The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The assistant legislative 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 (for Sununu) amendment No. 938, to strike the provisions regarding strengthening the education and human resource directorate of the National Science Foundation.

Bingaman (for Sanders) amendment No. 939, to increase the competitiveness of American workers through the expansion of employee ownership.

AMENDMENT NO. 938

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate with respect to amendment No. 938, with the time equally divided and controlled by the Senator from New Hampshire and the Senator from Massachusetts or their designees.

Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I understand under the order that I will control 15 minutes, and I believe Senator BINGAMAN will control 15 minutes in opposition.

The Senator from New Hampshire.

Mr. BINGAMAN. Mr. President, obviously, I have great respect for my colleague from New Hampshire, and particularly because he is, I believe, the only trained engineer in this Senate; I certainly pay attention when he speaks on issues related to engineering and science, and I think we all need to do that. But I think he is clearly wrong in this circumstance, and let me explain why.

The Senate is offering an amendment to strike the provisions of this bill that provide for annual funding increases for education and human resource programs at the National Science Foundation. The purpose of the provision that is in the bill he wants to strike is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and math education at the elementary, secondary, and the postsecondary level.

This underlying bill, S. 761, provides for substantial increases in funding for the National Science Foundation, and the amount of those increases is contained in section 4002. The proposal of the provision that is in the bill he wants to strike is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and math education at the elementary, secondary, and the postsecondary level.

This underlying bill, S. 761, provides for substantial increases in funding for the National Science Foundation, and the amount of those increases is contained in section 4002. The proposal of the provision that is in the bill he wants to strike is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and math education at the elementary, secondary, and the postsecondary level.

As appropriations for the National Science Foundation increase under this legislation under S. 761, funds for the education and human resource programs will also increase by a proportional amount. We are not in any way
Mr. ALEXANDER. Mr. President, if you would let me know when 3 minutes remain, I will have 3 minutes remaining.

The PRESIDING OFFICER. There is 7 minutes remaining in opposition.

Mr. ALEXANDER. Mr. President, if you would let me know when 3 minutes remain.

I am trying to respect Senator SUNUNU's amendment, because he is a very careful student of these matters, and I am looking at the authorization bill, and I want to ask the Senator a few questions in a moment, if I may, and I will do it on my time.

I am looking at the authorization bills for fiscal years 2003, 2004, and 2005, which is the current authorization bill. In each of those years—the authorization bill—there is a number for specific authorized allocations for, first, research; next, for education and human resources in that area the Senator is objecting to; next, a specific authorized allocation for research equipment; next, for salaries; and next, for the Office of Inspector General. Then we go to 2004 and it is the same there. In each year, there is a specific authorized allocation for each area; one for research, one for education, and one for each of the others.

The difference in this proposed authorization is that for education it says the number. The allocation for education shall go up as much as the specific authorization for research. Would the Senator be more comfortable—and this is my question, through the Chair, if I may ask this—would the Senator be more comfortable if there were specific number allocations which are enacted now for future years? In other words, if we turn the percentages or the suggestion that it ought to go up the same amount and say, instead of that, we will take a number and insert it in there for each of those years? Because that is exactly the intent of the amendment, if it is done by the Senator.

Mr. SUNUNU. Mr. President, I am happy to respond. First, I would certainly be more comfortable if the guaranteed increases were struck from the bill, because that is a protection, a celebration for the funding that is not given to other areas of funding. I would have concern about that allocation in past years, again because it puts this particular area in effect ahead of the different disciplines of chemistry, math, or physics. It treats it somewhat uniquely.

To the response on the point about appropriations, Senator BINGAMAN is absolutely right. Each year we do an appropriations bill that, if we turn the percentages or the suggestion that it ought to go up the same amount and say, instead of that, we will take a number and insert it in there for each of those years? Because that is exactly the intent of the amendment, if it is done by the Senator.

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to translate the “as much as” into specific numbers, if other Senators agree with that.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use a portion of my time to address a particular point; that is, equipment. I fully recognize that equipment is different from funding for specific research. Capital equipment, infrastructure, buildings—those are going to receive separate allocations year on year, and they are going to receive separate authorization numbers. But I come back to this issue of whether we are going to treat the human resources area differently by protecting annual increases and whether we are going to ensure that in the future we maximize the resources available to the National Science Foundation for its core mission of research, of investment in math, science, and engineering research. I understand that is part of the mission of the National Science Foundation, and I support that effort. But I think we need to be very careful before creating long-term set-asides for an area such as that. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains for the Senator from New Hampshire?

The PRESIDING OFFICER. A little over 7 minutes.

Mr. BINGAMAN. Let me use the remaining 2 minutes in opposition to the Senator from New Hampshire, and then the Senator can obviously use as much time as he would like.

Let me reiterate that I think this section which he is proposing that we strike is an important section to retain in the legislation. This is something which is a direct outgrowth of what the Augustine Commission recommended. They recommended that we increase funding for the National Science Foundation and that we ensure that the National Science Foundation substantially increase its efforts with regard to science education. That is what this provision does. That is what this section of the bill does. It says we want to increase authorization for the National Science Foundation, and as we are doing that, we want to be sure there is adequate funding, there is adequate attention given to science education.

I believe, if there were a single thing which the National Academy of Sciences report concluded, it is that we are investing way too little as a country in science and engineering and math education across-the-board—in the Department of Education, in the Department of Energy, in the National Science Foundation, in our schools, elementary and secondary and postsecondary and universities.

This is an important provision. We should keep this in the bill. I know it is very important to Senator KENNEDY. He was very involved in the discussions that went into drafting of this portion of the bill. As a member of his committee, I strongly object to us deleting this section of the bill.

I yield the floor.

The PRESIDING OFFICER. The senator from New Mexico.

Mr. DOMENICI. I wonder if the distinguished Senator will yield?

Mr. SUNUNU. Mr. President, I am happy to yield 4 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will ask that it be taken off the bill, not off his time.

