reduction in the emission rate of global warming pollutants of at least 90 percent from each affected unit.

''(c) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent, regardless of the date on which the unit entered operation, to meet the applicable emission standard under subsection (b).

''(d) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705(e), that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, by regulation, may adjust or delay the effective date of the requirement as the Administrator determines to be necessary, taking into consideration the determination of the Academy.

''SEC. 712. LOW-CARBON GENERATION REQUIREMENT.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—The term 'base quantity of electricity' means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from—

''(A) coal;

''(B) petroleum coke;

''(C) lignite; or

''(D) any combination of the fuels described in subparagraphs (A) through (C).

''(2) COVERED GENERATOR.—The term 'covered generator' means an electric generation facility that—

''(A) has a rated capacity of 25 megawatts or more; and

''(B) has an annual fuel input at least 50 percent of which is provided by—

''(i) coal;

''(ii) petroleum coke;

''(iii) lignite; or

''(iv) any combination of the fuels described in clauses (i) through (iii).

''(3) LOW-CARBON GENERATION.—The term 'low-carbon generation' means electric energy generated from an electric generation facility at least 50 percent of the annual fuel input of which, in any year—

''(A) is provided by—

''(i) coal;

''(ii) petroleum coke;

''(iii) lignite; or

''(iv) any combination of the fuels described in clauses (i) through (iii); and

''(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide emitted from the electric generation facility that is geologically sequestered in a geological repository approved by the Administrator pursuant to section 713).

''(4) PROGRAM.—The term 'program' means the low-carbon generation credit trading program established under subsection (d)(1).

''(b) REQUIREMENT.—

''(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

"Calendar year:	**Minimum annual percentage:**
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

''(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by not more than 2 percentage points from the preceding year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 705(a)(3).

''(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by not more than 3 percentage points from the preceding year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 705(a)(3).

''(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

''(1) generating electric energy using low-carbon generation;

''(2) purchasing electric energy generated by low-carbon generation;

''(3) purchasing low-carbon generation credits issued under the program; or

''(4) any combination of the actions described in paragraphs (1) through (3).

''(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation, after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

''(2) REQUIREMENTS.—In carrying out the program, the Administrator shall—

''(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

''(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

''(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

''(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

''(2) the greater of—

''(A) 2.5 cents (as adjusted under subsection (g)); or

''(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

''(f) EXEMPTION.—This section shall not apply, for any calendar year, to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

''(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705(e), that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator, by regulation, may adjust the schedule as the Administrator determines to be necessary, taking into consideration the determination of the Academy.

''(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section shall terminate on December 31, 2030.

"SEC. 713. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

''(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

''(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

''(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

''(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

''(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

''(B) techniques for monitoring the geologically disposed carbon dioxide;

''(C) public response to the geological disposal deployment project; and

''(D) the permanency of carbon dioxide storage in geological reservoirs.

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall establish—

''(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment, including—

''(I) site characterization and selection;

''(II) geomechanical, geochemical, and hydrogeological simulation;

''(III) risk assessment;

''(IV) mitigation and remediation protocols;

''(V) the issuance of permits for test, injection, and monitoring wells;

''(VI) specifications for the drilling, construction, and maintenance of wells;

''(VII) ownership of subsurface rights and pore space;

''(VIII) transportation pipeline specifications;

''(IX) the allowed composition of injected matter;

''(X) testing, monitoring, measurement, and verification for the entire chain of operations, beginning with the point of capture of carbon dioxide to a storage site;

''(XI) closure and decommissioning procedures;

''(XII) transportation pipeline siting; and

''(XIII) short- and long-term legal responsibility and indemnification procedures for storage sites; and

''(ii) requirements relating to applications for grants under this subsection.

''(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

''(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

''(i) a description of the geological disposal deployment project proposed in the application;

''(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

''(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

''(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

''(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

''(A) consider the previous experience of each applicant with similar projects; and

''(B) give priority consideration to applications for geological disposal deployment projects that—

''(i) offer the greatest geological diversity, as compared to other geological disposal deployment projects that received grants under this subsection;

''(ii) are located in closest proximity to a source of carbon dioxide;

''(iii) make use of the most affordable source of carbon dioxide;

''(iv) are expected to geologically dispose of—

''(I) the largest quantity of carbon dioxide; and

''(II) a minimum quantity of 1,000,000 tons of carbon dioxide for each project carried out as part of the demonstration project;

''(v) are combined with demonstrations of advanced coal electricity generation technologies;

''(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

''(vii) minimize any adverse environmental effects from the project.

''(7) PERIOD OF GRANTS.—

''(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

''(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

''(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

''(9) SCHEDULE.—

''(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

''(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

''(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

''(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

''(1) site selection;

''(2) permitting processes;

''(3) monitoring requirements;

''(4) public participation; and

''(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

''(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into consideration the results of geological disposal deployment projects carried out under subsection (a), the Administrator, by regulation, shall establish final geological carbon dioxide disposal standards.

''(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

''(1) underground injection of waste;

''(2) enhanced oil recovery;

''(3) short-term storage of natural gas; and

''(4) long-term waste storage.

''(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section shall terminate on December 31, 2030.

''SEC. 714. ENERGY EFFICIENCY PERFORMANCE STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) ELECTRICITY SAVINGS.—

''(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

''(B) INCLUSIONS.—The term 'electricity savings' includes savings achieved as a result of—

''(i) installation of energy-saving technologies and devices; and

''(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

''(C) EXCLUSION.—The term 'electricity savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

''(2) RETAIL ELECTRICITY SALES.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

''(3) RETAIL ELECTRICITY SUPPLIER.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

''(b) ENERGY EFFICIENCY PERFORMANCE STANDARD.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

''(c) TARGETS.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:''

Calendar Year	Reduction in peak demand	Reduction in electricity use
2008	.25 percent	.25 percent
2009	.75 percent	.75 percent
2010	1.75 percent	1.5 percent
2011	2.75 percent	2.25 percent
2012	3.75 percent	3.0 percent
2013	4.75 percent	3.75 percent
2014	5.75 percent	4.5 percent
2015	6.75 percent	5.25 percent
2016	7.75 percent	6.0 percent
2017	8.75 percent	6.75 percent
2018	9.75 percent	7.5 percent
2019	10.75 percent	8.25 percent
2020 and each calendar year thereafter.	11.75 percent	9.0 percent

''(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

''(1) electricity savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

''(2) cumulative electricity savings realized as a result of electricity savings achieved in all preceding calendar years (beginning with calendar year 2006).

''(e) IMPLEMENTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

''(2) REQUIREMENTS.—The regulations shall establish—

''(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

''(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

''(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

''(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether electricity savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

''(f) COMPLIANCE WITH STATE LAW.—Nothing in this section supersedes or otherwise affects any State or local law requiring, or otherwise relating to, reductions in total annual electricity consumption or peak power consumption by electric consumers to the extent that the State or local law requires more stringent reductions than the reductions required under this section.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may—

''(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

''(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

''SEC. 715. RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

''(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

''(A) municipal solid waste;

''(B) wood contaminated with plastics or metals; or

''(C) tires.

''(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:''

''Calendar year:	**Minimum annual percentage:**
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

''(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

''(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

''(2) penalties for any retail electric supplier that does not comply with this section.

''(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

''(1) may be counted toward meeting the requirements of subsection (b) only once; and

''(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

''(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

''(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

''SEC. 716. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

''(b) REQUIREMENTS.—The standards shall include—

''(1) a national biological carbon storage baseline or inventory; and

''(2) measurement, monitoring, and verification guidelines based on—

''(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

''(B) comprehensive carbon accounting that—

''(i) reflects sustained net increases in carbon reservoirs; and

''(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

''(C) adjustments to account for—

''(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

''(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

''(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

''(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into consideration the most recent scientific information.

''SEC. 717. EFFECT OF FAILURE TO PROMULGATE REGULATIONS.

''If the Administrator fails to promulgate regulations to implement and enforce the limitations specified in section 705—

''(1)(A) each electric generation facility shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

''(i) in the case of nitrogen oxides, 15 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of nitrogen oxides; and

''(ii) in the case of global warming pollutants, 75 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of global warming pollutants; and

''(B) each electric generation facility that does not use natural gas as the primary combustion fuel shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

''(i) in the case of sulfur dioxide, 5 percent of the annual emissions by a similar electric generation facility that has no controls for emissions of sulfur dioxide; and

''(ii) in the case of mercury, 10 percent of the annual emissions by a similar electric generation facility that has no controls included specifically for the purpose of controlling emissions of mercury; and

''(2) the applicable permit under this Act for each electric generation facility shall be deemed to incorporate a requirement for achievement of the reduced levels of emissions specified in paragraph (1).

''SEC. 718. PROHIBITIONS.

''It shall be unlawful—

''(1) for the owner or operator of any electric generation facility—

''(A) to operate the electric generation facility in noncompliance with the requirements of this title (including any regulations implementing this title);

''(B) to fail to submit by the required date any emission allowances, or pay any penalty, for which the owner or operator is liable under section 706;

''(C) to fail to provide and comply with any plan to offset excess emissions required under section 706(f); or

''(D) to emit mercury in excess of the emission limitations established under section 709; or

''(2) for any person to hold, use, or transfer any emission allowance allocated under this title except in accordance with regulations promulgated by the Administrator.

''SEC. 719. MODERNIZATION OF ELECTRIC GENERATION FACILITIES.

''(a) IN GENERAL.—Beginning on the later of January 1, 2015, or the date that is 40 years after the date on which the electric generation facility commences operation, each electric generation facility shall be subject to emission limitations reflecting the application of best available control technology on a new major source of a similar size and type (as determined by the Administrator) as determined in accordance with the procedures specified in part C of title I.

''(b) ADDITIONAL REQUIREMENTS.—The requirements of this section shall be in addition to the other requirements of this title.

''SEC. 720. PARAMOUNT INTEREST WAIVER.

''(a) IN GENERAL.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President, after opportunity for notice and public comment, may temporarily adjust, suspend, or waive any regulation promulgated pursuant to this title to achieve that minimization.

''(b) CONSULTATION.—In making an emergency determination under subsection (a), the President, to the maximum extent practicable, shall consult with and take into consideration any advice received from—

''(1) the Academy;

''(2) the Secretary of Energy; or

''(3) the Administrator.

''(c) JUDICIAL REVIEW.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

''SEC. 721. RELATIONSHIP TO OTHER LAW.

''(a) IN GENERAL.—Except as expressly provided in this title, nothing in this title—

''(1) limits or otherwise affects the application of any other provision of this Act; or

''(2) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

''(b) REGIONAL SEASONAL EMISSION CONTROLS.—Nothing in this title affects any regional seasonal emission control for nitrogen oxides established by the Administrator or a State under title I.''.

(b) CONFORMING AMENDMENT.—Section 412(a) of the Clean Air Act (42 U.S.C. 7651k(a)) is amended in the first sentence by striking ''opacity'' and inserting ''mercury, opacity,''.

SEC. 3. SAVINGS CLAUSE.

Section 193 of the Clean Air Act (42 U.S.C. 7515) is amended by striking ''date of the enactment of the Clean Air Act Amendments of 1990'' each place it appears and inserting ''date of enactment of the Clean Power Act of 2007''.

SEC. 4. ACID PRECIPITATION RESEARCH PROGRAM.

Section 103(j) of the Clean Air Act (42 U.S.C. 7403(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (F)(i), by striking ''effects; and'' and inserting ''effects, including an assessment of—

''(I) acid-neutralizing capacity; and

''(II) changes in the number of water bodies in the sensitive ecosystems referred to in subparagraph (G)(ii) with an acid-neutralizing capacity greater than zero; and''; and

(B) by adding at the end the following:

''(G) SENSITIVE ECOSYSTEMS.—

''(i) IN GENERAL.—Beginning in 2008, and every 4 years thereafter, the report under subparagraph (E) shall include—

''(I) an identification of environmental objectives necessary to be achieved (and related indicators to be used in measuring achievement of the objectives) to adequately protect and restore sensitive ecosystems; and

''(II) an assessment of the status and trends of the environmental objectives and indicators identified in preceding reports under this paragraph.

''(ii) SENSITIVE ECOSYSTEMS TO BE ADDRESSED.—Sensitive ecosystems to be addressed under clause (i) include—

''(I) the Adirondack Mountains, mid-Appalachian Mountains, Rocky Mountains, and southern Blue Ridge Mountains;

''(II) the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay; and

''(III) other sensitive ecosystems, as determined by the Administrator.

''(H) ACID DEPOSITION STANDARDS.—Beginning in 2008, and every 4 years thereafter, the report under subparagraph (E) shall include a revision of the report under section 404 of Public Law 101–549 (42 U.S.C. 7651 note) that includes a reassessment of the health and chemistry of the lakes and streams that were subjects of the original report under that section.''; and

(2) by adding at the end the following:

''(4) PROTECTION OF SENSITIVE ECOSYSTEMS.—

''(A) DETERMINATION.—Not later than December 31, 2014, the Administrator, taking into consideration the findings and recommendations of the report revisions under paragraph (3)(H), shall determine whether emission reductions under titles IV and VII are sufficient to—

''(i) achieve the necessary reductions identified under paragraph (3)(F); and

''(ii) ensure achievement of the environmental objectives identified under paragraph (3)(G).

''(B) REGULATIONS.—

''(i) IN GENERAL.—Not later than 2 years after the Administrator makes a determination under subparagraph (A) that emission reductions are not sufficient, the Administrator shall promulgate regulations to protect the sensitive ecosystems referred to in paragraph (3)(G)(ii).

''(ii) CONTENTS.—Regulations under clause (i) shall include modifications to—

''(I) provisions relating to nitrogen oxide and sulfur dioxide emission reductions;

''(II) provisions relating to allocations of nitrogen oxide and sulfur dioxide allowances; and

''(III) such other provisions as the Administrator determines to be necessary.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR DEPOSITION MONITORING.

(a) OPERATIONAL SUPPORT.—In addition to amounts made available under any other law, there are authorized to be appropriated for each of fiscal years 2008 through 2017—

(1) for operational support of the National Atmospheric Deposition Program National Trends Network—

(A) $2,000,000 to the United States Geological Survey;

(B) $600,000 to the Environmental Protection Agency;

(C) $600,000 to the National Park Service; and

(D) $400,000 to the Forest Service;

(2) for operational support of the National Atmospheric Deposition Program Mercury Deposition Network—

(A) $400,000 to the Environmental Protection Agency;

(B) $400,000 to the United States Geological Survey;

(C) $100,000 to the National Oceanic and Atmospheric Administration; and

(D) $100,000 to the National Park Service;

(3) for the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,500,000 to the National Oceanic and Atmospheric Administration;

(4) for the Clean Air Status and Trends Network $5,000,000 to the Environmental Protection Agency; and

(5) for the Temporally Integrated Monitoring of Ecosystems and Long-Term Monitoring Program $2,500,000 to the Environmental Protection Agency.

(b) MODERNIZATION.—In addition to amounts made available under any other law, there are authorized to be appropriated—

(1) for equipment and site modernization of the National Atmospheric Deposition Program National Trends Network $6,000,000 to the Environmental Protection Agency;

(2) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Mercury Deposition Network $2,000,000 to the Environmental Protection Agency;

(3) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,000,000 to the National Oceanic and Atmospheric Administration; and

(4) for equipment and site modernization and network expansion of the Clean Air Status and Trends Network $4,600,000 to the Environmental Protection Agency.

(c) AVAILABILITY OF AMOUNTS.—Each of the amounts appropriated under subsection (b) shall remain available until expended.

SEC. 6. TECHNICAL AMENDMENTS.

Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(1) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(2) is redesignated as title VIII and moved to appear at the end of that Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 167—CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S INDOOR TRACK AND FIELD TEAM ON BECOMING THE 2006–2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I INDOOR TRACK AND FIELD CHAMPIONS

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas, on March 10, 2007, in Fayetteville, Arkansas, the University of Wisconsin men's indoor track and field team (referred to in this preamble as the ''Badgers indoor track and field team'') became the first-ever Big 10 Conference school to win the National Collegiate Athletic Association (NCAA) Division I Indoor Track and Field Championship, by placing first with 40 points, 5 points ahead of second place finisher Florida State University, and 6 points ahead of the third place finisher, the University of Texas;

Whereas the Badgers indoor track and field team secured its victory through the strong performances of its members, including—

(1) senior Chris Solinsky, who placed first in the 5,000-meter run, with a time of 13:38.61, and placed second in the 3,000-meter run, with a time of 7:51.69;

(2) senior Demi Omole, who placed second in the 60-meter dash with a time of 6.57;

(3) senior Tim Nelson, who placed fifth in the 5,000-meter run with a time of 13:48.08;

(4) senior Joe Detmer, who finished fifth in the Heptathlon with 5,761 points; and

(5) freshman Craig Miller, sophomore James Groce, junior Joe Pierre, and freshman Jack Bolas, who finished fifth in the Distance Medley Relay with a time of 9:35.81;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers indoor track and field team, including—

(1) Zach Beth;
(2) Brandon Bethke;
(3) Brennan Boettcher;
(4) Jack Bolas;
(5) Nathan Brown;
(6) Joe Conway;
(7) Ryan Craven;
(8) Joe Detmer;
(9) Victor Dupuy;
(10) Peter Dykstra;
(11) Stu Eagon;
(12) Sal Fadel;
(13) Jake Fritz;
(14) Ryan Gasper;
(15) Barry Gill;
(16) Dan Goesch;
(17) James Groce;
(18) Eric Hatchell;
(19) Luke Hoenecke;
(20) Paul Hubbard;
(21) Lance Kendricks;
(22) Andrew Lacy;
(23) Nate Larkin;
(24) Billy Lease;
(25) Jim Liermann;
(26) Rory Linder;
(27) Steve Ludwig;
(28) Steve Markson;
(29) Zach McCollum;
(30) James McConkey;
(31) Brian McCulliss;
(32) Chad Melotte;
(33) Craig Miller;
(34) Tim Nelson;
(35) Pat Nichols;
(36) Demi Omole;
(37) Landon Peacock;
(38) Seth Pelock;
(39) Tim Pierie;
(40) Joe Pierre;
(41) Adam Pischke;
(42) Jarad Plummer;
(43) Ben Porter;
(44) Nathan Probst;
(45) Codie See;
(46) Noah Shannon;
(47) Chris Solinsky;
(48) Mike Sracic;
(49) Derek Thiel;
(50) Joe Thomas;
(51) Jeff Tressley;
(52) Christian Wagner; and
(53) Matt Withrow;

Whereas the success of the Badgers indoor track and field team was facilitated by the knowledge and commitment of the team's coaching staff, including—

(1) Head Coach Ed Nuttycombe;
(2) Assistant Coach Jerry Schumacher;
(3) Assistant Coach Mark Guthrie;
(4) Assistant Coach Will Wabaunsee;
(5) Volunteer Coach Pascal Dorbert;
(6) Volunteer Coach Nick Winkel; and
(7) Volunteer Coach Chris Ratzenberg;

Whereas, on February 24, 2007, in Bloomington, Indiana, the Badgers indoor track and field team won its seventh consecutive Big 10 Championship by placing first with 120 points, 27 points ahead of the second place finisher, the University of Minnesota, and 31 points ahead of the third place finisher, the University of Michigan;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performances in the Big 10 Conference, including—

(1) Demi Omole, who was named Track Athlete of the Year and Track Athlete of the Championships;

(2) Joe Detmer, who was named Field Athlete of the Year and was a Sportsmanship Award honoree;

(3) Craig Miller, who was named Freshman of the Year;

(4) Ed Nuttycombe, who was named Coach of the Year;

(5) Chris Solinsky, Demi Omole, and Joe Detmer, who were named First Team All-Big 10; and

(6) Brandon Bethke, Craig Miller, Luke Hoenecke, Steve Markson, and Tim Nelson, who were named Second Team All-Big 10;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performance in the NCAA Indoor Track and Field Championships, including—

(1) Ed Nuttycombe, who was named Division I Men's Indoor Track and Field Coach of the Year by the U.S. Track and Field and Cross Country Coaches Association;

(2) Jack Bolas, Joe Detmer, Stu Eagon, James Groce, Tim Nelson, Demi Omole, Joe Pierre, and Chris Solinsky, who were recognized as 2007 Men's Indoor Track All-Americans; and

(3) Chris Solinsky, who was named Division I Men's Track Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association, and was the first University of Wisconsin men's track athlete to be named national athlete of the year; and

Whereas several members of the 2007 Badgers indoor track and field team were also members of the 2005 University of Wisconsin men's cross country NCAA Division I Championship team, including—

(1) Brandon Bethke;
(2) Stu Eagon;
(3) Ryan Gasper;
(4) Tim Nelson;
(5) Tim Pierie;
(6) Joe Pierre;
(7) Ben Porter;
(8) Codie See;

(9) Chris Solinsky;
(10) Christian Wagner; and
(11) Matt Wintrow: Now, therefore, be it
Resolved, That the Senate—
(1) congratulates the University of Wisconsin-Madison men's indoor track and field team, Head Coach Ed Nuttycombe, Athletic Director Barry Alvarez, and Chancellor John D. Wiley, on an outstanding championship season; and
(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 168—CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas, on March 18, 2007, in Lake Placid, New York, by defeating the University of Minnesota-Duluth by a score of 4–1 in the championship game and defeating St. Lawrence University by a score of 4–0 in the semifinals, the University of Wisconsin women's hockey team (referred to in this preamble as the ''Badgers'') won the women's Frozen Four championship, earning their second consecutive National Collegiate Athletic Association (NCAA) title;

Whereas Sara Bauer scored a goal and tallied 2 assists, Erika Lawler scored a goal and tallied an assist, Jinelle Zaugg scored a goal, Jasmine Giles scored a goal, Meghan Duggan contributed an assist, Meaghan Mikkelson contributed an assist, and Jessie Vetter stopped 17 shots in the final game to earn her 20th win of the season;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Christine Dufour, Meghan Duggan, Maria Evans, Jasmine Giles, Kayla Hagen, Tia Hanson, Angie Keseley, Heidi Kletzien, Emily Kranz, Erika Lawler, Alycia Matthews, Alannah McCready, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Kyla Sanders, Bobbi-Jo Slusar, Ally Strickler, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of the team;

Whereas Sara Bauer was named to the RBK/American Hockey Coaches Association All-American First Team, and was a finalist for the Patty Kazmaier Memorial Award for national player of the year, the United States College Hockey Online's (USCHO) Player of the Year for the second straight season, and the WCHA Player of the Year and WCHA Scoring Champion, and earned a spot on the All-USCHO First Team and the All-Western Collegiate Hockey Association (WCHA) First Team;

Whereas Bobbi-Jo Slusar was named to the RBK All-American Second team, the All-USCHO First Team, and the All-WCHA Second Team, and was named USCHO Defensive Player of the Year;

Whereas Meaghan Mikkelson was named to the All-USCHO First Team and the All-WCHA First Team, and was named the WCHA Defensive Player of the Year;

Whereas Jessie Vetter was named to the RBK All-American First Team, All-USCHO Second Team, and All-WCHA First Team;

Whereas Meghan Duggan was named to the All-USCHO Rookie Team and named WCHA Rookie of the Year, Christine Dufour was named to the All-WCHA Third Team and was WCHA Goaltending Champion, and Erika Lawler was named to the All-WCHA Third Team;

Whereas Coach Mark Johnson, who won an NCAA championship as member of the University of Wisconsin men's hockey team in 1977, was a member of the gold-medal winning 1980 United States Olympic hockey team, and is one of the few people who have won a national championship as both a player and coach, was named the WCHA Coach of the Year;

Whereas the Badgers are the first University of Wisconsin program to repeat as NCAA champions since the University of Wisconsin women's cross country team won the title in both 1984 and 1985; and

Whereas the Badgers ended the season on a 26-game undefeated streak, finishing with a record of 36–1–4, while outscoring opponents 166–36, and the Badgers broke or tied 6 NCAA single-season team records: Now, therefore, be it

Resolved, That the Senate—
(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson and Assistant Coaches Tracey Cornell and Daniel Koch, Program Assistant Sharon Eley, Director of Women's Hockey Operations Paul Hickman, Athletic Trainer Jennifer Pepoy, Volunteer Coach Jeff Sanger, and Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and
(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 169—RECOGNIZING SUSAN G. KOMEN FOR THE CURE ON ITS LEADERSHIP IN THE BREAST CANCER MOVEMENT ON THE OCCASION OF ITS 25TH ANNIVERSARY

Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas, Nancy G. Brinker promised her dying sister, Susan G. Komen, that she would do everything in her power to end breast cancer;

Whereas, in Dallas, Texas, in 1982, that promise became Susan G. Komen for the Cure and launched the global breast cancer movement;

Whereas, Susan G. Komen for the Cure has grown to become the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all, and energize science to find the cure;

Whereas, Susan G. Komen for the Cure has invested nearly $1,000,000,000 to fulfill its promise, becoming the largest source of nonprofit funds in the world dedicated to curing breast cancer;

Whereas, Susan G. Komen for the Cure is committed to investing an additional $1,000,000,000 over the next decade in breast health care and treatment and in research to discover the causes of breast cancer and, ultimately, its cure;

Whereas, Susan G. Komen for the Cure serves the breast health and treatment needs of millions, especially under-served women, through education and support to thousands of community health organizations, with grants to date of more than $480,000,000;

Whereas, Susan G. Komen for the Cure has played a critical role in virtually every major advance in breast cancer research over the past 25 years, with research investments to date of more than $300,000,000;

Whereas, Susan G. Komen for the Cure has advocated for more research on breast cancer treatment and prevention, with the Federal Government now devoting more than $900,000,000 each year to breast cancer research, compared with $30,000,000 in 1982;

Whereas, Susan G. Komen for the Cure is a leader in the global breast cancer movement, with more than 100,000 activists in 125 cities and communities, mobilizing more than 1,000,000 people every year through events like the Komen Race for the Cure Series – the world's largest and most successful awareness and fundraising event for breast cancer;

Whereas, Susan G. Komen for the Cure has been a strong supporter of the National Breast and Cervical Cancer Early Detection Program and the Mammography Quality Standards Act;

Whereas, in the last 25 years early detection and testing rates have increased, with nearly 75 percent of women over 40 years of age now receiving regular mammograms, compared with 30 percent of such women in 1982;

Whereas, in the last 25 years, the 5 year breast cancer survival rate has increased to 98 percent when the cancer is caught before it spreads beyond the breast, compared with 74 percent in 1982;

Whereas, without better prevention and a cure, 1 in 8 women in the United States will continue to suffer from breast cancer – a devastating disease with physical, emotional, psychological, and financial pain that can last a lifetime;

Whereas, without a cure, an estimated 5,000,000 Americans will be diagnosed with breast cancer – and more than 1,000,000 could die – over the next 25 years;

Whereas, Susan G. Komen for the Cure is challenging individuals, communities, States, and Congress to make breast cancer an urgent priority;

Whereas, Susan G. Komen for the Cure recognizes that in the world of breast cancer, the big questions are still without answers: what causes the disease and how it can be prevented; and

Whereas, Susan G. Komen for the Cure is marking its 25th anniversary by recommitting to finish what it started and end breast cancer: Now, therefore, be it

Resolved, That the Senate—
(1) congratulates Susan G. Komen for the Cure on its 25th anniversary;
(2) recognizes Susan G. Komen for the Cure as a global leader in the fight against breast cancer and commends the strides the organization has made in that fight; and
(3) supports Susan G. Komen for the Cure'scommitment to attaining the goal of a world withoutbreast cancer.

SENATE RESOLUTION 170—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. BOXER, Mr. INOUYE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 170

Whereas approximately 63 percent of the Nation's children under 5 are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas these workers indirectly add $580,000,000,000 to the economy by enabling millions of parents to perform their own jobs;

Whereas the average salary of early care and education workers is $18,180 per year, and only ⅓ of these workers have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to the children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills, and helping them to be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources can be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support from the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2007, as National Child Care Worthy Wage Day; and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

Mr. MENENDEZ. Mr. President, I am proud to be submitting a resolution designating May 1, 2007, as National Child Care Worthy Wage Day. On this day, child care providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education for our Nation's young children. This resolution is an effort to support these initiatives and to help develop greater public awareness to our early educators and the critical work they do.

Every day, nearly 63 percent of children under the age of 5 are cared for outside their home so their parents can work. Early care and education workers, who number more than 2.3 million, make it possible for millions of parents to leave their children at day care and go to work. By enabling parents to go to work every day, our early education workers add more than $580 billion to our economy nationwide.

The importance of early education cannot be overstated. From the day they are born, children begin to learn, and the quality of care they receive will affect their language development, math skills, behavior, and general readiness for school. Our early educators help future leaders and workers of our Nation develop their social, emotional, physical and cognitive skills so they can be ready for school.

However, the committed individuals who nurture and teach these young children continue to be undervalued, with grossly low wages and lack of benefits. It is outrageous that the average salary of our early education staff is just a little over $18,000 per year, that only one-third has health insurance and even fewer have pension plans.

Early childhood educators perform essential work by supporting the development of our Nation's children. Yet poor wages and benefits have made it difficult to attract and retain high-quality early childhood care takers and educators, and one-third of all early childhood educators leave their jobs every year. This is not only unfair to our child care workers, but it undermines the quality of care that our children receive.

Our early educators deserve nothing less than to be recognized and adequately compensated for the work they do. We must give our Nation's early childcare workers wages worthy of the incredible work they do every day to train and develop the future workforce of America.

The Nation's childcare workforce, and the families who depend on them, deserve our support, and I urge my colleagues to join me in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 913. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

SA 914. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 915. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 916. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 918. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 919. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 920. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 921. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 922. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 923. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 924. Mr. OBAMA (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 925. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 926. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 928. Mr. DEMINT (for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 930. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 931. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 932. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 933. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 934. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 935. Mr. VOINOVICH (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 936. Mr. SANDERS (for himself, Mr. BAUCUS, Mr. LEAHY, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 937. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 938. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 939. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 940. Mr. KENNEDY proposed an amendment to the bill S. 761, supra.

SA 941. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 942. Mr. KOHL (for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. LEAHY, Mr. ROBERTS, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR , and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) proposed an amendment to the bill S. 761, supra.

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, supra; which was ordered to lie on the table.

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 964. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 913. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all United States citizens who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 914. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 915. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work not later than 9th or 10th grade.

On page 127, line 6, insert ''by the grade the student is enrolled in,'' after ''subject,''.

On page 127, line 12, insert ''by the grade the student is enrolled in at the time of the examination'' before the semicolon.

SA 916. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 69, strike line 21 and all that follows through line 4 on page 70, and insert the following:

''(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide—

''(A) additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d); and

''(B) experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science in accordance with the activities authorized under subsection (c).''.

On page 70, line 13, inserting after ''grade 12,'' the following: ''and to provide experimental learning opportunities to advanced students in middle and secondary schools to strengthen learning in mathematics and science''.

On page 70, line 21, strike ''and'' at the end.

On page 70, between lines 21 and 22, insert the following:

''(ii) assists in providing experimental learning opportunities to advanced middle and secondary school students; and''.

On page 70, line 22, strike ''(ii)'' and insert ''(iii)''.

On page 72, line 2, strike ''and'' at the end.

On page 72, line 4, strike the period and insert ''; and''.

On page 72, between lines 4 and 5, insert the following:

''(9) in the case of a program described in subsection (b)(1)(B), create, under the guidance of experienced teachers, college faculty, and math and science professionals, experimental, hands-on opportunities for advanced middle and secondary school students that supplement coursework available in their school districts, allows them to explore science topics in depth, provides opportunities to work with scientists on current and

future research projects, and expose students to math and science career paths.''.

SA 917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

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 exceeds $29,000.

(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 and creates new mandatory spending programs.

(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.

(7) Last year, the interest costs of the Federal debt the government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226 billion on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) The Federal debt undermines United States competitiveness by consuming capital that would otherwise be available for private enterprise and innovation.

(10) It is irresponsible for Congress to create or expand government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(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 and initiatives.

SA 918. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

SA 919. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike title III.

SA 920. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 16 and all that follows through page 74, line 8, and insert the following:

''CHAPTER 4—NUCLEAR SCIENCE

SA 921. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

At the appropriate place, insert the following:

SEC. ___. DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 922. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

At the end of title V of division A, add the following:

SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

SA 923. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

On page 5, line 19, strike the period at the end and insert the following: '', including representatives of science, technology, and engineering organizations and associations that represent women and underrepresented minorities in science and technology enterprises.''.

On page 5, line 24, strike ''for areas'' and insert '', including recommendations to increase the representation of women and underrepresented minorities in science, engineering, and technology enterprises, for areas''.

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

''(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

''(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

''(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

''(C) the rates of—

''(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

''(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

''(D) access to, and availability of, high quality job training programs;

''(12) the projected outcomes of increasing the number of members of underrepresented groups, such as women and underrepresented minorities, in science, technology, engineering, and mathematics fields; and

''(13) the identification of strategies to increase the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.

On page 12, line 20, after ''employees'' insert the following: '', including partnerships with scientific, engineering, and mathematical professional organizations representing women and minorities underrepresented in such areas,''.

On page 17, line 18, strike the period at the end and insert the following: '', including strategies for increasing the participation of women and underrepresented minorities into science, technology, engineering, and mathematics fields.''.

On page 19, insert between lines 22 and 23, the following:

''(vi) Nongovernmental organizations, such as professional organizations, that represent women and underrepresented minorities in the areas of science, engineering, technology, and mathematics.

SA 924. Mr. OBAMA (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a local educational agency;

(ii) a for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii), including an entity that is in good standing that has been previously approved by a State educational agency to provide supplemental educational services; or

(iii) a consortium consisting of a local educational agency and 1 or more of the following entities:

(I) Another local educational agency.

(II) A community–based youth development organization with a demonstrated record of effectiveness in helping students learn.

(III) An institution of higher education.

(IV) An educational service agency.

(V) A for-profit educational provider described in clause (ii).

(VI) A nonprofit organization described in clause (ii).