The PRESIDING OFFICER. That time has expired. Without objection, it is so ordered.

Mr. DOMENICI. Very briefly, I wish to say to the Senator that he has made an eloquent presentation and he has certainly shown people that he understands what the National Science Foundation is supposed to do and what it does. I worry all of us, and that is the adequacy and assurance of research and that it will not be gobbled up or picked at as time changes.

It seems to me we did it right here because we earmarked, in a sense, all the different areas and put the two worrying him the most—both of these are important. Research and education are there. It seems to me that is what we want to do. I don’t know how you could do it any other way and we be able to tell the Senators who helped us put this together that they are protected for science research and for education. That is really what we are trying to do because they worked hard on it. They thought this was an area of importance. We agreed with them. It turns out, as Senator BINGAMAN said just two moments ago, it is true, this bill is beginning to sound right because it is saying we were really hurting on basic science, and this is an area, the National Science Foundation, an instrument of our Government, which has been doing very well and we want to give them a lot of extra money if we want to do this, a bill like this, for our country.

I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SUNUNU. Mr. President, in closing, let me thank the Senator from New Mexico for his points. I certainly appreciate the commitment I have heard from everyone who has spoken this morning about the value of the peer-review process, the commitment to this critical role of research, basic research within the National Science Foundation, the desire to make sure we are not giving special treatment, unique treatment to any particular area within the National Science Foundation, notwithstanding the fact that in this legislation, there are guaranteed proportional increases for human resources in the educational area. Of course, we have to take every Senator at their word, but I very much appreciate the word and commitment given here to continue to champion and protect the integrity of the peer-review process moving forward.

Second, I reiterate that there is very little done that I can see in the legislation to look at the existing science, technology, education, and math programs within our Government. There is support for those programs and even creation of some new programs in this legislation, but very little is done to follow up on findings we have in front of us about weaknesses and duplication and overlap in these programs and the need to make them work better for those math, science, and engineering students whom they are intended to benefit. I encourage my colleagues to continue to pursue these very questions as this bill moves off the floor and into conference.

I understand there were a lot of sensitive issues and committee jurisdictions and tradeoffs that had to be made in constructing the legislation. I understand the managers of the bill are not going to support my amendment. But I think the message this amendment carries is an extremely important one. I hope it will be heeded, not just in deliberations over the coming year when we are dealing with math and science and the National Science Foundation, to protect what it makes work, but also as this legislation moves to conference.

I yield any time I have remaining.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The assistanct legislative clerk called the roll.

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

Mr. LOFT. 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 24, nays 74, as follows:
we do not want everybody to come down at 4 o’clock and complain. We have a lot of time, but it will be useless if Senators do not bring their amendments down. We know there are some floating around, but we certainly do not have an adequate understanding of how many Senators have it. It would be helpful if Senators would send us a message that they have amendments and what they amount to. We will work with Senators so we can get them done quickly.

Mr. President, I thank Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 936 WITHDRAWN

Mr. SANDERS. Mr. President, I intended to have considered an amendment I have offered, which is a very important amendment, which would provide assistance from the Department of Commerce to workers, to employees who want to move forward in terms of ESOPs, employee stock ownership plans.

At a time when we are losing millions of good-paying blue-collar manufacturing jobs, white-collar information technology jobs, it seems to me that the ESOP concept, the worker-ownership concept, is, in fact, an important model the U.S. Government should be exploring in terms of how we help those workers purchase their own companies and keep jobs in the United States of America.

I understand there is a problem with jurisdiction. The chairman and ranking member of the Banking Committee would like to work with me on this issue. I think we would like to go forward in terms of holding hearings and then coming forward with some legislation, which seems to me to be a sensible idea.

What I would like to do is, if I could, yield to the chairman of the Banking Committee, Mr. DODD, and then maybe to Ranking Member SHELBY.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding, I thank my colleague for his consideration.

For those of us who remember the days of Russell Long talking about the employee stock option plans, we all were lectured considerably during our tenure here with Russell Long, who was a strong advocate of the idea of employee being able to have an invested ownership in the companies.

I applaud my colleague from Vermont for this idea. It is one that certainly deserves consideration. I have told my colleague from Vermont I will be happy to either conduct the hearing myself or have an appropriate subcommittee conduct it, and be involved with it, as well as the Banking Committee to look at this.

The jurisdiction may also be in the Finance Committee. I know Senator BINGAMAN has an interest in this issue as well, so I want to be careful about stepping on the toes of another committee that may have some piece of this as well as the Banking Committee. But it is an economic development issue, and I am sure, between Senator BAUCUS and myself, we can conduct a hearing that will complement both committees’ jurisdictions.

Mr. SANDERS. Mr. President, if my friend will yield briefly, Senator BAUCUS is a cosponsor of this legislation, along with Senator LEAHY and Senator LINCOLN.

Mr. President, I yield back to the Senator.

Mr. DODD. Mr. President, I thank my colleague for his observation. I see my friend from Alabama is in the Chamber, the former chairman of the committee, my ranking member, who cares about this issue as well. I know of his interest in the subject matter.

So we will move forward on this issue in a timely fashion to see if we can have a good hearing and develop further interest in this idea, which I think has great merit. I thank the Senator for raising it.

Mr. SANDERS. Mr. President, I yield to my friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank my colleague for yielding.

As Senator Dodd said, we are all interested in promoting the economic interests of our workers. The ESOP program, employee stock ownership program, has helped a lot of workers create wealth, save jobs, and save companies in this country.

I know this is probably a subject matter for a number of committees, but Chairman DODD said he would hold a hearing on this in the Banking Committee. I join with him in working on this issue. If this or some other legislation like this will help people own companies where they work, I think that is good for America.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I very much thank my friend from Alabama and my friend from Connecticut. We look forward to working with you.

Mr. President, at this time, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that on Wednesday, today, April 25, at 2 o’clock, the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of myself or my designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate on amendments specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered...
under this agreement prior to the vote; and that the second and third votes in the series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BINGAMAN. Mr. President, I am glad to accommodate the Senator from West Virginia. He asked if I would restate the unanimous consent request. I am glad to do that.

Mr. President, I ask unanimous consent that on Wednesday, April 25, at 2 p.m., the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of Senator BINGAMAN or his designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendment be in order to any of the amendments covered under this agreement prior to the vote; and that the second and third votes in this series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, in Ecclesiastes, the Preacher warns:

> The race is not to the swift, or the battle to the strong, nor does food come to the wise, or wealth to the brilliant, or favor to the strong, nor does food come to the world’s leaders.

A noted MIT scholar once commented that:

> The ability to learn faster than your competitors may be the only sustainable competitive advantage.

Having an educated workforce able to learn and adapt is a cornerstone of a competitive agenda.

My first amendment thus encourages States to incorporate 21st century learning skills into their curriculum. This amendment would help our school systems teach skills to America’s students that will best prepare them for tomorrow’s economy.

America faces a world more integrated, more interdependent, and more competitive than ever. It is our challenge to succeed in this environment. It is our challenge to leave our children and grandchildren with an economy that is better than the one which we inherited. We must meet this challenge.

Meeting this challenge starts with addressing education in a new way. This bill is just a beginning.

We must engage as we look at education. As policymakers, we tend to look at our education challenge like a multiple choice test. We want to choose between a few simple options—more science and math classes, more AP classes, or better teachers. But the answers are not as simple as “A,” “B,” or “C.”

We must look at our challenge as if it were a math proof. We must think through every step, to reach the end result. The process is as important as the outcome. The outcome must be appropriate for today’s needs, but the outcome must also be appropriate for the needs of the future.

One hundred years from now—even 10 years from now—our society will be very different from what we see today.

If we find the right solution, our students will excel in school. If we find the right solution, our graduates will be ready to enter the workforce. If we find the right solution, America will retain its economic leadership. But if we look only for simple options, we may never reach a solution.

My first amendment will assist in the process of developing these solutions. My amendment will encourage school systems to think first and plan early. My amendment will encourage States to look at the big picture. My amendment will encourage States to look at education comprehensively.

My amendment encourages States to incorporate 21st century learning skills into the States’ education plan. Twenty-first century leading skills emphasize learning skills, collaboration, and communication skills.

Our students must know science and math, but more importantly, our students must excel in problem-solving and critical thinking skills. Our students must excel in financial, economic, and business literacy. It is these skills that students today will need to be successful tomorrow.

Our students must also be able to communicate effectively. Twenty-first century skills also include language learning.

This bill sets aside funding for foreign language programs, but in many rural areas like Montana there are not enough teachers. The way to help solve this problem is through distance learning.

That is why I also worked hard to include in the bill a provision to allow language funds to go to programs that use distance learning.

I am proud of programs such as the U.S. Arabic Distance Learning Network out of Montana State University. This program uses interactive video classrooms to allow two-way communication between the professor and students. This innovative solution is helping students to acquire important language skills.

We must look for more ways to be creative in our education methods. Our schools must adapt to new challenges. Our students must begin to learn the skills that companies need today, and students must learn the skills that companies anticipate needing tomorrow.

This bill is a piece of the process in solving the proof. I will continue working on this issue and I encourage my colleagues to do so as well.

Many of the proposals in these amendments and this legislation are good solutions for serious problems, but addressing our problems is not enough. We must also improve the way we identify them. We must improve our diagnosis.

Getting the right diagnosis is especially important to the most dynamic sector of our economy—the services sector. Our economy has evolved from agriculture and manufacturing to services. Services industries today comprise 80 percent of our economy. Since 1990, private services industries have added over 22 million jobs. In our international trade picture, services are a bright spot. Where we so often see deficits, America has a surplus in services each year.

To keep this sector vigorous in a global market, we must track its health and development. But we don’t.
Today, the Bureau of Economic Analysis does not produce annual, State-by-State, sector-specific services export data. Tracking this kind of export data is critical to knowing where our strengths and our weaknesses lie. These data are critical to knowing where jobs are being lost, and to how we can best help those workers.

That is why I am offering an amendment to fund a program in the Bureau of Economic Analysis to study services exports in detail, annually, thoroughly, on a State-by-State basis. We know too little about this sector of our economy and its standing internationally. This amendment would remedy that.

I also have amendments to improve America’s energy research. My amendment would double funding for the Department of Energy’s Office of Science. That office is the largest supporter of physical sciences research in America. It would provide more than 40 percent of total funding in this area nationwide. The Office oversees a broad range of energy-related research, including that related to renewable energy.

Pouring money into the Office of Science funds research and development projects at the National Renewable Energy Laboratory, or NREL. NREL is the Nation’s primary lab for renewable energy and energy efficiency R&D. The Finance Committee has heard testimony from two NREL representatives this year—Dr. Dan Arvizu, director of the lab, and Dr. Robert Farrington, manager of the lab’s research on advanced vehicles.

Both of these individuals are very impressive. I believe strongly that we must support their work.

Unfortunately, that support has been lacking in recent years. In January, the New York Times outlined NREL’s budget challenges. The Times pointed out that:

Money flowing into the nation’s primary laboratory for developing renewable fuels is actually less than it was at the beginning of the Bush administration.

The lab got a bit of a boost after that story was published in January, but the administration’s 2008 budget still plans a 3 percent cut for the lab.

We can fix that by doubling the Office of Science’s budget over the next 5 years. That would provide badly needed funding for NREL and the other national labs. The Office of Science would receive $3.8 billion for 2007, a small increase over last year’s amount. My amendment would increase the Federal commitment to DOE’s Office of Science to $7.6 billion in 2011. That is double what the office receives now, and that is more than a 50 percent increase over what is called for in the underlying bill.