(VII) A summer enrichment camp described in clause (ii)

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2); or

(C)(i) in the case of a summer learning grant program authorized under this section for fiscal year 2008, 2009, or 2010, is eligible to enroll in any of the grades kindergarten through grade 3 for the school year following participation in the program; or

(ii) in the case of a summer learning grant program authorized under this section for fiscal year 2011 or 2012, is eligible to enroll in any of the grades kindergarten through grade 5 for the school year following participation in the program.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(8) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements under subsection (d)(4) with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that include 2 or more of the entities described in subclauses (I) through (VII) of such subsection (b)(2)(B)(iii) as partners.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources, such as State or local sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as ''summer scholars''.

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity—

(I) in a case where information on the school readiness (based on school records and assessments of student achievement) of the eligible students is available, give priority for the summer learning opportunity to eligible students with low levels of school readiness; or

(II) in a case where such information on school readiness is not available, rely on randomization to assign the eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with the eligible entity offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with the standards and goals of the school year curriculum of the local educational agency serving the summer scholar;

(IV) applies assessments to measure the skills taught in the summer learning opportunity and disaggregates the results of the assessments for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability category, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(5) USE OF SCHOOL FACILITIES.—State educational agencies are encouraged to require local educational agencies in the State to allow eligible entities, in offering summer learning opportunities, to make use of school facilities in schools served by such local educational agencies at reasonable or no cost.

(6) ACCESS OF RECORDS.—An eligible entity offering a summer learning opportunity under this section is eligible to receive, upon request, the school records and any previous supplemental educational services assessment records of a summer scholar served by such entity.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to Congress on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

SA 925. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —TECHNOLOGY TRANSFER

SEC. —01. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. —02. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. —03. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. —04. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH GRANTS.—

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING THROUGH NSF.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. —05. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $60,000,000 for fiscal year 2008 to carry out this section, such sum to remain available until expended.

SEC. —06. NATIONAL CLIMATE CHANGE VULNERABILITY AND RESILIENCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a National Climate Change Vulnerability and Resilience Program to evaluate and make recommendations about local, regional, and national vulnerability and resilience to impacts relating to longer-term climatic changes and shorter-term climatic variations, including changes and variations resulting from human activities.

(b) CONSULTATION.—In designing the Program, the Administrator of the National Oceanic and Atmospheric Administration shall consult with Federal agencies participating in the United States Global Change Research Program established under section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933) and any other appropriate Federal, State, or local agency.

(c) OFFICE OF CLIMATE CHANGE VULNERABILITY AND RESILIENCE RESEARCH.—The Secretary shall establish an Office of Climate Change Vulnerability and Resilience Research within the Department of Commerce, which shall—

(1) be responsible for managing the Program; and

(2) in accordance with the design of the Program, coordinate climatic change and climatic variation vulnerability and resilience research in the United States.

(d) VULNERABILITY ASSESSMENTS.—The Program shall include—

(1) evaluations, based on historical data, current observational data, and, where appropriate, available predictions, of local, State, regional, and national vulnerability to phenomena associated with climatic change and climatic variation, including—

(A) severe weather events, such as severe thunderstorms, tornadoes, and hurricanes;

(B) annual and interannual climate events, such as the El Niño Southern Oscillation and the North Atlantic Oscillation;

(C) changes in sea level and shifts in the hydrological cycle;

(D) natural hazards, including tsunamis, droughts, floods, and wildfires; and

(E) alterations of ecological communities as a result of climatic change and climatic variation; and

(2) the production of a vulnerability scorecard, in cooperation with State and local institutions including university researchers and programs, that assesses the vulnerability and capacity of each State to respond to climatic change and climatic variation hazards.

(e) PREPAREDNESS RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Office shall submit to Congress a report that—

(1) includes the vulnerability scorecards produced under subsection (d)(2); and

(2) identifies, and recommends implementation and funding strategies for, short-term and long-term actions that may be taken at the local, State, regional, or national level—

(A) to minimize climatic change and climatic variation threats to human life and property;

(B) to minimize negative economic impacts of climatic change and climatic variation; and

(C) to improve resilience to climatic change and climatic variation hazards.

(f) VULNERABILITY RESEARCH.—In addition to other responsibilities under this section, the Office shall—

(1) apply the results of available vulnerability research to develop and improve criteria that measure resilience to climatic change and climatic variation hazards at the local, State, regional, and national levels;

(2) coordinate the implementation of short-term and long-term research programs based on the recommendations made under subsection (e)(2);

(3) measure progress in increasing the capacity of each State to respond to climatic change and climatic variation hazards, using the vulnerability scorecards produced under subsection (d)(2) as a benchmark; and

(4) not less than annually, review and, if appropriate due to the availability of additional information, update the vulnerability scorecards and the recommendations made under subsection (e)(2).

(g) INFORMATION AND TECHNOLOGY DISSEMINATION.—The Secretary shall—

(1) make widely available appropriate information, technologies, and products to assist local, State, regional, and national efforts to reduce loss of life and property due to climatic change and climatic variation; and

(2) coordinate the dissemination of the information, technologies, and products through all appropriate channels.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

SA 926. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. _____. PARTNERSHIPS FOR ACCESS TO LABORATORY SCIENCE PILOT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) To remain competitive in science and technology in the global economy, the United States must increase the number of students graduating from high school prepared to pursue postsecondary education in science, technology, engineering, and mathematics.

(2) There is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that laboratory experience is so integral to the nature of science that it must be included in every science program for every science student.

(3) In America's Lab Report, the National Research Council concluded that the current quality of laboratory experiences is poor for most students and that educators and researchers do not agree on how to define high school science laboratories or on their purpose, hampering the accumulation of research on how to improve labs.

(4) The National Research Council found that schools with higher concentrations of non-Asian minorities and schools with higher concentrations of poor students are less likely to have adequate laboratory facilities than other schools.

(5) The Government Accountability Office reported that 49.1 percent of schools where the minority student population is greater than 50.5 percent reported not meeting functional requirements for laboratory science well or at all.

(6) 40 percent of those college students who left the science fields reported some problems related to high school science preparation, including lack of laboratory experience and no introduction to theoretical or to analytical modes of thought.

(7) It is the national interest for the Federal Government to invest in research and demonstration projects to improve the teaching of laboratory science in the Nation's high schools.

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science academic achievement standards;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 50 percent.''.

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 5 years after the date of enactment of this Act. The report shall identify best practices and materials developed and demonstrated by grant awardees.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

SA 927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 1203. BRINGING UNIVERSITY GENERATED TECHNOLOGICAL INNOVATIONS TO MARKET.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

''(g) GRANTS TO BRING TECHNOLOGICAL INNOVATIONS TO COMMERCIAL MARKETS.—

''(1) IN GENERAL.—The Secretary shall work with technology transfer offices of institutions of higher education to develop a program to identify technological innovations with commercial potential, enhance the commercial viability of those technological innovations, bring them to the attention of potential investors, and bring their technological innovations to market.

''(2) GRANTS.—

''(A) IN GENERAL.—As part of the program developed under paragraph (1), the Secretary shall establish a grant program to underwrite efforts by a higher education institution's technology transfer office—

''(i) to identify technological innovations with significant potential commercial applications;

''(ii) to evaluate steps necessary to modify, enhance, or further develop the technological innovations for commercial applications;

''(iii) to assist in such modification, enhancement, or development; and

''(iv) to bring the technological innovations to the attention of potential investors.

''(B) SUPPORT LEVELS.—The Secretary may make grants under the program of—

''(i) not more than $5,000 for the evaluation of a technological innovation for further development, including market analysis, determining adoption drivers, assessment of risk factors and identification of additional steps required, including the production of preliminary product or prototype specifications, analysis of critical success factors, and prospects for private sector funding; and

''(ii) not more than $50,000 for investment in a working prototype or detailed development plan.

''(3) ADMINISTRATIVE MATTERS.—

''(A) COMPETITIVE AWARDS.—Grants under the program shall be awarded on a competitive basis.

''(B) APPLICATIONS.—An application for a grant under the program shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) RELATED TECHNOLOGICAL INNOVATIONS.—For the purpose of determining the amount of a grant awarded under the program, all related technological innovations intended or designed to function in concert for a product or technology shall be considered a single technological innovation.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2008 through 2013 such sums as may be necessary to carry out this section not to exceed 20 million dollars.''.

SA 928. Mr. DEMINT (for himself, Mr. MARTINEZ, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISION.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) SMALLER PUBLIC COMPANY OPTION.—

''(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

''(2) DEFINITION OF SMALLER ISSUER.—

''(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

''(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

''(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

''(iii) has, at the beginning of the relevant reporting period, fewer than 1500 record beneficial holders.

''(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.''.

SA 929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 8, strike lines 7 through 9, and insert the following:

(10) all provisions of the Internal Revenue Code of 1986, including tax provisions, compliance costs, and reporting requirements, that discourage innovation;

(11) the extent to which Federal funding promotes or hinders innovation; and

(12) the extent to which individuals are being

SA 930. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to

a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 931. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

SA 932. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

(a) REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted under this Act (including any amendment made by this Act);

(2) assesses the effectiveness of the activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendation of legislative or administrative actions as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

(1) IN GENERAL.—In carrying out subsection (a), the Comptroller General shall conduct an anonymous, double blind survey of employees of departments and agencies, contractors, and other recipients of relevant funds, and stakeholders to assess—

(A) compliance with the provisions of law applicable to activities, grants, and programs carried out under this Act (including any amendment made by this Act);

(B) any mismanagement of such activities, grants, and programs; and

(C) any retaliation or pressure against any individual who reports or refuses to participate in any violation of law applicable to such activities, grants, and programs.

(2) PUBLICATION.—The Comptroller General shall—

(A) publish the results of the survey conducted under this subsection in the Federal Register; and

(B) post the results on the website of the Government Accountability Office.

(c) SUNSET.—Effective on and after the date occurring 5 years after the date of enactment of this Act, the provisions of this Act (including any amendment made by this Act) shall cease to have any force and effect.

SA 933. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL INSTITUTE FOR LEARNING SCIENCE AND TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Department of Commerce a pilot program, which shall be known as the ''National Institute for Learning Science and Technology'' (referred to in this section as the ''Institute''), to provide leadership and coordination in developing applications for the research described in subsection (c)(1).

(b) DIRECTOR.—The Institute shall be headed by a Director, who shall be appointed by the Secretary of Commerce.

(c) GRANTS.—

(1) AUTHORIZATION.—The Director shall award grants, on a competitive basis, to entities described in paragraph (2), to support basic and applied research in developing technologies for enhancing education, learning, and workforce training, including—

(A) innovative learning and assessment systems;

(B) advanced technology prototypes for learning;

(C) education and training; and

(D) the tools needed to create the systems and prototypes referred to in subparagraphs (A) and (B).

(2) APPLICATIONS.—An entity with demonstrated scientific research experience in technology, learning, math, or science, which is seeking a grant under this subsection, shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director, in consultation with the Secretary, may reasonably require.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, on an annual basis, a rigorous evaluation of all of the programs and projects carried out with grants awarded under this section.

(2) REPORT.—Not later than April 30 of each year, the Director shall submit a report describing the activities of the Institute during the previous year to—

(A) the Secretary of Commerce; and

(B) the appropriate committees of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(f) SUNSET DATE.—This section is repealed on September 30, 2012.

SA 934. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike title III of division A.

SA 935. Mr. VOINOVICH (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTERS.

(a) DEFINITIONS.—In this section:

(1) ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTER; CENTER.—The terms ''Advanced Multidisciplinary Computing Software Center'' and ''Center'' mean a center created by an eligible entity with a grant awarded under subsection (b).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any—

(A) nonprofit organization;

(B) consortium of nonprofit organizations; or

(C) partnership between a for profit and a nonprofit organization.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) is exempt from taxation under section 501(a) of such Code.

(4) SMALL BUSINESS OR MANUFACTURER.—The term ''small business or manufacturer'' has the meaning given the term ''small business concern'' in section 3(a) of the Small Business Act (15 U.S.C. 632(a)), including a small manufacturing concern.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Technology of the Department of Commerce.

(b) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall award grants to eligible entities to establish up to 5 Advanced Multidisciplinary Computing Software Centers throughout the United States.

(2) PURPOSES.—Each Center established with grant funds awarded under paragraph (1) shall—

(A) conduct general outreach to small businesses and manufacturers in all industry sectors within the geographic region assigned to the Center by the Under Secretary; and

(B) conduct technology transfer, development, and utilization programs for businesses throughout the United States in the specific industry sector assigned to the Center by the Under Secretary.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and accompanied by such additional information as the Under Secretary may reasonably require.

(B) PUBLICATION IN FEDERAL REGISTER.—Not later than 6 months after the date of the enactment of this Act, the Under Secretary shall publish the application requirements referred to in subparagraph (A) in the Federal Register.

(C) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) conform to the requirements prescribed by the Under Secretary under this paragraph; and

(ii) a proposal for the allocation of the legal rights associated with any invention that may result from the activities of the proposed Center.

(D) SELECTION CRITERIA.—In evaluating each application submitted under subparagraph (A) on the basis of merit, the Under Secretary shall consider—

(i) the extent to which the eligible entity—

(I) has a partnership with nonprofit organizations, businesses, software vendors, and academia recognized for relevant expertise in its selected industry sector;

(II) uses State-funded academic supercomputing centers and universities or colleges with expertise in the computational needs of the industry assigned to the eligible entity under paragraph (2)(A);

(III) has a history of working with small businesses and manufacturers;

(IV) has experience providing educational programs aimed at helping organizations adopt the use of high-performance computing and computational science;

(V) has partnerships with education or training organizations that can help educate future workers on the application of computational science to industry needs;

(VI) is accessible to businesses, academia, incubators, or other economic development organizations via high-speed networks; and

(VII) is capable of partnering with small businesses and manufacturers to enhance the ability of such entities to compete in the global marketplace;

(ii) the ability of the eligible entity to enter successfully into collaborative agreements with small businesses and manufacturers to experiment with new high performance computing and computational science technologies; and

(iii) such other factors that the Under Secretary considers relevant.

(4) MAXIMUM AMOUNT.—The Under Secretary may not award a grant under this section in an amount which exceeds $5,000,000 for any year of the grant period.

(5) DURATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), a grant may not be awarded under this subsection for a period exceeding 5 years.

(B) RENEWAL.—The Under Secretary may renew any grant awarded under this subsection.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Under Secretary may not award a grant under this subsection unless the eligible entity receiving such grant agrees to provide not less than 50 percent of the capital and annual operating and maintenance funds required to create and maintain the Center established with such grant funds.

(B) FUNDING FROM OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES.—The funds provided by the eligible entity under subparagraph (A) may include amounts received by the eligible entity from the Federal Government (other than the Department of Commerce), a State, or a unit of local government.

(7) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Under Secretary may establish a reasonable limitation on the portion of each grant awarded under this subsection that may be used for administrative expenses or other overhead costs.

(8) FEES AND ALTERNATIVE FUNDING SOURCES AUTHORIZED.—

(A) IN GENERAL.—A Center established with a grant awarded under this Act may, in accordance with regulations established by the Under Secretary—

(i) collect a nominal fee from a small business or manufacturer for a service provided under this section, if such fee is utilized for the budget and operation of the Center; and

(ii) accept financial assistance from the Federal Government (other than the Department of Commerce) for capital costs and operating budget expenses.

(B) CONDITION.—Any Center receiving financial assistance from the Federal Government (other than the Department of Commerce) may be selected, and if selected shall be operated, in accordance with this section.

(c) USE OF FUNDS.—Grant funds received under subsection (b) shall be used for the benefit of businesses in the industry sector designated by the Under Secretary under subsection (b)(2)(A) to—

(1) create a repository of nonclassified, nonproprietary new and existing federally funded software and algorithms;

(2) test and validate software in the repository;

(3) determine when and how the industry sector it serves could benefit from resources in the repository;

(4) work with software vendors to commercialize repository software and algorithms from the repository;

(5) make software available to small businesses and manufacturers where it has not been commercialized by a software vendor;

(6) help software vendors, small businesses, and manufacturers test or utilize the software on high-performance computing systems; and

(7) maintain a research and outreach team that will work with small businesses and manufacturers to aid in the identification of software or computational science techniques which can be used to solve challenging problems, or meet contemporary business needs of such organizations.

(d) REPORTS AND EVALUATIONS.—

(1) ANNUAL REPORT.—Each eligible entity that receives a grant under subsection (b) shall submit an annual report to the Under Secretary that describes—

(A) the goals of the Center established by the eligible entity; and

(B) the progress made by the eligible entity in achieving the purposes described in subsection (b)(2).

(2) EVALUATION.—The Under Secretary shall establish a peer review committee, composed of representatives from industry and academia, to review the goals and progress made by each Center during the grant period.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Funds appropriated pursuant to paragraph (1) shall remain available until expended.

SA 936. Mr. SANDERS (for himself, Mr. BAUCUS, Mr. LEAHY, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE OWNERSHIP EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 2000 and 2006, the United States lost more than 3,000,000 manufacturing jobs.

(2) In 2006, the international trade deficit of the United States was more than $763,000,000,000, $232,000,000,000 of which was due to the Nation's trade imbalance with China.

(3) Preserving and increasing jobs in the United States that pay a living wage should be a top priority of Congress.

(4) Providing loan guarantees, direct loans, grants, and technical assistance to employees to buy their own companies will increase the competitiveness of the United States.

(b) UNITED STATES EMPLOYEE OWNERSHIP COMPETITIVENESS FUND.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish the United States Employee Ownership Competitiveness Fund (referred to in this section as the ''Fund'') to foster increased employee ownership of companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION.—

(A) MANAGEMENT.—The Fund shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as shall be necessary to carry out the functions of the Fund.

(3) FUNCTIONS.—Amounts in the Fund established under paragraph (1) may be used to provide—

(A) loans subordinated to the interests of all other creditors, loan guarantees, and technical assistance, on such terms and subject to such conditions as the Secretary determines to be appropriate, to employees to purchase a business through an employee stock ownership plan or eligible worker-owned cooperative that are at least 51 percent employee owned; and

(B) grants to States and nonprofit and cooperative organizations with experience in developing employee-owned businesses and worker-owned cooperatives to—

(i) provide education and outreach to inform people about the possibilities and benefits of employee ownership of companies, gain sharing, and participation in company decision-making, including some financial education;

(ii) provide technical assistance to assist employee efforts to become business owners;

(iii) provide participation training to teach employees and employers methods of employee participation in company decision-making; and

(iv) conduct objective third party prefeasibility and feasibility studies to determine if employees desiring to start employee stock ownership plans or worker cooperatives could make a profit.

(4) PRECONDITIONS.—Before the Director makes any subordinated loan or loan guarantee from the Fund under paragraph (3)(A), the recipient employees shall submit to the Fund—

(A) a business plan showing that—

(i) at least 51 percent of all interests in the employee stock ownership plan or eligible worker-owned cooperative is owned or controlled by employees;

(ii) the Board of Directors of the employee stock ownership plan or eligible worker-owned cooperative is elected by all of the employees; and

(iii) all employees receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(B) a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will be profitable enough to pay any loan, subordinated loan, or loan guarantee that was made possible through the Fund.

(5) INSURANCE OF SUBORDINATED LOANS AND LOAN GUARANTEES.—

(A) IN GENERAL.—The Director shall use amounts in the Fund to insure any subordinated loan or loan guarantee provided under this section against the nonrepayment of the outstanding balance of the loan.

(B) ANNUAL PREMIUMS.—The annual premium for the insurance of each subordinated loan or loan guarantee under this subsection shall be paid by the borrower in such manner and in such amount as the Secretary determines to be appropriate.

(C) PREMIUMS AND GUARANTEE FEES AVAILABLE TO COVER LOSSES.—The premiums paid to the Fund from insurance issued under this paragraph and the fees paid to the Fund for loan guarantees issued under paragraph (2)(A) shall be deposited in an account managed by the Secretary of Commerce and may be used to reimburse the Fund for any losses incurred by the Fund in connection with any such loan or loan guarantee.

(6) TECHNICAL ASSISTANCE IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(ii), the Secretary may require the Director to—

(A) provide for the targeting of key groups such as retiring business owners, unions, managers, trade associations, and community organizations;

(B) encourage cooperation in organizing workshops and conferences; and

(C) provide for the preparation and distribution of materials concerning employee ownership and participation.

(7) PARTICIPATION TRAINING IN THE DISCRETION OF THE SECRETARY.—If a grant is made under paragraph (3)(B)(iii), the Secretary may require the Director to provide for—

(A) courses on employee participation; and

(B) the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques.

(c) RULEMAKING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations that ensure—

(1) the safety and soundness of the Fund; and

(2) that the Fund does not compete with commercial financial institutions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for subsequent fiscal years.

SA 937. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

After section 3002 of division C, insert the following:

SEC. 3003. CONSOLIDATION AND ELIMINATION AUTHORITY FOR STEM PROGRAMS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Office of Science and Technology Policy shall be authorized to—

(1) eliminate existing Federal education programs focused on science, technology, engineering, and mathematics; or

(2) consolidate such Federal education programs.

(b) EFFECTIVE DATE OF ELIMINATION OR CONSOLIDATION.—The Director of the Office of Science and Technology Policy's decision to eliminate or consolidate any program under subsection (a) shall become effective 60 days after the Director notifies Congress of such consolidation or elimination.

SA 938. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

Strike section 4002.

SA 939. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''taxes during the period beginning November 1, 2003, and ending November 1, 2007:'' and inserting ''taxes:''.

SA 940. Mr. KENNEDY proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 98, lines 14 and 15, strike ''mathematics, science,'' and insert ''mathematics, science, technology,''.

On page 98, between lines 17 and 18, insert the following:

(3) to develop programs for professionals in mathematics, science, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

On page 103, lines 19 and 20, strike ''mathematics, science,'' and insert ''mathematics, science, technology, engineering,''.

On page 105, line 18, strike ''mathematics or science'' and insert ''mathematics, science, technology, or engineering''.

On page 105, lines 22 and 23, strike ''mathematics, science'' and insert ''mathematics, science, technology, engineering,''.

On page 106, line 15, strike ''mathematics and science'' and insert ''mathematics, science, and where applicable, technology and engineering''.

On page 106, line 18, strike ''mathematics and science'' and insert ''mathematics, science, and, where available, technology and engineering''.

On page 109, lines 1 and 2, strike ''**MATHEMATICS, SCIENCE,**'' and insert ''**MATHEMATICS, SCIENCE, TECHNOLOGY,**''.

On page 109, line 10, strike ''and implement'' and all that follows through line 13, and insert the following:

and implement—

(1) 2- or 3-year part-time master's degree programs in mathematics, science, technology, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills; or

(2) programs for professionals in mathematics, science, engineering, or critical foreign language that lead to a 1 year master's degree in teaching that results in teacher certification.

On page 109, line 18, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 109, line 21, insert ''the'' after ''of''.

On page 109, lines 21 through 24, strike ''in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills'' and insert ''authorized under subsection (a)''.

On page 110, line 12, strike ''mathematics and science'' and insert ''mathematics, science, and, where applicable, technology and engineering''.

On page 110, line 19, strike ''teachers'' and insert ''participants''.

On page 110, line 22, strike ''teachers'' and insert ''participants''.

On page 110, line 24, insert ''(or mathematics, science, or critical language professionals)'' after ''teachers''.

Beginning on page 110, line 25 through page 111, line 1, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 111, line 12, strike ''teachers participating in the program'' and insert ''the program participants''.

On page 111, insert between lines 12 and 13 the following:

(11) methods to ensure applicants to the master's degree program for professionals in mathematics, science, or critical foreign language demonstrate advanced knowledge in the relevant subject.

On page 111, line 19, insert '', or programs for professionals in mathematics, science, or critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification'' after ''skills''.

On page 111, lines 20 and 21, strike ''the teachers participating in the program'' and insert ''that program participants''.

On page 112, lines 2 and 3, strike ''mathematics and science'' and insert ''mathematics, science, technology, and engineering''.

On page 113, line 1, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 113, insert between lines 6 and 7 the following:

(9) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge and teaching skills of such teachers; and

On page 113, line 14, strike ''increasing''.

On page 113, line 15, strike ''The'' and insert ''Increasing the''.

On page 113, lines 15 and 16, strike ''mathematics, science,'' and insert ''mathematics, science, engineering, technology,''.

On page 114, strike lines 6 and 7 and insert the following:

(2) Bringing professionals in mathematics, science, engineering, or critical foreign language into the field of teaching.

(3) Retaining teachers who participate in the program.

On page 114, line 13, strike ''section'' and insert ''subtitle''.

On page 117, line 21, insert '', or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by a nationally recognized educational association'' before the period at the end.

On page 129, between lines 11 and 12, insert the following:

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

SEC. 3131. PROMISING PRACTICES.

(a) PURPOSE.—The purpose of this section is to strengthen the skills of mathematics, science, technology, and engineering teachers by identifying promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education.

(b) NATIONAL PANEL ON PROMISING PRACTICES IN TEACHING MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING.—The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(c) COMPOSITION OF NATIONAL PANEL.—

(1) CONSULTATION.—The Secretary shall enter into a contract with the National Academy of Sciences to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education with demonstrated evidence of increasing student academic achievement.

(2) SELECTION.—The National Academy of Sciences shall ensure that the panel established under paragraph (1) broadly represents scientists, practitioners, teachers, principals, and representatives from entities with expertise in education, mathematics, and science. The National Academy of Sciences shall ensure that the panel includes the following:

(A) A majority representation of teachers and principals directly involved in teaching mathematics, science, technology, or engineering in kindergarten through grade 12.

(B) Representation of teachers and principals from all demographic areas, including urban, suburban, and rural schools.

(C) Representation of teachers from public and private schools.

(3) QUALIFICATIONS OF MEMBERS.—The members of the panel established under paragraph (1) shall be individuals who have substantial knowledge or experience relating to—

(A) mathematics, science, technology, or engineering education programs; or

(B) mathematics, science, technology, or engineering curricula content development.

(d) AUTHORIZED ACTIVITIES OF NATIONAL PANEL.—The panel shall—

(1) identify promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education;

(2) identify techniques proven to help teachers increase their skills and expertise in improving student achievement in mathematics, science, technology, and engineering; and

(3) identify areas of need for promising practices in mathematics, science, technology, and engineering.

(e) DISSEMINATION.—The Secretary shall disseminate information collected pursuant to this section to the public, State educational agencies, and local educational agencies, and shall publish appropriate and relevant information on the promising practices on the website of the Department in an easy to understand format.

(f) MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING ''PROMISING PRACTICES''.—

(1) RELIABILITY AND MEASUREMENT.—The promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education collected under this section shall be—

(A) reliable, valid, and grounded in scientific theory and research;

(B) reviewed regularly to assess effectiveness; and

(C) reviewed in the context of State academic assessments and student academic achievement standards.

(2) STUDENTS WITH DIVERSE LEARNING NEEDS.—In identifying promising practices under this section, the panel established under subsection (c) shall take into account the needs of students with diverse learning needs, particularly for students with disabilities and students who are limited English proficient.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

On page 129, strike line 12 and insert the following:

TITLE II—MATHEMATICS

On page 129, lines 23 and 24, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 133, strike lines 12 through 15 and insert the following:

(i) implementing mathematics programs or comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness;

On page 134, lines 9 through 11, strike ''instructional materials and interventions (including intensive and systematic instruction)'' and insert ''programs or comprehensive mathematics initiatives''.

On page 134, lines 16 and 17, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 136, line 24, strike ''materials or''.

On page 137, lines 2 and 3, strike ''based on the best available evidence of effectiveness'' and insert ''research-based and reflect a demonstrated record of effectiveness''.

On page 137, line 11, strike ''and''.

On page 137, line 19, strike the period at the end and insert ''; and''.

On page 137, between lines 19 and 20, insert the following:

(E) an assurance that the State will establish a process to safeguard against conflicts of interest, consistent with subsection (g)(2), for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process under this title.

On page 138, line 16, strike ''materials or''.

On page 138, lines 20 and 21, strike ''and materials are based on the best available evidence of effectiveness'' and insert ''are research-based and reflect a demonstrated record of effectiveness''.

On page 139, strike lines 19 and 20 and insert the following:

(g) PROHIBITIONS.—

On page 140, between lines 5 and 6, insert the following:

(2) CONFLICT OF INTEREST.—Any Federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor of the House of Representatives on any of the special allowances or waivers granted under paragraph (2)(B).

On page 140, line 6, strike ''(2)'' and insert ''(3)''.

Beginning on page 156, line 24, strike ''elementary'' and all that follows through ''requirements'' on page 157, line 1, and insert ''State academic content standards''.

On page 157, lines 18 and 19, strike ''prekindergarten'' and insert ''preschool''.

On page 158, between lines 5 and 6, insert the following:

(iii) a representative of the agencies in the State that administer Federal or State-funded early childhood education programs;

(iv) not less than 1 representative of a public community college;

On page 158, strike lines 15 through 17 and insert the following:

(viii) not less than 1 early childhood educator in the State;

On page 161, line 7, strike ''prekindergarten'' and insert ''preschool''.

On page 161, line 21, after ''developing'' insert ''or providing guidance to local educational agencies within the State on the adoption of''.

On page 162, lines 20 through 22, strike ''the students are adequately prepared when the students enter secondary school'' and insert ''such standards and assessments are appropriately aligned and adequately reflect the content needed to prepare students to enter secondary school''.

On page 165, line 3, strike ''PREKINDERGARTEN'' and insert ''PRESCHOOL''.

On page 165, line 6, strike ''prekindergarten'' and insert ''preschool''.

On page 166, line 1, strike ''PREKINDERGARTEN'' and insert ''PRESCHOOL''.

On page 166, line 3, strike ''prekindergarten'' and insert ''preschool''.

On page 168, lines 1 and 2, strike ''student knowledge and skills'' and insert ''State academic content standards''.

On page 168, line 25, after ''school'' insert ''and preschool''.

On page 169, line 7, strike ''content'' and all that follows through ''students'' on line 11, and insert ''academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as other changes determined necessary by the State''.

On page 177, strike lines 7 through 15, and insert the following:

(3) PREFERENCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than ⅔ of the funding for such professional science master's degree

programs from sources other than the Federal Government.

On page 181, line 17, after ''science'' insert '', technology,''.

Strike section 4012 and insert the following:

SEC. 4012. ROBERT NOYCE TEACHER PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by striking ''**SCHOLARSHIP**'' and inserting ''**TEACHER**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(or consortia of such institutions)'' and inserting '', consortia of such institutions, or partnerships'';

(ii) by striking ''to provide scholarships, stipends, and programming designed'';

(iii) by inserting ''and to provide scholarships, stipends, or fellowships to individuals participating in the program'' after ''science teachers''; and

(iv) by striking ''Scholarship'' and inserting ''Teacher'';

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''or consortia'' and inserting ''consortia, or partnerships'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage top college juniors and seniors majoring in'' and inserting ''recruit and prepare undergraduate students to pursue degrees in''; and

(bb) by striking ''to become'' and inserting ''and become qualified as'';

(II) in clause (ii)—

(aa) by striking ''programs to help scholarship recipients'' and inserting ''academic courses and clinical teaching experiences designed to prepare students participating in the program'';

(bb) by striking ''programs that will result in'' and inserting ''such preparation as is necessary to meet requirements for''; and

(cc) by striking ''licensing; and'' and inserting ''licensing;'';

(III) in clause (iii)—

(aa) by striking ''scholarship recipients'' and inserting ''students participating in the program'';

(bb) by striking ''enable the recipients'' and inserting ''enable the students''; and

(cc) by striking ''; or'' and inserting ''; and''; and

(IV) by adding at the end the following:

''(iv) providing summer internships for freshman and sophomore students participating in the program;'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage'' and inserting ''recruit and prepare''; and

(bb) by inserting ''qualified as'' after ''to become'';

(II) by striking clause (ii) and inserting the following:

''(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as is necessary to meet requirements for teacher certification or licensing; and''; and

(III) in clause (iii), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) to develop and implement a program to recruit and prepare mathematics, science, or engineering professionals to become NSF Teaching Fellows, and to recruit existing teachers to become NSF Master Teaching Fellows, through—

''(i) administering fellowships in accordance with subsection (e);

''(ii) offering academic courses and clinical teaching experiences that are designed to prepare students participating in the program to teach in secondary schools and that, in the case of NSF Teaching Fellows, result in a master's degree in teaching and teacher certification or licensing; and

''(iii) offering programs to participants to assist in the fulfillment of the participants' responsibilities under this section, including mentoring, training, mentoring training, and induction and professional development programs.''; and

(C) by adding at the end the following:

''(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education, a consortium of such institutions, or a partnership shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium or partnership) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education and consortium may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in the students' field teaching experiences. No institution of higher education, consortium, or partnership shall be eligible for an award unless faculty from the mathematics, science, or engineering department of the institution (or such participating institution) are active participants in the program.