This amendment is consistent with a recommendation of the National Commission on Energy Policy, a bipartisan group of 20 of the Nation’s leading energy experts. Last week, the commission recommended doubling Federal spending on energy-technology R&D. But simply increasing funds for DOE’s Office of Science is not enough. We also need to establish a new office of research outside DOE. My amendment to establish ARPA-E would do just that.

I am very pleased that the underlying bill proposes an Advanced Research Projects Authority—Energy, or ARPA-E. The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the committee. The committee recommended creating an ARPA-E: Advanced Research Projects Agency—Energy.

The new agency would be modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionaries that DARPA has developed are the Internet and stealth technology for aircraft.

The Augustine Committee recommended that ARPA-E be designed to conduct transformative, out-of-the-box energy research.

In the last Congress, and earlier this year, I introduced legislation to create an ARPA-E.

The bill before us today proposes a variation on my legislation by creating an “authority” within the Department of Energy, instead of an agency.

My amendment would move the “authority” out of the DOE and establish it as an agency, and my amendment would flesh out some of the details of the office.

My amendment proposes that ARPA-E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff. A director of the agency and four deputies would lead ARPA-E. My amendment proposes that ARPA-E be funded at $300 million in fiscal year 2008, ramping up to $2.0 billion in 2012.

With gasoline again rising to $3 a gallon and increased concerns about global warming, I believe we need to establish the most muscular ARPA-E possible. That is why my amendment frees the agency from the bureaucratic restrictions of the DOD, and that is why my amendment would elevate the status of ARPA-E to an “authority” within the Department of Energy, instead of an agency.

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...the way the taxpayers would want it to be spent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in my capacity as President of the United States.

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

IRAQ SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DURBIN. Mr. President, in the next day or two, the House and Senate will consider the Iraq supplemental appropriation bill, in the seventh year of the war in Iraq. This is the seventh time the President has come to Congress for an emergency supplemental bill.

In the ordinary course of events, a President and administration will submit to Congress an appropriation. We carefully review it, consider amendments, vote on it, and send it back to the President for signature.

But the rule I just gave are for emergency situations, unanticipated situations, such as natural disasters, situations that came upon us so quickly that we could not have anticipated them. But for 5 straight years now we have been in a situation that has insisted that this ongoing war is an unanticipated expenditure. I wish that were true, but we have known now for more than 4 years that this war is costly; first, in terms of human life, and, second, in the costs of the wars in Iraq and Afghanistan. The total cost to date is somewhere in the range of $500 billion. We have appropriated that money. We have given the President every penny he has asked for and more.

Members of Congress and the Senate with serious misgivings about this policy in Iraq have said to the President as Commander in Chief responsible for our men and women in uniform: We never want to shortchange them in battle. We want them to be safe. We want them to come home safe.

I was one of 23 Senators who voted against this invasion of Iraq. I thought this was a serious mistake from the start, but I have never said no to the President’s request for the funds we need for those troops. As I have said often, and I will repeat now, if it were my son or daughter in uniform, I would want them to have everything they need to come home. I may think this is the worst foreign policy decision in our time, but I vote to be taken out of our troops. They shouldn’t be the bargaining chip in this important debate which is going on in Washington.

Now comes the President with another supplemental, about $100 billion that he wants for the troops to have in the months to come. He will receive that money. There is no doubt that he will receive it. The Democratic majorities in the House and Senate has already pledged to provide all the money our troops need. But we cannot ignore the obvious. It is time for us to have a serious discussion in this country about this war.

The day before yesterday, nine American lives were given up in Iraq. Nine soldiers and marines lost their lives while many of us were in the safety of our homes or at our workplace.

Whether it is on Sunday with the Stephanopoulos show or every day in the Washington Post, I try to make a point of reading the names and ages and hometowns of these soldiers, marines, sailors, and airmen who are casualties. I do that because I don’t want their loss to become a numbing statistic. I try to visualize that 19-year-old soldier, that 23-year-old sergeant, that corporal in the Marine Corps who was 20 years old. I want to try to visualize them in terms of my family and the people I love. I think every 3320 lives are not just the same thing—and I hope they do the same thing—to remember that it isn’t just 3,320 lives, these are 3,320 sons and daughters and husbands and fathers, mothers and wives, loved ones. These are real people and real lives.

So now we are in this debate about how this war is going to end. It is well overdue that we have this debate.

When we went into this war, we were told by the President that there were reasons for doing it. I think most Americans recall that. I recall the litany very well.

First, the administration told us that Saddam Hussein and Iraq had weapons of mass destruction which could be used—chemical, biological, and nuclear weapons—in a terrorist mode to kill innocent people in the Middle East and around the world.

Second, we were told they were developing nuclear weapons in Iraq, nuclear weapons that could destabilize the Middle East and even attack America. The leaders in this administration were giving speeches about mushroom clouds from these nuclear weapons.

Then we were told that Saddam Hussein had some connection to the al-Qaeda terrorists who claimed the 9/11 tragedy in America.

Then we were told that this madman, this dictator, was so ruthless that he even killed and gassed his own innocents, his own people in Kurdish regions.

The Senate came to debate this, listening to the speeches by President Bush, Vice President Cheney, Secretary Rumsfeld, Secretary Colin Powell, and Condoleezza Rice, and the debate was pitched. At the time of this debate, I was a member of the Senate Intelligence Committee. I would read the headlines in the paper in the morning and watch the television newscasts and shake my head because, you see, just a few hundred feet away from here in a closed room, carefully guarded, the Intelligence Committee was meeting on a daily basis for top-secret briefings and the information we were receiving, and the information we had in the Intelligence Committee was not the same information being given to the American people. I couldn’t believe it.

Members of this administration were in that secret debate with aluminum tubes really meant that the Iraqis were developing nuclear weapons. Some in the administration were saying, of course, not, it is not the same kind of aluminum tube; at the same time, members of the administration were telling the American people to be fearful of mushroom-shaped clouds.