''(5) MATCHING REQUIREMENT.—An institution of higher education, consortium of institutions of higher education, or partnership receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

''(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, other Federal or State funds available for the type of activities supported by the grant.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''or consortium'' and inserting ''consortium, or partnership'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) a description of the program that the applicant intends to operate, including—

''(i) the number of scholarships and summer internships or the size and number of stipends or fellowships the applicant intends to award;

''(ii) the type of activities proposed for the recruitment of students to the program; and

''(iii) the selection process that will be used in awarding the scholarships, stipends, or fellowships;'';

(iii) in subparagraph (B)—

(I) by striking ''scholarship or stipend''; and

(II) by striking ''; and'' and inserting '', which may include a description of any existing programs at the applicant's institution that are targeted to the education of mathematics and science teachers and the number of teachers graduated annually from such programs;''; and

(iv) by striking subparagraph (C) and inserting the following:

''(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii), (B)(ii), or (C)(ii) of subsection (a)(3), as applicable, including—

''(i)(I) a description of the undergraduate program under subsection (a)(3)(A)(ii) that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing; or

''(II) a description of the master's degree programs offered under subsection (a)(3)(C)(ii);

''(ii) a description of clinical teaching experiences proposed; and

''(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

''(D) a description of the programs required under subparagraph (A)(iii), (B)(iii), or (C)(iii) of subsection (a)(3), as applicable, including activities to assist new teachers in fulfilling their service requirements under this section; and

''(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

(ii) by inserting after subparagraph (A) the following:

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;''; and

(iii) in subparagraph (D) (as redesignated by clause (i)), by striking ''or stipend'' and inserting '', stipend, or fellowship'';

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''of scholarship support'' and inserting ''of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support''; and

(B) in paragraph (4), by inserting ''with a maximum service requirement of 4 years'' after ''scholarship was received'';

(5) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Stipends under this section shall be available only to—

''(A) teachers enrolled in a master's degree program in science, technology, engineering, or mathematics; and

''(B) mathematics, science, or engineering professionals who, while receiving the stipend, are enrolled in a program to receive certification or licensing to teach.'';

(B) in paragraph (3), by inserting '', except that if an individual is enrolled in a part-time program, such stipend shall be prorated according to the length of the program'' after ''stipend support''; and

(C) in paragraph (4), by striking ''for each year a stipend was received'';

(6) by redesignating subsections (e) through (h) and subsection (i) as subsections (f) through (i) and subsection (l), respectively;

(7) by inserting after subsection (d) the following:

''(e) NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS.—

''(1) PURPOSE.—The purpose of the fellowships under this subsection is to promote and recognize high-level achievement in advanced mathematics and science teaching.

''(2) PARTNERSHIP REQUIREMENTS.—In order to receive a grant under this section to carry out this subsection, the recipient of such grant shall be a partnership and the only local educational agencies that shall be members of the partnership shall be local educational agencies that agree not to reduce the base salary normally paid to an individual solely because such individual receives a salary supplement under this subsection.

''(3) GENERAL CRITERIA.—A partnership receiving a grant to carry out a fellowship program under this subsection shall award such fellowships only to—

''(A) mathematics, science, or engineering professionals who enroll in 1-year master's degree programs in teaching that result in teacher certification or licensing and who shall be referred to as 'NSF Teaching Fellows'; and

''(B) mathematics and science teachers who possess a master's degree in their field and who shall be referred to as 'NSF Master Teaching Fellows'.

''(4) SELECTION.—Individuals shall be selected to receive fellowships under this section primarily on the basis of—

''(A) professional achievement;

''(B) academic merit;

''(C) demonstrated advanced content knowledge; and

''(D) in the case of NSF Master Teaching Fellows, demonstrated success in improving student academic achievement in mathematics, science, technology, or engineering.

''(5) USE OF FUNDS.—Each partnership receiving a grant under this section to award fellowships under this subsection shall—

''(A) provide a stipend to each NSF Teaching Fellow for the duration of the Fellow's enrollment in the master's degree program, to be used to offset the cost of tuition, fees, and living expenses; and

''(B) provide salary supplements to each NSF Teaching Fellow and NSF Master Teaching Fellow during the period of the Fellow's service obligation under paragraph (4).

''(6) SERVICE OBLIGATION.—If an individual is awarded a fellowship under this subsection, that individual shall be required to serve in a high-need local educational agency for—

''(A) in the case of a NSF Teaching Fellow, 4 years; and

''(B) in the case of a NSF Master Teaching Fellow, 5 years.

''(7) DUTIES.—A recipient of a fellowship under this section, during the service obligation required under paragraph (6) and in addition to regular classroom activities, shall take on a leadership role within the school or local educational agency in which the recipient is employed, as defined by the partnership according to the recipient's expertise, including serving as a mentor or master teacher, developing curricula, and assisting in the development and implementation of professional development activities.'';

(8) in subsection (f) (as redesignated by paragraph (6))—

(A) by striking paragraph (1) and inserting the following:

''(1) accepting—

''(A) the terms of the scholarship pursuant to subsection (c), the stipend pursuant to subsection (d), or the fellowship pursuant to subsection (e); and

''(B) the terms regarding the failure to complete a service obligation required for the scholarship, stipend, or fellowship pursuant to subsection (h);''; and

(B) in paragraph (3)—

(i) by striking ''scholarship'' and inserting ''scholarship, stipend, or fellowship''; and

(ii) by striking ''subsection (g)'' and inserting ''subsection (h)'';

(9) in subsection (g)(1) (as redesignated by paragraph (6))—

(A) by striking ''(or consortium thereof)'' and inserting '', consortium, or partnership''; and

(B) by striking ''scholarship and stipend'' and inserting ''scholarship, stipend, and fellowship'';

(10) in subsection (h) (as redesignated by paragraph (6))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting '', stipend, or fellowship'' after ''scholarship''; and

(ii) in subparagraph (C), by striking ''baccalaureate degree''; and

(B) by striking paragraph (2) and inserting the following:

''(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

''(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

''(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.'';

(11) in subsection (i) (as redesignated by paragraph (6))—

(A) by striking ''or consortia'' and inserting '', consortia, or partnerships'';

(B) by striking ''scholarship recipients and stipend recipients'' and inserting ''scholarship, stipend, and fellowship recipients''; and

(C) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(12) by inserting after subsection (i) (as redesignated by paragraph (6)) the following:

''(j) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, internships, or fellowships associated with the programs under this section.

''(k) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.'';

(13) in subsection (l) (as redesignated by paragraph (6))—

(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (5), (7), (9), and (10), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the term 'advanced content knowledge' means demonstrated mathematics or science content knowledge as measured by a rigorous, valid assessment tool that has been approved by the Director;'';

(C) by inserting after paragraph (2) (as redesignated by subparagraph (A)) the following:

''(3) the term 'fellowship' means an award under subsection (e);

''(4) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

''(A)(i) that serves not less than 10,000 children from low-income families;

''(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;'';

(D) in paragraph (5) (as redesignated by subparagraph (A)), by inserting ''engineering,'' after ''mathematics, science,'';

(E) by inserting after paragraph (5) (as redesignated by subparagraph (A)) the following:

''(6) the term 'mathematics and science teaching' means mathematics, science, engineering, or technology teaching at the elementary or secondary school level;'';

(F) in paragraph (7) (as redesignated by subparagraph (A)) by inserting ''or had a career'' after ''is working''; and

(G) by inserting after paragraph (7) (as redesignated by subparagraph (A)) the following:

''(8) the term 'partnership' means a partnership that shall include—

''(A) an institution of higher education or a consortium of such institutions;

''(B) a department within an institution of higher education participating in the partnership that provides an advanced program of study in mathematics and science;

''(C)(i) a school or department within an institution of higher education participating in the partnership that provides a master teacher's preparation program; or

''(ii) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with an institution of higher education participating in the partnership;

''(D) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

''(E) 1 or more nonprofit organizations that have the capacity to provide expertise or support to meet the purposes of this section;''; and

(14) by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Program under this section—

''(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A), clauses (ii) and (iii) of subsection (a)(3)(B), and clauses (ii) and (iii) of subsection (a)(3)(C);

''(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

''(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

''(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

''(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking ''In this Act:'' and inserting ''Except as otherwise provided, in this Act:''.

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by striking ''SCHOLARSHIP'' and inserting ''TEACHER''; and

(B) by striking ''Scholarship'' and inserting ''Teacher''.

On page 205, line 8, strike ''during the summer''.

SA 941. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

''(3) FINANCIAL SUPPORT.—

''(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

''(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

''(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

''(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.''.

SA 942. Mr. KOHL (for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. LEAHY, Mr. ROBERTS, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 34, line 17, strike ''$120,000,000'' and insert ''$122,005,000''.

On page 34, line 20, strike ''$125,000,000'' and insert ''$131,766,000''.

On page 34, line 23, strike ''$130,000,000'' and insert ''$142,300,000''.

SA 943. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENGLISH FOR ALL CHILDREN.

(a) IN GENERAL.—Notwithstanding any other provision of law, Executive Order, administrative rule, or policy:

(1) Any Federal funds provided for the education of English language learners or limited English proficient children shall be used solely for English language immersion programs that are limited to a duration of 1 year.

(2) Any consent decree that requires a State, county, school district, or school to conduct programs of transitional bilingual education or dual language immersion is null and void and shall not be enforced.

(b) REPEAL.—Subsections (b) and (c) of section 3001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801(b) and (c)) are repealed.

SA 944. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of Division C, insert the following:

TITLE __—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. __01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. __02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2008, and $30,000,000 for each of the fiscal years 2009 through 2011.

SA 945. Mr. WYDEN (for himself, Mr. SMITH, Mr. PRYOR, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows.

In division D, insert after section 4014 the following:

SEC. 4015. NANOTECHNOLOGY IN THE SCHOOLS.

(a) FINDINGS.—Congress makes the following findings:

(1) The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made.

(2) Nanotechnology is likely to have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand.

(3) In order to maximize the benefits of nanotechnology to individuals in the United States, the United States must maintain world leadership in the field of nanotechnology, including nanoscience and microtechnology, in the face of determined competition from other nations.

(4) According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

(5) To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating United States students in secondary schools and institutions of higher education, so that the students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

(6) Preparing United States students for careers in nanotechnology, including nanoscience, requires that the students have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and requires training to enable teachers and professors to use those tools in the classroom and the laboratory.

(b) PURPOSE.—The purpose of this section is to strengthen the capacity of United

States secondary schools and institutions of higher education to prepare students for careers in nanotechnology by providing grants to those schools and institutions to provide the tools necessary for such preparation.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a public or charter secondary school that offers 1 or more advanced placement science courses or international baccalaureate science courses;

(B) a community college, as defined in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011); or

(C) a 4-year institution of higher education or a branch, within the meaning of section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c), of such an institution.

(2) QUALIFIED NANOTECHNOLOGY EQUIPMENT.—The term ''qualified nanotechnology equipment'' means equipment, instrumentation, or hardware that is—

(A) used for teaching nanotechnology in the classroom; and

(B) manufactured in the United States at least 50 percent from articles, materials, or supplies that are mined, produced, or manufactured, as the case may be, in the United States.

(d) PROGRAM AUTHORIZED.—

(1) PROGRAM AUTHORIZED.—The Director of the National Science Foundation (referred to in this section as the ''Director'') shall establish a nanotechnology in the schools program to strengthen the capacity of eligible institutions to provide instruction in nanotechnology. In carrying out the program, the Director shall award grants of not more than $150,000 to eligible institutions to provide such instruction.

(2) ACTIVITIES SUPPORTED.—

(A) IN GENERAL.—An eligible institution shall use a grant awarded under this section—

(i) to acquire qualified nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

(ii) to develop and provide educational services, including carrying out faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education; and

(iii) to provide teacher education and certification to individuals who seek to acquire or enhance technology skills in order to use nanotechnology in the classroom or instructional process.

(B) LIMITATION.—

(i) USES.—Not more than ¼ of the amount of the funds made available through a grant awarded under this section may be used for software, educational services, or teacher education and certification as described in this paragraph.

(ii) PROGRAMS.—In the case of a grant awarded under this section to a community college or institution of higher education, the funds made available through the grant may be used only in undergraduate programs.

(3) APPLICATIONS AND SELECTION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(B) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a procedure for accepting such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(C) SELECTION.—In selecting eligible institutions to receive grants under this section, and encouraging eligible institutions to apply for such grants, the Director shall, to the greatest extent practicable—

(i) select eligible entities in geographically diverse locations;

(ii) encourage the application of historically Black colleges and universities (meaning part B institutions, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and minority institutions (as defined in section 365 of such Act (20 U.S.C. 1067k)); and

(iii) select eligible institutions that include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (commonly known as ''EPSCoR'').

(4) MATCHING REQUIREMENT AND LIMITATION.—

(A) IN GENERAL.—

(i) REQUIREMENT.—The Director may not award a grant to an eligible institution under this section unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant.

(ii) WAIVER.—The Director shall waive the matching requirement described in clause (i) for any institution with no endowment, or an endowment that has a dollar value lower than $5,000,000, as of the date of the waiver.

(B) LIMITATION.—

(i) BRANCHES.—If a branch described in subsection (c)(1)(C) receives a grant under this section that exceeds $100,000, that branch shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(ii) OTHER ELIGIBLE INSTITUTIONS.—If an eligible institution other than a branch referred to in clause (i) receives a grant under this section that exceeds $100,000, that institution shall not be eligible, until 2 years after the date of receipt of the grant, to receive another grant under this section.

(5) ANNUAL REPORT AND EVALUATION.—

(A) REPORT BY INSTITUTIONS.—Each institution that receives a grant under this section shall prepare and submit a report to the Director, not later than 1 year after the date of receipt of the grant, on its use of the grant funds.

(B) REVIEW AND EVALUATION.—

(i) REVIEW.—The Director shall annually review the reports submitted under subparagraph (A).

(ii) EVALUATION.—At the end of every third year, the Director shall evaluate the program authorized by this section on the basis of those reports. The Director, in the evaluation, shall describe the activities carried out by the institutions receiving grants under this section and shall assess the short-range and long-range impact of the activities carried out under the grants on the students, faculty, and staff of the institutions.

(C) REPORT TO CONGRESS.—Not later than 6 months after conducting an evaluation under subparagraph (B), the Director shall prepare and submit a report to Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program carried out under this section, as may be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to carry out this section $15,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2011.

SA 946. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''eligible entity'' means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms ''Phase I'' and ''Phase II'' mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term ''pilot program'' means the SBIR–STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term ''SBIR Program'' has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term ''STEM college student'' means a college student in the field of science, technology, engineering, or math.

(b) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish an SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) AWARDS.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 947. Mr. BINGAMAN (for Mr. DODD (for himself, Mr. SHELBY, and Mr. REED)) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SMALL BUSINESS GROWTH AND CAPITAL MARKETS.

(a) FINDINGS.—The Congress finds that—

(1) the United States has the most fair, most transparent, and most efficient capital markets in the world, in part due to its strong securities statutory and regulatory scheme;

(2) it is of paramount importance for the continued growth of our Nation's economy, that our capital markets retain their leading position in the world;

(3) small businesses are vital participants in United States capital markets, and play a critical role in future economic growth and high-wage job creation;

(4) section 404 of the Sarbanes-Oxley Act of 2002, has greatly enhanced the quality of corporate governance and financial reporting for public companies and increased investor confidence;

(5) the Securities and Exchange Commission (in this section referred to as the ''Commission'') and the Public Company Accounting Oversight Board (in this section referred to as the ''PCAOB'') have both determined that the current auditing standard implementing section 404 of the Sarbanes-Oxley Act of 2002 has imposed unnecessary and unintended cost burdens on small and mid-sized public companies;

(6) the Commission and PCAOB are now near completion of a 2-year process intended to revise the standard in order to provide more efficient and effective regulation; and

(7) the chairman of the Commission recently has said, with respect to section 404 of the Sarbanes-Oxley Act of 2002, that, ''We don't need to change the law, we need to change the way the law is implemented. It is the implementation of the law that has caused the excessive burden, not the law itself. That's an important distinction. I don't believe these important investor protections, which are even now only a few years old, should be opened up for amendment, or that they need to be.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Commission and the PCAOB should complete promulgation of the final rules implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262).

SA 948. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, add the following:

SEC. 4015. CENTER FOR NANOTECHNOLOGY RESEARCH AND ENGINEERING.

(a) CENTER ESTABLISHED.—The Director of the National Science Foundation shall establish a geographically diverse, interdisciplinary Center for Nanotechnology Research and Engineering (hereafter in this section referred to as the ''Center'') to focus on—

(1) the science and engineering of manufacturing at the nanoscale in multiple dimensions; or

(2) nanotechnology for sustainable energy, water, agriculture, and the environment.

(b) CENTER OR NODE.—The Center may be a Nanoscale Science and Engineering Center or a National Nanotechnology Infrastructure Network Node.

(c) COMPOSITION.—The Center shall consist of a lead academic institution located in an Experimental Program to Stimulate Competitive Research (EPSCoR) State and at least 1 additional academic institution located in a second EPSCoR State.

(d) DUTIES.—The Center shall—

(1) collaborate with other National Science Foundation grantees, and with grantees from other Federal agencies, working on nanomanufacturing;

(2) share resources with the programs of the grantees described in paragraph (1) for the purpose of mutual advantage; and

(3) work toward a nanomanufacturing network that encourages extensive industrial collaboration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SA 949. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 902 proposed by Mr. CORNYN to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 21, after line 2, add the following:

Subtitle E—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. 1651. SHORT TITLE.

This subtitle may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. 1652. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's State, city, and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 1653. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 1652(d)(2), is amended—

(1) by inserting ''and through the website of the Department of Labor, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 1654. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year,

approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 1655. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 1654, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 1656. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 950. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

SA 951. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

SA 952. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce $3,000,000 for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

SA 953. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Beginning on page 85, strike line 18 and all that follows through page 86, line 5, and insert the following:

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) $5,000,000,000 for fiscal year 2008;

''(3) $6,000,000,000 for fiscal year 2009;

''(4) $7,000,000,000 for fiscal year 2010; and

''(5) $8,000,000,000 for fiscal year 2011.''.

SA 954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Strike section 2005 and insert the following:

SEC. 2005. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as ''ARPA–E'').