I was angry about it. Frankly, I couldn’t do much about it because, in the Intelligence Committee, we are not supposed to speak outside the building. We can’t walk outside the door and say the statement made yesterday by the White House is in direct contradiction to classified information that is being given to this Congress. We can’t do that. We can’t make these statements.

So in my frustration, I sat on the floor of the Senate and listened to this heated debate about invading Iraq thinking the American people are being misled, they are not being told the truth. That is why I joined 22 of my colleagues in voting no. I didn’t believe at the time that the American people knew the real facts.

So what happened? We invaded, turned loose hundreds, if not thousands of people scouring Iraq for these weapons of mass destruction and never found one of them. We looked for nuclear weapons. There was no evidence whatsoever. We went into our intelligence files and said: OK, Saddam Hussein had some connection to al-Qaeda—wild linkages put together once and for all. There was no evidence at all of a link.

The American people were deceived into this war. That doesn’t take a thing away from the men and women in uniform who answered the call. They stand and fight. They don’t make the policy. The policy is made in Washington. And they have shown extraordinary courage.

In this supplemental appropriations bill for Iraq, we want to engage the White House and the American people in an active discussion about where this war is going. I don’t want to wake up every single day and read a headline about 5 more Americans, 9 more Americans, 10 more Americans losing their lives in the middle of a civil war. We are saying to the President: It is time for you to accept the reality of the situation, and the reality is, as good as our military is—and it is the best in the world—it cannot win a civil war in Iraq. This war dates back 14 centuries. Two sects of the Islamic religion in pitched battle for 1,400 years about who...
is the legitimate heir of the great Prophet Muhammad, and our soldiers are in the middle of this fight? Is that what we bargained for? Had the President come to us and said: We want to send in 150,000 American soldiers to risk their lives in the hopes that these two criteria set forth by the President in reach an agreement in Iraq, he wouldn’t have had two votes in favor of that. But that is where we are today.

Meanwhile, this Iraq Study Group, a Government which we had a great deal to do with, continues to fail us.

The supplemental appropriation we will send to the President of the United States starts talking about bringing American troops home, not all at once, not immediate, not a hasty withdrawal that would be dangerous for everyone, but in a systematic way. Many of us believe that is the only way to convince the Iraqis to try. I up and take responsibility for their own country, to make the important and tough political decisions for their own future. Unless and until we do that, I am afraid we will continue to see the casualties grow and we won’t see the stability we seek.

This congressional action which we are sending to the President with this supplemental appropriation is not about really sending a message to the President, unfortunately. He is not listening. We know he has ignored his generals, and they are lined up to say the policy and strategy in Iraq is not succeeding. He has ignored the American people overwhelmingly believe it is time for American soldiers to start coming home. And he has refused to accept the realities of this war.

Sadly, this administration is the architect of the worst foreign policy decisions this country has ever made. We have handed the best military in the world into a desperate civil war. He has spent American treasure at a record rate, driving us deeply into debt, and, unfortunately, there is no end in sight.

That is what this administration has led to the invasion of Iraq, which has cost us over 3,300 American lives, over 25,000 injured, as many as 10,000 seriously injured with amputations and traumatic brain injury. His failed leadership has sent too few soldiers into too many battles without the training, the equipment, and the rest they need. And now he is extending the tours of duty of these men and women. I imagine that they are back home marking the days off the calendar, reading the e-mails in anticipation of dad coming home, being told: You have to stay 90 days longer.

Do you know, Mr. President, that the religious segregation and no idea at the time of this invasion of the extreme cost of ending this war, and frankly, they still don’t.

This failed policy in Iraq may not change until this President has left the White House, but that doesn’t mean congressional action and congressional debate are any less important. If President Bush is not listening, then we must trust that the people who know best. They should know this Congress will continue to work to make one thing very clear: American troops are coming home. The Iraqis have to stand up for their own country.

I come to my colleagues and all those who follow this debate an article from the New York Times of April 4 this year, just a few weeks ago, written by Leon Panetta, a former colleague of mine in the House of Representatives—my personal friend. I might add, a man who has served this Government at the congressional level and then again in the Clinton White House and most recently was a member of the Iraq Study Group.

What he basically says in this article of April 4 is, What about those other Iraq deadlines? What he does is he goes through and lists all of the deadlines the Iraqis agreed they would live by, then tells you what they would achieve. As you go through them, you can understand the frustration many of us have about the current situation. The Iraqis promised to achieve by the end of 2006 or early 2007 the approval of a provincial election law. So far, no progress on that.

The approval of a law to regulate their oil industry and share revenues—a very hot political topic, and while the Council of Ministers in Iraq has approved a draft, it has yet to be approved by their Parliament.

They agreed by the end of 2006 or early this year to approve the de-Baathification law, to reintegrate officials of the former regime and Arab nationalists into public life. No progress at all.

They agreed to approve a law to rein sectarian militias. No progress at all.

By May, the Prime Minister of Iraq committed to putting in place the law controlling militias. No progress at all.

By June, the Iraqi government promised to hold a referendum on constitutional amendments. No progress at all.

By July, the Prime Minister of Iraq committed to putting in place the law controlling militias. No progress at all.

The approval of an amnesty agreement—no progress at all. The completion of all reconciliation efforts—clearly no progress.

By August, the Iraqi government promised to hold provincial elections. No date has been set.

By September, the Iraqis want to be given full civil control of all the provinces. Today, they control 3 out of the 18 provinces.

By December, the Iraqis, with U.S. support, want to achieve total security for the American people. It is too early to tell, but does anyone believe that will occur?

What Leon Panetta spelled out here is promises by Iraqis; that if we continue to risk American lives, if we continue to spend $8 billion to $10 billion a month, they will tackle the tough political issues in their country, and time and time again they have failed. How long will we wait? How many American lives will we offer up while they twist and turn and try to figure out what we’re thinking about political possibilities?