(b) GOALS.—The goals of ARPA–E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA–E shall be headed by a Director (referred to in this section as the ''Director'') appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Director, Advanced Research Projects Administration-Energy.''.

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA–E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA–E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA–E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA–E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA–E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA–E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA–E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA–E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA–E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2008, the Director shall submit to Congress a report on the activities of ARPA–E under this section, including a recommendation on whether ARPA–E needs an energy research laboratory.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $600,000,000 for fiscal year 2009;

(3) $1,100,000,000 for fiscal year 2010;

(4) $1,500,000,000 for fiscal year 2011; and

(5) $2,000,000,000 for fiscal year 2012.

SA 955. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

SA 956. Mr. CRAPO (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled ''Sustaining New York's and the US's Global Financial Services Leadership'', ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the US goes beyond this natural market evolution to more controllable, intrinsic issues of US competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the US is moving in the wrong direction.'';

(3) further, the report referred to in paragraph (2) stated that—

(A) ''The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and US exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by US exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs – those over $1 billion – US exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''; and

(B) ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products.

Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.'';

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

SA 957. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 98, line 14, insert after ''master's degree programs'' the following: '', or full-time online master's degree programs,''.

On page 99, line 5, strike ''critical foreign language'' and insert the following: ''a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,''.

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: ''or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences''.

On page 109, line 11, insert after ''grams'' the following: '', or full-time online master's degree programs,''.

On page 109, line 24, insert before the semicolon the following: '', or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills''.

On page 111, line 16, insert after ''program'' the following: '', or a full-time online master's degree program,''.

SA 958. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

SA 959. Mr. NELSON of Florida (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE VI—BROADBAND REPORTING REQUIREMENTS

SEC. 1601. BROADBAND REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—

(1) GENERAL REQUIREMENTS.—The Federal Communications Commission shall revise FCC Form 477 reporting requirements within 180 days after the date of enactment of this Act to require broadband service providers to report the following information:

(A) Identification of where the provider provides broadband service to customers, identified by zip code plus 4 digit location (hereinafter referred to as ''service area'').

(B) Percentage of households and businesses in each service area that are offered broadband service by the provider, and the percentage of such households that subscribe to each service plan offered.

(C) The average price per megabyte of download speed and upload speed in each service area.

(D) Identification by service area of the provider's broadband service's—

(i) actual average throughput; and

(ii) contention ratio of the number of users sharing the same line.

(2) EXCEPTION.—The Federal Communications Commission shall exempt a broadband service provider from the requirements in paragraph (1) if the Commission determines that a provider's compliance with the reporting requirements is cost prohibitive, as defined by the Commission.

(b) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—The Federal Communications Commission, using available Census Bureau data, shall provide to Congress, on an annual basis, a report containing the following information for each service area that is not served by any broadband service provider—

(1) population;

(2) population density; and

(3) average per capita income.

SA 960. Mr. LEVIN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 48, line 9, strike ''ocean'' and insert ''ocean, coastal, Great Lakes,''

On page 48, line 22, insert ''Great Lakes,'' after ''coastal,''.

SA 961. Mr. BROWN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 1203. REVOLVING LOAN FUNDS FOR SMALL MANUFACTURERS.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means a Regional Center for the Transfer of Manufacturing Technology described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(2) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ''Manufacturing Extension Partnership program'' means the program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(3) REVOLVING LOAN FUND.—The term ''revolving loan fund'' means a revolving loan fund described in subsection (d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(5) SMALL MANUFACTURER.—The term ''small manufacturer'' means a manufacturer with less than $50,000,000 in annual sales.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to States to establish revolving loan funds.

(2) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section in an amount that exceeds $10,000,000.

(3) MULTIPLE GRANT AWARDS.—A State may not receive more than 1 grant under this section in any fiscal year.

(c) CRITERIA FOR THE AWARDING OF GRANTS.—

(1) MATCHING FUNDS.—The Secretary may not make a grant to a State under this section unless the State agrees to provide contributions in an amount equal to not less than 25 percent of the Federal funds provided under the grant.

(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this section may only use such amount of the grant for the costs of administering the revolving loan fund as the Secretary shall provide in regulations.

(3) PREFERENCE.—In awarding grants each year, the Secretary shall give preference to States that have not previously been awarded a grant under this section.

(4) APPLICATION.—

(A) IN GENERAL.—Each State seeking a grant under this section shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(B) CONTENT.—Each application submitted under subparagraph (A) shall contain the following:

(i) Evidence that the applicant can establish and administer a revolving loan fund.

(ii) The applicant's need for a grant under this section.

(iii) The impact that receipt of a grant under this section would have on the applicant.

(d) REVOLVING LOAN FUNDS.—

(1) IN GENERAL.—A State receiving a grant under this section shall establish, maintain, and administer a revolving loan fund in accordance with this subsection.

(2) DEPOSITS.—A revolving loan fund shall consist of the following:

(A) Amounts from grants awarded under this section.

(B) All amounts held or received by the State incident to the provision of loans described in subsection (e), including all collections of principal and interest.

(3) EXPENDITURES.—Amounts in the revolving loan fund shall be available for the provision and administration of loans in accordance with subsection (e).

(4) ADMINISTRATION.—A State may enter into an agreement with a Center to administer a revolving loan fund.

(e) LOANS.—

(1) IN GENERAL.—A State receiving a grant under this section shall use the amount in the revolving loan fund to make the following loans:

(A) STAGE-1 LOANS.—A stage-1 loan means a loan made to a small manufacturer in an amount not to exceed $50,000, for new product development to conduct the following:

(i) Patent research.

(ii) Market research.

(iii) Technical feasibility testing.

(iv) Competitive analysis.

(B) STAGE-2 LOANS.—A stage-2 loan means a loan made to a small manufacturer in an amount not to exceed $100,000 to develop a prototype of and test a new product.

(2) LOAN TERMS AND CONDITIONS.—The following shall apply with respect to loans provided under paragraph (1):

(A) DURATION.—Except as provided in subparagraph (B), loans shall be for a period not to exceed 10 years.

(B) PREPAYMENT.—A recipient of a loan may prepay such loan at any time without penalty.

(C) INTEREST RATE.—Loans shall bear interest at a rate of 3.5 percent annually.

(D) ACCRUAL OF INTEREST.—Loans shall accrue interest during the entire duration of the loan.

(E) PAYMENT OF INTEREST.—A State may not require a recipient of a loan to make interest payments on such loan during the first 3 years of such loan.

(F) COLLATERAL.—No collateral or personal guaranty shall be required for receipt of a loan.

(G) SECURED INTEREST IN INTELLECTUAL PROPERTY.—Each loan shall be secured by an interest in any intellectual property developed by the recipient of such loan through the use of amounts from such loan.

(H) DEVELOPMENT OF BUSINESS PLANS AND BUDGETS.—Each recipient of a loan shall develop, in cooperation with a Center, a business plan and a budget for the use of loan amounts.

(I) PREFERENCE FOR LOAN APPLICANTS THAT PARTICIPATE IN THE MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—In selecting small manufacturers to receive a loan, a recipient of a grant under this section shall give preference to small manufacturers that are participants in the Manufacturing Extension Partnership program.

(J) LOCATION OF PRODUCT DEVELOPMENT.—Each recipient of a loan shall commit to developing and manufacturing the product for which a loan is sought in the State that provides the loan for the duration of the loan if such product is developed during such duration.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the provisions of this section, $52,000,000 for each of the fiscal years 2008 through 2014, of which—

(1) $50,000,000 shall be for providing grants under this section; and

(2) $2,000,000 shall be for the costs of administering grants awarded under this section.

SA 962. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. REQUIREMENTS FOR RECEIPT OF FEDERAL ASSISTANCE BY CERTAIN LARGE BUSINESS ENTITIES.

(a) INFORMATION REQUIRED.—Each Federal department or agency that provides grants, loans, or loan guarantees to certain large business entities after the date of the enactment of this Act shall require that, as a condition of that grant, loan, or loan guarantee, the business entity shall provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee the following information:

(1) The number of individuals employed by the business entity in the United States.

(2) The number of individuals employed by the business entity outside the United States.

(3) A description of the wages and benefits being provided to the employees of the business entity in the United States.

(4) A description of the wages and benefits being provided to the employees of the business entity outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—In addition to the information required under subsection (a), beginning on the date that is 1 year after the date on which a Federal department or agency provides a grant, loan, or loan guarantee to a large business entity, the department or agency shall require the business entity to provide to the department or agency on an annual basis for the duration of the grant, loan, or loan guarantee a written certification that contains the following information:

(1) The percentage of the workforce of the business entity employed in the United States that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the business entity that has been laid off or induced to resign from the business entity during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON FEDERAL ASSISTANCE TO CERTAIN LARGE BUSINESS ENTITIES THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to a Federal department or agency by a large business entity under subsection (b), the percentage described in paragraph (1) of subsection (b) is greater than the percentage described in paragraph (2) of subsection (b), the business entity shall be ineligible for further assistance from the department or agency. The business entity shall also be ineligible for assistance from any other Federal department or agency, unless and until the business entity provides to the department or agency a written certification that the number of employees of the business entity in the United States is in the same proportion to the number of the employees of the business entity worldwide, as that number was, on the later of—

(1) the date the business entity last made a certification under subsection (b), concerning the same financial assistance, that did not cause the business entity to become ineligible under this subsection for further financial assistance; or

(2) the date on which the business entity received the financial assistance for which this certification is being made.

(d) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY; LARGE BUSINESS ENTITY.—The terms ''business entity'' and ''large business entity'' mean a corporation, partnership, or any other business entity that employs 1,000 or more employees, including the subsidiaries, parent companies, and affiliated businesses of the entity.

(2) UNITED STATES.—The term ''United States'' includes the territories of the United States.

SA 963. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him

to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 3, after line 5, add the following:

Subtitle __—H–1B and L–1 Visa Fraud and Abuse Prevention

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. ___2. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's State, city, and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date that is 30 days after the creation of the list described in section 212(n)(6) of the Immigration and Nationality Act, as added by paragraph (2); and

(B) shall apply to all applications filed on or after such date.

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(1) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. ___3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section ___2(d)(2), is amended—

(1) by inserting ''and through the website of the Department of Labor, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. ___4. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties

the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants described in section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide the Secretary with information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(2) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. ___5. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section ___4, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. ___6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 964. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie ont he table; as follows:

On page 36, between lines 14 and 15, insert the following:

(c) DEVELOPMENT OF SCIENCE PARKS.—

(1) FINDING.—Section 2 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended by adding at the end the following:

''(12) It is in the best interests of the Nation to encourage the formation of science parks to promote the clustering of innovation through high technology activities.''.

(2) DEFINITION.—Section 4 of such Act (15 U.S.C. 3703) is amended by adding at the end the following:

''(14) 'Business or industrial park' means a primarily for-profit real estate venture of businesses or industries which do not necessarily reinforce each other through supply chain or technology transfer mechanisms.

''(15) 'Science park'—

''(A) means a group of interrelated companies and institutions, including suppliers, service providers, institutions of higher education, start-up incubators, and trade associations that—

''(i) cooperate and compete with each other;

''(ii) are located in a specific area whose administration promotes real estate development, technology transfer, and partnerships between such companies and institutions; and

''(B) does not mean a business or industrial park.

''(16) 'Science park infrastructure' means facilities that support the daily economic activity of a science park.''.

(3) SCIENCE PARKS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. SCIENCE PARKS.

''(a) DEVELOPMENT OF PLANS FOR CONSTRUCTION OF SCIENCE PARKS.—

''(1) IN GENERAL.—The Secretary shall award grants for the development of feasibility studies and plans for the construction of new or expansion of existing science parks.

''(2) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant awarded under this subsection may not exceed $750,000.

''(3) AWARD.—

''(A) COMPETITION REQUIRED.—The Secretary shall award any grant under this subsection pursuant to a full and open competition.

''(B) ADVERTISING.—The Secretary shall advertise any competition under this paragraph in the Commerce Business Daily.

''(C) SELECTION CRITERIA.—The Secretary shall publish the criteria to be utilized in any competition under this paragraph for the selection of recipients of grants under this subsection, which shall include requirements relating to—

''(i) the number of jobs to be created at the science park each year during its first 5 years;

''(ii) the funding to be required to construct or expand the science park during its first 5 years;

''(iii) the amount and type of cost matching by the applicant;

''(iv) the types of businesses and research entities expected in the science park and surrounding community;

''(v) letters of intent by businesses and research entities to locate in the science park;

''(vi) the expansion capacity of the science park during a 25-year period;

''(vii) the quality of life at the science park for employees at the science park;

''(viii) the capability to attract a well trained workforce to the science park;

''(ix) the management of the science park;

''(x) expected risks in the construction and operation of the science park;

''(xi) risk mitigation;

''(xii) transportation and logistics;

''(xiii) physical infrastructure, including telecommunications; and

''(xiv) ability to collaborate with other science parks throughout the world.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for each of the fiscal years 2008 through 2012 to carry out this subsection.

''(b) LOAN GUARANTEES FOR SCIENCE PARK INFRASTRUCTURE.—

''(1) IN GENERAL.—The Secretary may guarantee up to 80 percent of the loan amount for loans exceeding $10,000,000 for projects for the construction of science park infrastructure.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $50,000,000 with respect to any single project; and

''(B) $500,000,000 with respect to all projects.

''(3) SELECTION OF GUARANTEE RECIPIENTS.—The Secretary shall select recipients of loan guarantees under this subsection based upon the ability of the recipient to collateralize the loan amount through bonds, equity, property, and other such criteria as the Secretary shall prescribe. Entities receiving a grant under subsection (a) are not eligible for a loan guarantee during the period of such grant.

''(4) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—The loans guaranteed under this subsection shall be subject to such terms and conditions as the Secretary may prescribe, except that—

''(A) the final maturity of such loans made or guaranteed may not exceed the lesser of—

''(i) 30 years and 32 days; or

''(ii) 90 percent of the useful life of any physical asset to be financed by such loan;

''(B) a loan made or guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrowers in the case of default;

''(C) a loan may not be guaranteed under this subsection unless the Secretary determines that the lender is responsible and that adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States;

''(D) a loan may not be guaranteed under this subsection if—

''(i) the income from such loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

''(ii) the guarantee provides significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded;

''(E) any guarantee provided under this subsection shall be conclusive evidence that—

''(i) the guarantee has been properly obtained;

''(ii) the underlying loan qualified for such guarantee; and

''(iii) absent fraud or material misrepresentation by the holder, the guarantee is presumed to be valid, legal, and enforceable;

''(F) the Secretary shall prescribe explicit standards for use in periodically assessing the credit risk of new and existing direct loans or guaranteed loans;

''(G) the Secretary may not extend credit assistance unless the Secretary has determined that there is a reasonable assurance of repayment; and

''(H) new loan guarantees may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required under section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(5) PAYMENT OF LOSSES.—

''(A) IN GENERAL.—If, as a result of a default by a borrower under a loan guaranteed under this subsection, after the holder has made such further collection efforts and instituted such enforcement proceedings as the Secretary may require, the Secretary determines that the holder has suffered a loss, the Secretary shall pay to such holder the percentage of such loss specified in the guarantee contract. Upon making any such payment, the Secretary shall be subrogated to

all the rights of the recipient of the payment. The Secretary shall be entitled to recover from the borrower the amount of any payments made pursuant to any guarantee entered into under this section.

''(B) ENFORCEMENT OF RIGHTS.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any guarantee under this section.

''(C) FORBEARANCE.—Nothing in this section may be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, if budget authority for any resulting subsidy costs (as defined under the Federal Credit Reform Act of 1990) is available.

''(D) MANAGEMENT OF PROPERTY.—Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by the Secretary pursuant to the provisions of this section.

''(6) REVIEW.—The Comptroller General of the United States shall, not later than 2 years after the date of the enactment of this section—

''(A) conduct a review of the subsidy estimates for the loan guarantees under this subsection; and

''(B) submit to Congress a report on the review conducted under this paragraph.

''(7) TERMINATION.—A loan may not be guaranteed under this subsection after September 30, 2012.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(A) $35,000,000 for the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of guaranteeing $500,000,000 of loans under this subsection; and

''(B) $6,000,000 for administrative expenses for fiscal year 2008, and such sums as necessary for administrative expenses in subsequent years.

''(c) NATIONAL ACADEMY OF SCIENCES EVALUATION.—

''(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall evaluate, every 3 years, the activities under this section.

''(2) TRI-ANNUAL REPORT.—Under the agreement entered into under paragraph (1), the Academy shall submit to the Secretary a report on its evaluation of science park development under that paragraph. Each report may include such recommendations as the Academy considers appropriate for additional activities to promote and facilitate the development of science parks in the United States.

''(d) TRI-ANNUAL REPORT.—Not later than March 31 of every third year, the Secretary shall submit to Congress a report on the activities under this section during the preceding 3 years, including any recommendations made by the National Academy of Sciences under subsection (c)(2) during such period. Each report may include such recommendations for legislative or administrative action as the Secretary considers appropriate to further promote and facilitate the development of science parks in the United States.