Mr. President, I ask unanimous consent to have printed in the RECORD the April 4 op-ed by Leon Panetta.

Meanwhile, this material was ordered to be printed in the RECORD, as follows:

(From the New York Times, Apr. 4, 2007)

WHAT ABOUT THOSE OTHER IRAQ DEADLINES?

(By Leon E. Panetta)

SEASIDE, CA.—What has been particularly frustrating about the debate in Washington over Iraq is that everyone seems to be fighting one another and forgetting the fundamental mission of the war.

Whether one is for or against the war, the key to stability is to have an Iraq that, in the words of the president himself, can “govern itself, sustain itself and defend itself.” That goal is dependent on the political reforms that Iraqi leaders have promised but failed to put in place in their country.

As a member of the Iraq Study Group, I found that every military commander we talked to felt that the absence of reconciliation was the fundamental cause of violence in Iraq. As one American general told us, if the Iraqi government does not make political progress on reforms, “all the troops in the world will not provide security.”

In calling for a specific withdrawal date, the House and Senate versions of the supplemental spending bill managed to give the Iraqis (even if they do face a certain veto). The worst mistake now would be to provide money for the war without sending them any message about their responsibility for reforms. Both the president and the Congress at the very least must make the Iraqi government understand that there is no open-ended commitment to our involvement. As the Iraq Study Group recommended, Iraqi leaders must pay a price if they continue to fail to make good on key reforms that they have promised the Iraqi people.

The Iraqis promised to achieve, by the end of 2006 or early 2007, the approval of a provincial election law. So far, no progress on that.

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important to tell the Iraqis they have to accept responsibility for their own future. It is important because it adds billions of dollars for medical care for our veterans, billions of dollars we need so we don't face that shameful situation at Walter Reed that was reported a few weeks ago, billions of dollars so our veterans' hospitals can truly take care of these soldiers who are coming home with injuries that were unimaginable just years ago; a billion more dollars to buy more equipment which has been destroyed or left behind in Iraq so they can keep America safe while they prepare for their next redeployment. These are dollars that are critically necessary for America. For the President to just, with the back of his hand, say: I'm going to veto this because this is just a political game, is to ignore the obvious. There is no political gamesmanship in this bill. This is a critical, life-and-death debate about a lot of our brave Americans whose lives are on the line today.

I urge my colleagues, when this bill comes to the Senate, to search their hearts and ask, how many more days can we stand reading about nine Americans losing their lives? How many more funerals? How many more broken bodies returning from Iraq? How many more families heart broken that their soldiers are going to have to stay on and on and on in a war that has no end? This foreign policy decision is one that will haunt America for a generation. We need to do our part to speak for America, to speak for those who have no other voice, and to speak for those soldiers. If we truly support those soldiers, support their coming back home to the heroes' welcome they deserve.

I yield the floor.

IRAQ TROOP WITHDRAWAL

MR. GREGG. Mr. President, I believe it is appropriate to respond to the assistant leader on the Democratic side relative to his commentary because this is a highly significant, probably the most significant issue we face as a nation today in the area of concern for our citizens who are carrying the burden of service and who wear the uniform of America.

I do think it is rather cynical for the other side of the aisle to come to the floor of the Senate and say they are going to support the troops, when only 3 months into General Petraeus's leadership and his suggesting that the rug should be pulled out from underneath his efforts, General Petraeus was sent there with an overwhelming vote of this body in support of his efforts to try to bring stability, specifically to start giving the Government of Iraq, which was freely elected—something which the other side of the aisle manages to ignore with a fair amount of energy—to give them the breathing space they need in order to be able to go on and to be able to create stability.

A stable Iraq is critical to our national defense, and it is critical to our ability to fight terrorism. A unilateral withdrawal forced upon us by the Democratic leadership of this Congress within the next 3 months—which is the proposal they put into the language of this bill—will guarantee that Iraq goes in the wrong direction. It will guarantee that thousands, tens of thousands of Iraqis will die as a result of genocidal activity or activity that will border on genocide, and that will make the Balkans look like it was minor in comparison. The government of Iraq will establish without doubt a client state for Iran, probably partitioned within Iraq. It will clearly create functioning safe havens for al-Qaida, which has sworn, of course, to attack America on American soil, and it has already done so and has proven its ability to do this.

The fact that after only 3 months of General Petraeus being in the field we would pull from beneath him the ability to support the troops he needs is really, in my opinion, an act of cagacity. The plan is set up in a manner—the language which was put into this plan is set up in a manner so that the Iraqi Government must meet 16 major goals in restructuring its Government within 2½ months. My good friend the Congress of the United States, the Senate of the United States can't pass anything in 2½ months. Yet we expect the Iraqi Government and Legislature to reorganize its entire structure within 2½ months?

What the condition in this bill in order to maintain funds for our troops who are in the field. If the Iraqi Government is unable to meet those conditions, then within 3 months the money is withdrawn from the troops in the field. General Petraeus's flexibility is removed, and he is essentially handcuffed. The commanders in the field are no longer the generals in the field. It is no longer General Petraeus and his colonels and lieutenant colonels, who has handed the commanders the leadership of the other side of the aisle. They make the decisions on military action within Baghdad. General Petraeus's hands will be tied behind him, or at least one hand will be tied behind him.

Even if the Iraqi Government did the amazing thing of putting in place all these, significant conditions—and there should be conditions, no question, benchmarks for Iraq—these fairly stringent conditions processed in a timeframe, which guarantees they will not be accomplished, but let's say even if that Government were able to succeed in those conditions, then what is the reward for putting in place that type of stability and that type of restructuring? The language in the bill requires that the troops begin to be withdrawn and the money start to be cut off 3 months later. They are giving them a 3-month breathing space of having the support they need and General Petraeus having the support he needs in order to accomplish his goals.

The other side of the aisle comes to the floor of the Senate and acts as if
these are not significant; that we are not putting in place things which can’t be accomplished; that we want to support the troops in the field. Well, read the conditions. The conditions cannot be met, and they are intentionally structured not to be met. Listen to the real language from the other side of the aisle.

The majority leader says the war is lost. He wasn’t talking just about Iraq. It appears he was talking about the entire war against terrorism, which happens to be a fairly significant statement. It is also obvious that when you make a statement like that, as the leader of the Democratic Party, the most senior Democratic Member of the Senate, one of the most senior Members of the Democratic leadership of the Government of this country, when you say the war is lost, you put your credibility on the line.

Quite honestly, if we institute the language as proposed in this bill, which dramatically changes the capacity of the Commander in Chief, General Petraeus and the American troops to succeed in their mission, well, I guess that will probably guarantee the war is lost, so they will have a self-fulfilling prophecy as relates to Iraq, that sequence of that sequence: We are having a catastrophic in the area of death and destruction within Iraq.

For us, as a nation and for our national security, should a client state be created for Iran within Iraq, should al-Qaeda have free haven in Iraq, the consequences for us could be equally dramatic.

In addition, a little point should be made here. The language in this bill, as it is being brought forward, is blatantly unconstitutional. It essentially cedes responsibility for the management of the troops in the field to the legislative branch. Nowhere in the Constitution did the Founding Fathers believe there should be 456 people running military policy in the field who had just been through a war. They had been through the revolution, where they had one person running the army in the field, George Washington. They understood that you either put one person in charge or you have chaos in any sort of military action. That is why the Constitution says the Commander in Chief shall be the President, and that the military shall report to the Commander in Chief.

The language of this bill, on its face, is clearly unconstitutional because it essentially cedes responsibility for field command over our troops to the leadership of the Senate, the Democratic leadership of the Senate, ironically, which guarantees chaos in the area of order relative to defining and executing the mission as assigned to the troops in the field. You can’t say to the American soldier, who is on the ground in Iraq, who is in Baghdad, who is doing their mission, and doing their mission very well—Secretary General Petraeus has said there is progress occurring there—you can’t say to that soldier: A, we are going to take the money away from you to support your mission; B, we are going to give your enemies a defined date when we are going to leave so that your enemies, our enemies, can wait you out and can basically harass you knowing that you are going to withdraw; and, C, that your message to the majority leader and the assistant leader of the Senate and the Speaker of the House. We can’t say: When General Petraeus gives you a command, you don’t necessarily have to listen to him because the people who are going to make the decision as to how you execute your mission aren’t in the line of authority of the military or the Commander in Chief; they have suddenly become the legislative branch of the Government.

The language in this bill is structured to accomplish one thing, and that is to assure defeat in our efforts to try to bring about a stable and responsible Government in Iraq. All you have to do to confirm the logic of that view and the provision of that view is to return to the words of the majority leader. The war is lost, he said. In order to assure that happens, they have brought forth the language in this bill which guarantees that our enemy will know who is commanding them, but they will know they are not going to get the necessary support to accomplish their mission. That is defeat.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The amendment be dispensed with.

Mr. DEMINT. Mr. President, I ask unanimous consent that amendment No. 930 be held over for future consideration.

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

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

The amendment is as follows: (In pertinent part) To prohibit congressional earmarks of funds appropriated pursuant to authorizations in this bill (At the appropriate place, insert the following:

SEC. 2. 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 an amendment, or conference report, that proposes 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 two-thirds of the Members, duly chosen and sworn. An affirmative vote of 3⁄5 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.

Mr. DEMINT. Mr. President, my amendment provides what we call an earmark shield for the funds authorized in this bill, the America COMPETES Act. Specifically, it establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for the funds authorized in this bill. Let me be very clear. This does not apply to all appropriations bills or to all appropriations earmarks. It simply applies to those bills that contain appropriations earmarks for the programs authorized in the bill that we are considering today, the America COMPETES Act.

What we are trying to avoid is setting up a new fund for new earmarks, so we are setting this bill aside and protecting it from earmarks. If an appropriations bill comes to the floor for funding of these programs but without earmarks, no point of order would lie against that bill. In a similar way, if an appropriations bill comes to the floor with earmarks for other programs outside of the programs funded through the America COMPETES Act, then no point of order would lie against that bill either.

My amendment only creates an earmark shield for the program we are
funding today. The goal of this amendment is to ensure the funds authorized in this bill are allocated according to a competitive or merit-based process.

As my colleagues know, congressional earmarks circumvent the normal processes of merit-based processes, and award funds based on politics. This bill is focused on competition. Earmarking perverts the competitive process and substitutes the judgment of lawmakers and their staff for professional scientists and engineers who truly understand competitive proposal that merits funding.

Congress has been able to keep earmarks out of the National Science Foundation and it has made that foundation one of the most successful Federal science agencies. The bill recognizes and affirms what is already explicitly in the bill. Let me read a section from the America COMPETES Act. 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-based system or peer review process.’

Many of America’s leading institutions oppose earmarks for research because they understand earmarks siphon funds away from the research programs their talented researchers could compete for. Several universities have official policies in place opposing congressional earmarks. Let me read a few of their policies. I will start with the University of Michigan and I will quote from their policy statement.

The University of Michigan supports competitive peer review as the primary and best mechanism to allocate Federal research funds. Consequently, it is the policy of the university not to seek or accept government earmarks in support of faculty research.

Here is a quote from Yale:

Yale University does not seek appropriations for any external research projects that would circumvent existing merit-based procedures of Federal agencies for selecting projects for funding. The university has long held that evaluation of proposed projects on the basis of peer review is the best method of identifying the most promising research or scholarly projects.

And a quote from MIT’s policy:

MIT has a long-standing policy that prohibits the acceptance of grants and contracts funded via Congressional action. Such awards are known as ‘earmarks,’ and funding is not generally the result of peer review. However, earmarked funds are often a way to secure funds for new buildings, and for major equipment needed for cutting edge research, but institutionally MIT avoids seeking or accepting earmarked funds.