''(e) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall prescribe regulations to carry out this section in accordance with with Office of Management and Budget Circular A–129, 'Policies for Federal Credit Programs and Non-Tax Receivables'.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BINGAMAN. 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 April 24, 2007, at 9:30 a.m. in SD–106. The title of this committee hearing is, ''Challenges and Opportunities Facing American Agriculture Producers Today, Part II.''

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

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 9:30 a.m., in open session to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 24 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the state of U.S. broadband deployment and penetration. In addition, it will provide a forum for considering the state of U.S. telecommunications research and development and the consequences for competitiveness in the global economy.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 24, 2007 at 9:45 a.m. in Room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Hearing on the Implications of the Supreme Court's Decision Regarding EPA's Authorities with Respect to Greenhouse Gases under the Clean Air Act.

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

COMMITTEE ON HEALTH, EDUCATION, PENSIONS, AND LABOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the No Child Left Behind Reauthorization during the session of the Senate on Tuesday, April 24, 2007 at 10 a.m. in SD–628.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Insurrection Act Rider and State Control of the National Guard'' on Tuesday, April 24, 2007 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

The Honorable Michael F. Easley, Governor, State of North Carolina, Raleigh, NC.

Lieutenant General H. Steven Blum, USA, Chief, National Guard Bureau, Alexandria, VA.

Major General Timothy Lowenberg, USAF, The Adjutant General, State of Washington, Tacoma, WA.

Sheriff Ted G. Kamatchus, Sheriff, Marshall County Iowa, President, National Sheriffs' Association, Marshalltown, IA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2007 at 2:30 p.m. to hold a closed hearing.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery be authorized to meet on Tuesday, April 24, 2007, at 9:30 a.m. for a hearing titled ''Beyond Trailers, Part I: Creating a More Flexible, Efficient, and Cost Effective Federal Disaster Housing Program.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, April 24, 2007, at 2:30 p.m., for a hearing entitled ''Transit Benefits: How Some Federal Employees Are Taking Uncle Sam for a Ride.''

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Tuesday, April 24, 2007 at 10 a.m. to conduct a hearing on ''A Long Way Gone: Memoirs of a Boy Soldier'' in room 226 of the Dirksen Senate Office Building.

Witness List

Ishmael Beah, author, ''A Long Way Gone: Memoirs of a Boy Soldier,'' New York, NY; Kenneth Roth, executive director, Human Rights Watch, New York, NY; Anwen Hughes, senior counsel, Refugee Protection Program, Human Rights First, New York, NY; Joseph Mettimano, director, Public Policy and Advocacy, World Vision, Washington, DC.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, April 24, 2007, at 3 p.m., to receive testimony on the readiness of U.S. ground forces in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–27g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the first session of the 110th Congress: the Honorable PATRICK J. LEAHY of Vermont.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 110th Congress: the Senator from Iowa (Mr. GRASSLEY) and the Senator from Ohio (Mr. VOINOVICH).

The Chair announces, on behalf of the Republican Leader, pursuant to Public Law 101–509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S INDOOR TRACK AND FIELD TEAM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 167 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. 167) congratulating the University of Wisconsin men's indoor track and field team on becoming the 2006–2007 National Collegiate Athletic Association Division I Indoor Track and Field Champions.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. 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 related thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 167

Whereas, on March 10, 2007, in Fayetteville, Arkansas, the University of Wisconsin men's indoor track and field team (referred to in this preamble as the ''Badgers indoor track and field team'') became the first-ever Big 10 Conference school to win the National Collegiate Athletic Association (NCAA) Division I Indoor Track and Field Championship, by placing first with 40 points, 5 points ahead of second place finisher Florida State University, and 6 points ahead of the third place finisher, the University of Texas;

Whereas the Badgers indoor track and field team secured its victory through the strong performances of its members, including—

(1) senior Chris Solinsky, who placed first in the 5,000-meter run, with a time of 13:38.61, and placed second in the 3,000-meter run, with a time of 7:51.69;

(2) senior Demi Omole, who placed second in the 60-meter dash with a time of 6.57;

(3) senior Tim Nelson, who placed fifth in the 5,000-meter run with a time of 13:48.08;

(4) senior Joe Detmer, who finished fifth in the Heptathlon with 5,761 points; and

(5) freshman Craig Miller, sophomore James Groce, junior Joe Pierre, and freshman Jack Bolas, who finished fifth in the Distance Medley Relay with a time of 9:35.81;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers indoor track and field team, including—

(1) Zach Beth;
(2) Brandon Bethke;
(3) Brennan Boettcher;
(4) Jack Bolas;
(5) Nathan Brown;
(6) Joe Conway;
(7) Ryan Craven;
(8) Joe Detmer;
(9) Victor Dupuy;
(10) Peter Dykstra;
(11) Stu Eagon;
(12) Sal Fadel;
(13) Jake Fritz;
(14) Ryan Gasper;
(15) Barry Gill;
(16) Dan Goesch;
(17) James Groce;
(18) Eric Hatchell;
(19) Luke Hoenecke;
(20) Paul Hubbard;
(21) Lance Kendricks;
(22) Andrew Lacy;
(23) Nate Larkin;
(24) Billy Lease;
(25) Jim Liermann;
(26) Rory Linder;
(27) Steve Ludwig;
(28) Steve Markson;
(29) Zach McCollum;
(30) James McConkey;
(31) Brian McCulliss;
(32) Chad Melotte;
(33) Craig Miller;
(34) Tim Nelson;
(35) Pat Nichols;
(36) Demi Omole;
(37) Landon Peacock;
(38) Seth Pelock;
(39) Tim Pierie;
(40) Joe Pierre;
(41) Adam Pischke;
(42) Jarad Plummer;
(43) Ben Porter;
(44) Nathan Probst;
(45) Codie See;
(46) Noah Shannon;
(47) Chris Solinsky;
(48) Mike Sracic;
(49) Derek Thiel;
(50) Joe Thomas;
(51) Jeff Tressley;
(52) Christian Wagner; and
(53) Matt Withrow;

Whereas the success of the Badgers indoor track and field team was facilitated by the knowledge and commitment of the team's coaching staff, including—

(1) Head Coach Ed Nuttycombe;
(2) Assistant Coach Jerry Schumacher;
(3) Assistant Coach Mark Guthrie;
(4) Assistant Coach Will Wabaunsee;
(5) Volunteer Coach Pascal Dorbert;
(6) Volunteer Coach Nick Winkel; and
(7) Volunteer Coach Chris Ratzenberg;

Whereas, on February 24, 2007, in Bloomington, Indiana, the Badgers indoor track and field team won its seventh consecutive Big 10 Championship by placing first with 120 points, 27 points ahead of the second place finisher, the University of Minnesota, and 31 points ahead of the third place finisher, the University of Michigan;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performances in the Big 10 Conference, including—

(1) Demi Omole, who was named Track Athlete of the Year and Track Athlete of the Championships;

(2) Joe Detmer, who was named Field Athlete of the Year and was a Sportsmanship Award honoree;

(3) Craig Miller, who was named Freshman of the Year;

(4) Ed Nuttycombe, who was named Coach of the Year;

(5) Chris Solinsky, Demi Omole, and Joe Detmer, who were named First Team All-Big 10; and

(6) Brandon Bethke, Craig Miller, Luke Hoenecke, Steve Markson, and Tim Nelson, who were named Second Team All-Big 10;

Whereas numerous members of the Badgers indoor track and field team were recognized for their performance in the NCAA Indoor Track and Field Championships, including—

(1) Ed Nuttycombe, who was named Division I Men's Indoor Track and Field Coach of the Year by the U.S. Track and Field and Cross Country Coaches Association;

(2) Jack Bolas, Joe Detmer, Stu Eagon, James Groce, Tim Nelson, Demi Omole, Joe Pierre, and Chris Solinsky, who were recognized as 2007 Men's Indoor Track All-Americans; and

(3) Chris Solinsky, who was named Division I Men's Track Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association, and was the first University of Wisconsin men's track athlete to be named national athlete of the year; and

Whereas several members of the 2007 Badgers indoor track and field team were also members of the 2005 University of Wisconsin men's cross country NCAA Division I Championship team, including—

(1) Brandon Bethke;
(2) Stu Eagon;
(3) Ryan Gasper;
(4) Tim Nelson;
(5) Tim Pierie;
(6) Joe Pierre;
(7) Ben Porter;
(8) Codie See;
(9) Chris Solinsky;
(10) Christian Wagner; and
(11) Matt Wintrow: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin-Madison men's indoor track and field team, Head Coach Ed Nuttycombe, Athletic Director Barry Alvarez, and Chancellor John D. Wiley, on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 168, 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. 168) congratulating the University of Wisconsin women's hockey team for winning the 2007 NCAA Division I Women's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, today, as a proud alumnus, I congratulate the University of Wisconsin for another fantastic season. This year, the University of Wisconsin women's hockey team defended its National Collegiate Athletic Association Championship, earning its second straight title.

The hard work of the Badger women's hockey team culminated in a 4–1 victory over the University of Minnesota-Duluth in the NCAA championship game on March 18, 2007, in Lake Placid, NY. The Badgers finished their season on a 26-game unbeaten streak and totaled an outstanding final record of 36–1–4.

I commend and congratulate Coach Mark Johnson, a member of the championship Badger hockey team of 1977. The Badgers won the title at Lake Placid, the site of the 1980 ''Miracle on Ice'' U.S. Olympic hockey team, of which Johnson was a member.

The continuing success of University of Wisconsin athletics has made the people of Wisconsin, and alumni throughout the country, proud to be Badgers. The success of this superb team helps remind sports fans in Wisconsin and around the country of UW-Madison's place as a dominant force in Big Ten and national athletics.

Mr. BINGAMAN. 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. 168) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 168

Whereas, on March 18, 2007, in Lake Placid, New York, by defeating the University of Minnesota-Duluth by a score of 4–1 in the championship game and defeating St. Lawrence University by a score of 4–0 in the semifinals, the University of Wisconsin women's hockey team (referred to in this preamble as the ''Badgers'') won the women's Frozen Four championship, earning their second consecutive National Collegiate Athletic Association (NCAA) title;

Whereas Sara Bauer scored a goal and tallied 2 assists, Erika Lawler scored a goal and tallied an assist, Jinelle Zaugg scored a goal, Jasmine Giles scored a goal, Meghan Duggan contributed an assist, Meaghan Mikkelson contributed an assist, and Jessie Vetter stopped 17 shots in the final game to earn her 20th win of the season;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Christine Dufour, Meghan Duggan, Maria Evans, Jasmine Giles, Kayla Hagen, Tia Hanson, Angie Keseley, Heidi Kletzien, Emily Kranz, Erika Lawler, Alycia Matthews, Alannah McCready, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Kyla Sanders, Bobbi-Jo Slusar, Ally Strickler, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of the team;

Whereas Sara Bauer was named to the RBK/American Hockey Coaches Association All-American First Team, and was a finalist for the Patty Kazmaier Memorial Award for national player of the year, the United States College Hockey Online's (USCHO) Player of the Year for the second straight season, and the WCHA Player of the Year and WCHA Scoring Champion, and earned a spot on the All-USCHO First Team and the All-Western Collegiate Hockey Association (WCHA) First Team;

Whereas Bobbi-Jo Slusar was named to the RBK All-American Second team, the All-USCHO First Team, and the All-WCHA Second Team, and was named USCHO Defensive Player of the Year;

Whereas Meaghan Mikkelson was named to the All-USCHO First Team and the All-WCHA First Team, and was named the WCHA Defensive Player of the Year;

Whereas Jessie Vetter was named to the RBK All-American First Team, All-USCHO Second Team, and All-WCHA First Team;

Whereas Meghan Duggan was named to the All-USCHO Rookie Team and named WCHA Rookie of the Year, Christine Dufour was named to the All-WCHA Third Team and was WCHA Goaltending Champion, and Erika Lawler was named to the All-WCHA Third Team;

Whereas Coach Mark Johnson, who won an NCAA championship as member of the University of Wisconsin men's hockey team in 1977, was a member of the gold-medal winning 1980 United States Olympic hockey team, and is one of the few people who have won a national championship as both a player and coach, was named the WCHA Coach of the Year;

Whereas the Badgers are the first University of Wisconsin program to repeat as NCAA champions since the University of Wisconsin women's cross country team won the title in both 1984 and 1985; and

Whereas the Badgers ended the season on a 26-game undefeated streak, finishing with a record of 36–1–4, while outscoring opponents 166–36, and the Badgers broke or tied 6 NCAA single-season team records: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson and Assistant Coaches Tracey Cornell and Daniel Koch, Program Assistant Sharon Eley, Director of Women's Hockey Operations Paul Hickman, Athletic Trainer Jennifer Pepoy, Volunteer Coach Jeff Sanger, and Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

RECOGNIZING THE SUSAN G. KOMEN RACE FOR THE CURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 169, 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. 169) recognizing the Susan G. Komen Race for the Cure on its leadership in the breast cancer movement on the occasion of its 25th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. 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.

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

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 169

Whereas, Nancy G. Brinker promised her dying sister, Susan G. Komen, that she would do everything in her power to end breast cancer; .

Whereas, in Dallas, Texas, in 1982, that promise became Susan G. Komen for the Cure and launched the global breast cancer movement;

Whereas, Susan G. Komen for the Cure has grown to become the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all, and energize science to find the cure;

Whereas, Susan G. Komen for the Cure has invested nearly $1,000,000,000 to fulfill its promise, becoming the largest source of nonprofit funds in the world dedicated to curing breast cancer;

Whereas, Susan G. Komen for the Cure is committed to investing an additional $1,000,000,000 over the next decade in breast health care and treatment and in research to discover the causes of breast cancer and, ultimately, its cure;

Whereas, Susan G. Komen for the Cure serves the breast health and treatment needs of millions, especially underserved women, through education and support to thousands of community health organizations, with grants to date of more than $480,000,000;

Whereas, Susan G. Komen for the Cure has played a critical role in virtually every major advance in breast cancer research over the past 25 years; the research investments to date of more than $300,000,000;

Whereas, Susan G. Komen for the Cure has advocated for more research on breast cancer treatment and prevention, with the Federal Government now devoting more than $900,000,000 each year to breast cancer research, compared with $30,000,000 in 1982;

Whereas, Susan G. Komen for the Cure is a leader in the global breast cancer movement, with more than 100,000 activists in 125 cities and communities, mobilizing more than 1,000,000 people every year through events like the Komen Race for the Cure Series—the world's largest and most successful awareness and fundraising event for breast cancer;

Whereas, Susan G. Komen for the Cure has been a strong supporter of the National

Breast and Cervical Cancer Early Detection Program and the Mammography Quality Standards Act;

Whereas, in the last 25 years early detection and testing rates have increased, with nearly 75 percent of women over 40 years of age now receiving regular mammograms, compared with 30 percent of such women in 1982;

Whereas, in the last 25 years, the 5 year breast cancer survival rate has increased to 98 percent when the cancer is caught before it spreads beyond the breast, compared with 74 percent in 1982;

Whereas, without better prevention and a cure, 1 in 8 women in the United States will continue to suffer from breast cancer—a devastating disease with physical, emotional, psychological, and financial pain that can last a lifetime;

Whereas, without a cure, an estimated 5,000,000 Americans will be diagnosed with breast cancer—and more than 1,000,000 could die—over the next 25 years;

Whereas, Susan G. Komen for the Cure is challenging individuals, communities, States, and Congress to make breast cancer an urgent priority;

Whereas, Susan G. Komen for the Cure recognizes that in the world of breast cancer, the big questions are still without answers: what causes the disease and how it can be prevented; and

Whereas, Susan G. Komen for the Cure is marking its 25th anniversary by recommitting to finish what it started and end breast cancer: Now, therefore, be it

Resolved, That the Senate——

(1) congratulates Susan G. Komen for the Cure on its 25th anniversary;

(2) recognizes Susan G. Komen for the Cure as a global leader in the fight against breast cancer and commends the strides the organization has made in that fight; and

(3) supports Susan G. Komen for the Cure's commitment to attaining the goal of a world without breast cancer.

ORDERS FOR WEDNESDAY, APRIL 25, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, April 25; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the majority and final 30 minutes under the control of the Republicans; that following morning business, the Senate resume consideration of S. 761.

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

ORDER FOR ADJOURNMENT

Mr. BINGAMAN. Mr. President, I understand my colleague from Tennessee, Senator ALEXANDER, wishes to make some final comments tonight.

If there is no further business today, I ask unanimous consent that following the remarks of Senator ALEXANDER, the Senate stand adjourned under the previous order.

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

The Senator from Tennessee is recognized.

AMERICA'S COMPETITIVENESS

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. I say to him, it is always nice to serve with him in the Senate but especially this week because this week the Senate, as anyone can see, is debating perhaps the two greatest issues facing our country. One is a way forward in Iraq, about which we have profound disagreements; two is, how do we keep our jobs in a competitive world, how do we keep our brainpower advantage so we can continue this remarkable situation we find ourselves in where our country produces about 30 percent of all the money in the world, gross domestic product, for about 5 percent of the people?

I believe the election last November was as much about the conduct of business in Washington, DC, as it was about the conduct of the war in Iraq. I think most people—and I have said this many times—most people want to see us acting like grownups dealing with big issues. They know that while we have our principles and we have our politics, there are some issues before us that are simply too big for one political party to solve. We have not reached the point on Iraq where we can do that. I am hopeful we can. We need a political settlement here as much as Iraq needs one there. But we have reached—or we are close to reaching—a political settlement on the other great issue we are debating this week; that is, competitiveness. This is a great big issue. This is of concern to Tennesseans in every county where I go. This is the feeling down deep in your gut or in your heart while sitting around the table at night: Am I going to have a job? As the Presiding Officer has spoken eloquently to this, we come at this from many different ways, but we see that our country now is in a very fortunate position that we can't take for granted.

I was trying to think of an appropriate analogy today, and I was thinking of the University of Tennessee women's basketball team. I heard some nice compliments paid to the Wisconsin teams today. I think Pat Summitt and the University of Tennessee women's basketball team have won seven national championships, including the one this year.

There was a time 20 years ago when the University of Tennessee women's basketball team coached by Pat Summitt played any team in the Southeastern Conference and it wasn't even close. Everybody knew the Lady Volunteers—the Lady Vols—were so good, so strong, so far ahead that they were going to win. Now they still win, but they really have to work to win because there are a lot of great teams in the Southeastern Conference. In fact, there are a lot of great teams around the country, and that is the way as we look in the world in which we live today.

We cannot take for granted 1 year longer that our children and our grandchildren will enjoy this remarkable standard of living we have. There are a number of steps we need to take to deal with that.

The step we are talking about this week with a reasonable degree of consensus is keeping our brainpower advantage. Why do we say brainpower advantage? Because that is one way we gained our wealth as a country. In fact, many of the studies show that at least half and maybe a good deal more of the growth in the wealth of families, the family incomes in America since World War II, has come from technological advances. That is going back a long ways. That is from Thomas Edison's inventions. That is from Henry Ford's inventions, Walter Chrysler's inventions, and more recently the Google invention. Wherever those inventions come, the jobs grow.

I learned a long time ago that as important as it is for Governors, for example, to recruit jobs, it is more important to grow jobs. We were feeling pretty good down in Tennessee 25 years ago when Saturn came from General Motors and Nissan came to Tennessee. I added it all up, and that was 10,000 or 12,000 jobs. Then the suppliers came, and that was a lot more jobs.

But in Tennessee, as in most places in America, we lose jobs every year. The numbers are a little elusive. But in a State such as Tennessee where 2.5 million people work, maybe we lose 10 percent of our jobs every year. They just disappear. Companies go out of business. But that must mean we must create about that many new jobs every year. So the strong economies, the economies that are growing—the United States being the prime example—are the economies which create the best environment for the growth of the largest number of good new jobs. That is what a progrowth policy is.

We Republicans, we on this side of the aisle, are saying progrowth—yes, that means low taxes. I agree. I vote for low taxes. When I was Governor of Tennessee, we had low taxes. I believe we had the lowest taxes per capita in the country. That wasn't enough. We were the third poorest State, and we had low taxes. The problem was we had a lot of other rules and regulations and impediments and impairments that kept us from raising our family incomes. For example, we had a usury limit of 10 percent. We had very restrictive banking laws. On the good side, we had a right-to-work law. That helped us. There were a number of things that created a more competitive environment. On the negative side, we had a bad road system. Now we have one of the best four-lane highway systems in America.

As we worked through the goal of how do we in our State of Tennessee go

from being the third poorest State to what we became—the fastest growing State in family incomes—we went through all those other issues and finally centered on better schools, better colleges, better universities, more brainpower, because if you went to work at the Saturn plant, you had to know statistics, you had to know other forms of math, you had to speak English well and work as part of a team. There really weren't any blue-collar jobs left in the auto industry; they were high-tech jobs, and you had to be well trained to be there.

As we have said to each other—and we all believe this, almost every one of us—our children have to know more than we did. Standards are higher and higher and higher because as some jobs leave our country, if we want to create more good new jobs, we are going to have to be smart enough to create them, smart enough to work at them, and smart enough to keep them. That is what the brainpower advantage is.

We have had that advantage. We have had the greatest K–12 system in the world here for a long time. It has some problems now, but it has been a remarkable system for our country. There is no doubt we have the finest system of colleges and universities in the world. More than half a million students around the world come here.

The former President of Brazil, Cardoso, was visiting with a group of Senators a couple of years ago, and someone asked him: What will you take back to Brazil, Mr. President? He taught at the Library of Congress and in other places in the world. He is an academic. He said: The American university.

No one in the world has a system like the American universities. That is why we have people lining up in India and China and everywhere else to come to our schools.

Then we have these remarkable National Laboratories, such as the Oak Ridge National Laboratory. Just in Knoxville, TN, the area where I grew up, with the Tennessee Valley Authority, the University of Tennessee research campus, and the Oak Ridge National Laboratory, we have more than 3,000 Ph.D.s. What a concentration of brain power. Out of that comes entrepreneurial hotspots, new jobs, and this high standard of living we talk about in our State, as well as for our country.

So what is the problem? You might even look at it, as the International Monetary Fund has said over the last several years, that we have been able to keep that high level of gross national product, but we all know anecdotally, and now from recommendations we have gotten from people who know what they are talking about, that we have a gathering storm. That is why simultaneously a number of us in the Senate, on both sides of the aisle, all began to come to about the same conclusion.

Senator LIEBERMAN and Senator ENSIGN, for example, took legislation from a group called the Council on Competitiveness, which said if we don't stay competitive, we are not going to keep our jobs. So what do we need to do? They told us. Senator BINGAMAN and I, with Senator DOMENICI's encouragement, and Representatives BOEHLERT and GORDON in the House of Representatives joined in, asked the National Academy of Sciences: We said, OK, you are supposed to know this. The Senator from Ohio and the Senator from Tennessee, we might have an idea, we might have a friend with a math program, but you are supposed to know. Exactly what do we need to do to keep our high standard of living, to keep our jobs from going to China and India? Tell us in priority order. They did that. They gave us this report, ''Rising Above the Gathering Storm.''

They said if we want to keep our jobs, we better do these 20 things in priority order. These aren't the only 20 things. Each of us can think of more to do. We might not agree about some of those things. Some might be tort reform. Some might be to give poor kids vouchers to go to school. Those things aren't in here. Some overhaul of the tax system. There are a lot of barriers to innovation, but this group came up with 20 recommendations.

What happened to that? We have worked together with the administration—homework sessions we called them—and we took the best advice we could. These 20 recommendations weren't willy-nilly. These were three Nobel laureates, a former president of MIT, business leaders like Craig Barrett of Intel, Bob Gates, the head of Texas A&M, now the Defense Secretary. They gave their summer. They reviewed hundreds of proposals. They said of all the proposals, here is one that seems effective; that makes a difference. Let's try it. This is what we need to do to keep our advantage.

We usually don't have that kind of dispassionate, disinterested advice. I think that is why, after we got going, we were able to have a piece of legislation, Domenici-Bingaman, that had 70 cosponsors—35 on this side, 35 on that side. We had a Republican majority, and we worked together to produce that bill, and Senator Frist and Senator REID introduced it last year as we were going out of session.

What has happened this year? We have a Democratic majority, and Senator REID and Senator MCCONNELL have taken the same bill, after it has made its way through all these committees—and it is a big bill, 208 pages. I reread it over the weekend. It is remarkably well organized, remarkably literate, remarkably easy to understand, and makes a lot of sense.

Is it perfect? No. We have 100 Senators. We have 62 cosponsors of this legislation by the majority leader and the minority leader. Yet there are several things, if I were writing it, that I would take out.

We have had a healthy debate today. We have had some good points made by Senator DEMINT and Senator SUNUNU and Senator GREGG and some others who are critical of provisions of the bill. That is the way the Senate is supposed to work. We put it out there, we work hard to get our advice, we have debates, we have votes, and we go on to the next thing, which is what we are doing tomorrow.

I would like to say, if all of us insisted on every right each of us has, we would never get anything done. So I am very grateful to my colleagues for the work they have done to help bring this to a conclusion, which we hope we can reach tomorrow.

I would like to make just a couple of other comments in response to some of the criticisms of the legislation. I don't want to make too many because most of the comments have been favorable. I mean, it is very impressive when senior members, such as Senators KENNEDY and ENZI from the HELP Committee, and Senators INOUYE and STEVENS from Commerce, and Senators BINGAMAN and DOMENICI from the Energy Committee bring this bill directly to the Senate floor and have a sense of urgency about its passage and step back and don't insist on all their prerogatives so we can actually come to a conclusion. They have produced a remarkably good bill.

In improving it, however, one thing that was done to improve it yesterday was an amendment that was adopted which Senator BINGAMAN offered. That took out any direct spending in the bill. So there is no mandatory spending in this legislation. This is an authorization bill. It doesn't spend one single penny. That is important for everyone to know.

There is also the question of its cost. Let me go to a Statement of Administration Policy that arrived last night. I used to work in the White House, in the Congressional Relations Office. I think if I had been doing it, and if the Senate had been working on this for 2 years, with maybe a dozen Senators, including some Republicans, I think I might have driven over here and given this to somebody. I would have appreciated that, and I think many other Senators would have. Nevertheless, I put this in the RECORD this morning as a courtesy to the White House because the President has spoken out forcefully for the competitiveness agenda in his State of the Union message for the last 2 years, and he put a large amount of funding in his budget for the next 4 years in support of it, and a number of the President's proposals, most of them in fact, are incorporated in this legislation.

So among the National Academy of Sciences, the Council on Competitiveness, and all the committees, we have the President of the United States, the most important voice in the country, saying this is what we need to do. I am grateful for that.

I am also grateful for this Statement of Administration Policy which has made some helpful suggestions, and we have been considering them. This

statement points out, for example, that the Senate bill in support of competitiveness objectives would cost $61 billion over the next 4 years. Most of it comes from doubling funding for the hard sciences in the Office of Science in the Department of Energy, doing that over 10 years, and authorizing—again, not spending, authorizing—doubling of the National Science Foundation over 5 years. Mr. President, $61 billion is what the Senate bill would do. That is $9 billion more than the President's proposal.

Let me point out that the President himself proposed $52 billion over the next 4 years. We have proposed $8 billion or $9 billion more—no direct spending, and fairly close to what the President had recommended. As Senator BINGAMAN said, the Budget Committee and the Senate, by a 97-to-1 vote, approved an amendment making about $1 billion of room in our budget for the first year of these proposals.

In terms of new programs, it has been said there may be $16 billion of new proposals over the next 4 years. Let me try to put that in perspective. I consider this progrowth legislation. Over on this side of the aisle, we get very excited about progrowth legislation. I do. I like it. I just talked about how I was a progrowth Governor. The first thing that comes to mind is taxes, the Bush 2001 tax cuts. I voted for them. I will vote for them again. They are progrowth. They cost $552 billion over 5 years—$552 billion over 5 years. That is a lot of money. We do that over here and don't think twice about it because it is progrowth.

This is $16 billion over 4 years. It is progrowth. To my way of thinking, it is just as progrowth as tax cuts. In fact, most of the research shows that our brain power advantage is the single most important reason that we grow the largest number of new jobs in our country. Our tax structure is important, but our brain power advantage is more important. So this is progrowth.

Another way of thinking about it, if we are $8 billion more than the President's proposals, $8 billion is about what we spend in a month in Iraq. We spend about $2 billion a week in Iraq. I vote for that, too. But if we don't have growth, if we don't invest in education and research and keep our competitive advantage, we will never be able to pay for the urgent needs we have—in Medicare, Medicaid, to clean up after hurricanes, and to have a strong national defense. So this is progrowth legislation.

As I look through the Statement of Administration Policy, I won't seek to discuss each of these items, but there are some differences of opinion between those in the administration and those of us who worked on the bill. In some cases, it boils down to the President liking his new programs and not liking our new programs, although most of his are in there. It is not quite fair for the White House to say it is wrong for the Senate to add a few new programs but not wrong for the President to add a few new programs. We are coequal branches of the Government.

He has a new Math Now Program. We think it is a good program, and it is in here, but it is a new educational program. We have new educational programs, too, that were recommended by the Augustine commission, such as the You Teach Program from the University of Texas and the Penn Science Program from the University of Pennsylvania, both of which were judged to be the most outstanding programs in the country to help train existing teachers or train new teachers. And who told us that? This committee of 21, including three Nobel laureates who spent the summer reviewing all the ideas. That is pretty good advice we are getting, Mr. President. So I think we should take it.

The administration doesn't like what we call ARPA-E. It is what has been called DARPA over in the Defense Department, which has been very successful as a research agency. Out of it came Stealth, which permits us to own the night in our military activities. Out of it came the Internet. There are some differences between using that to solve our energy problems, but we think we ought to try. That is just a difference of opinion.

There are a few other differences of opinion. One is that some people think—although I haven't heard it said much on the floor today—we should not be using our National Laboratories to have math and science programs for teachers and students. I do not agree with that. My experience is totally the reverse. Our biggest problem with math and science is inspiring kids to learn math and science. What would inspire you more than to go to the Oak Ridge Laboratory, Los Alamos, being near a Nobel Prize winner if you are 14 or 15 years old or if you are a teacher? If you want to be a musician in Nashville, you would rather go on the road with Vince Gill or Martina McBride than sit in the business office of the Grand Ole Opry. So if we have these great National Laboratories, let's use them to inspire our students.

That is new. That is true, it is new. But what is wrong with a new idea every now and then if it has promise and it looks as if will work and it is recommended by the National Academy of Sciences, the Institute of Engineering, and the National Academy of Medicine as something we ought to do? There are a variety of very good suggestions made by the administration's statement of policy. We are taking them all into account.

We have had a number of amendments today. One of the concerns of the administration was that we not duplicate educational programs. That is our concern as well. In the work that we did, we asked the National Academies to look at existing programs and help us not duplicate those. So as an example, the National Academies suggested that we create a special program of scholarships to train new teachers. We looked at the National Science Foundation and, in fact, asked the Director. He already had a program like that called the Robert Noyce Scholarship Program. We judged that to be an effective program. Instead of creating a new one, we expanded the existing one. So we have been very sensitive to that.

The legislation itself sets up a Cabinet council which will review existing math and science programs in kindergarten through the 12th grade to try to make sure we do not duplicate and that all of the money we spend is effective. The administration has its own academic competitiveness council. It has been at work for about 18 months, I think. It hasn't reached its conclusions yet. It is going to be a very useful council as well. And the President's own Math Now proposal, a new program, will also be helpful in helping us take the existing programs and focus them correctly.

So the new Cabinet council within the administration, set up by this bill, the existing Academic Competitiveness Council already ongoing in the administration, and our own oversight, should help us continue this very valid inquiry to make sure the programs weren't duplicated.

I told the visiting chief State school officers today, who were here from around the country, that there was a lot to take home from this bill, and there is. When the academies were asked to put this in priority order, they didn't put a research and development tax credit as the No. 1 thing to keep our jobs. They didn't put bringing in students from overseas as the No. 1 thing, although we think it is terrifically important. They didn't even put more research in the universities as the No. 1 thing.

They said improving kindergarten through the 12th grade. And they took a number of steps, some of which I have already mentioned: the summer institutes of the National Laboratories, the teacher institutes at the National Science Foundation—70,000 new teachers will be trained to teach advanced placement courses in math, science, and the critical foreign languages. Especially, this will mean low-income children who are just as smart but just haven't had the opportunity to have a teacher who knew how to teach it or the money to pay for the test, this will take care of that. This is from a Houston, TX, program that has been judged effective because it has worked for many years.

Then I think a very exciting program is the idea of supporting these specialty math and science schools in each State, a residential math and science school such as the one in North Carolina, the one in Georgia. The Governor of Tennessee has just begun to have one. It forms a nucleus of excellence in a subject matter, in this case math and science, that attracts and inspires the best students and teachers.

We found in our State over the last 20 years that summer academies, just 2 or 4 weeks, in different subjects, has made a remarkable difference in the quality of education. In Georgia, for example, their experience is that half the students who go to the Georgia math and science academy then go to Georgia Tech. That means they stay in Georgia instead of going somewhere else and then they are the source of the new jobs and higher standard of living for our future.

As I hope you can tell, I am excited about what has happened today. I know enough about the Senate to know we are not through. The Senate is not done until it is done. My hope is that Senator BINGAMAN is right and we can finish tomorrow.

I thank the majority leader and the Republican leader for creating an environment in which we can succeed. They have given us the time to do it and our colleagues have been diligent. I hope our colleagues will come to the floor tomorrow with their suggestions. But I want the American people to know what I said when I began. It is always a privilege to serve in the Senate, but especially it is a privilege this week because this is the Senate acting as grown-ups, not playing partisan, petty politics, not dealing with little kindergarten issues. We are dealing with the two foremost issues facing our country: How we go forward in Iraq—we have profound disagreements still—and how we keep our competitive advantage, our brain power advantage, so we can keep our jobs. We are coming to a consensus because of very hard work on both sides. I think the American people will be proud of the result, if we are able to succeed, which I very much hope we can.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow, Wednesday, April 25.

Thereupon, the Senate, at 7:58 p.m., adjourned until Wednesday, April 25, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 24, 2007:

THE JUDICIARY

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.