It seems the whole country is starting to realize that the earmarking process we have adopted in this Congress is wasteful and actually subverts the goals we set for many of these bills. It is clear we do not need to earmark funds in order for our funding programs to be effective. My amendment simply seeks to make America more competitive by making these programs more effective.

I thank the Senator for his courtesy in allowing me to bring up this bill. I understand we will be voting on it as part of a number of bills after the lunch hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

MR. BINGHAM. Mr. President, I yield the floor to the Senator from South Carolina.

VOINOVICH. I thank the Senator for coming to the floor and making his argument for this amendment at this time. He is right, under this unanimous consent agreement the plan would be to add it to a package of other amendments we are voting on at this time chosen by the majority leader.

I will speak briefly in opposition to the amendment at this point. I know the Senator from South Carolina has had to leave the floor, but I do think it is important at this point in time that anyone who is following our discussions here on the floor can know the problem I have with the amendment.

First, I agree with the concern about Congress stepping in and diverting funds from the good purposes we lay out in this legislation and diverting those to other, more parochial applications. That is a valid concern. I object to that and I hope we can prevent that from happening in the future. But I think this amendment is not the way to keep that from happening.

This amendment sets up a unique process. It basically says you cannot bring an appropriations bill to the Senate floor unless you have 60 votes. Any appropriations bill you try to bring to the floor is subject to a 60-vote point of order if it contains in it what is described as a congressional earmark. You say, What is meant by a congressional earmark? It goes on to say that is any governmental language—if you have a report that accompanies the appropriations bill, that is report language—that provides or authorizes or recommends a specific amount of funding or discretionary authority or credit to an entity.

That is pretty broad. Essentially what we would be saying is the Appropriations Committee, for example, if they determine—one example the Senator from Tennessee and I were talking about today as we were discussing this amendment was, if we want $60 million spent for the supercomputing program and the Appropriations Committee said, no, it ought to be $80 million, an extra $20 million for the supercomputing programs in a particular agency of the Federal Government, that is in fact within the definition of earmarked Congressional funding here,” so a 60-vote point of order could be raised against that.

I don’t think the Congress wants to go to that extreme in tying its own hands. You would have essentially two sets of rules: one set of rules that would apply to most appropriations bills and a different set of rules that would apply to appropriations bills that would cover the subjects that are the subject of this legislation—that would be Health and Human Services, because there is a substantial amount in this legislation that goes to the Department of Education; that would be the Commerce, Science and Justice legislation. Let’s see, what is the other—the Energy and Water appropriations bill. Of course, those are appropriations bills that would be subject to the most strenuous point of order requirement.

This is well intentioned, I am certain. I have no doubt about the good intentions of the Senator from South Carolina. We have all been concerned about the overuse of earmarks in the Congress in recent years. I know there is a great deal going on to require more transparency, to require that all these things be out in public so we can know what is being voted on and we can object. That is the best shield. He talked about an earmark shield. That is the best shield. It is the eternal vigilance of people here in Congress, paying attention to what is in the bills and insisting only those things are in the bills that in fact further a good public purpose.

So I do object.

I yield the remainder of the time that is reserved in opposition to this amendment. But before I yield the floor let me do another consent agreement.

AMENDMENTS NOS. 931, AS MODIFIED; 923, AS MODIFIED; 941, AND 960

There are four amendments that have been filed that relate to the Commerce Committee’s jurisdiction and that have been cleared on both sides of the aisle. There is a modification at the desk to amendment No. 931 by Senator McCaskill. She spoke to that amendment a few minutes ago. There is a modification at the desk to amendment No. 923 by Senator Obama. There is an amendment No. 941 by Senators Snowe and Kohl. There is an amendment No. 960 by Senators Levin and Voight. What the unanimous consent that these amendments, as modified if modified, be agreed to and the motions to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 931, AS MODIFIED

At the appropriate place, insert the following:
On page 17, line 18, strike the period at the end and insert the following: “including strategies for increasing the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.”

On page 19, insert between lines 22 and 23, the following:

“(vi) Nonprofit governmental organizations, such as professional organizations, that represent the interests of all students identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the areas of science, engineering, technology, and mathematics.”

At the end of title IV of division A, insert the following:

SEC. 1407. CLARIFICATION OF ELIGIBLE CON- TINGENT FEE PROGRAMS IN CONJUN- TION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFAC- TURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278c(k)(3)) is amended to read as follows:

“(D) FINANCIAL SUPPORT.—

“(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities exist- ing on August 23, 1988, may submit to the Secretary an application for financial sup- port under this subsection, in accordance with the procedures established by the Sec- retary and published in the Federal Register under paragraph (2).

“(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an ap- plicant for a center under subparagraph (A) shall provide adequate assur- ances 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 competitiveness of medium-sized manufacturing companies.

“(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is ac- ceptable for the center under subparagraph (A) to agree to an allocation of resources with other entities such as private in- dustry, 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 deter- mined by a Center as programatically rea- sonable and allocable are includable as a por- tion 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 a Center for which such applicant receives financial assistance under this section.”.
I concur in the comments of Senator BINGAMAN. I hope by now we have had such extensive participation in this legislation over the last 2 years that everyone believes he or she has had a good hearing. The Coburn amendments and Inhofe amendment are the only ones I know about for sure. They are scheduled, or will be, and we will have to talk with Senator GRASSLEY about his proposal.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. 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. 955

Mr. INHOFE. Mr. President, it is going to be my intention in just a moment to bring up and ask for the immediate consideration of my amendment, No. 955.

We are working on a modification to make sure there is on the Finance Committee that we find it to be acceptable. I have discussed this with the leadership and the minority. However, it will take a minute to get the language up.

Essentially, what the amendment will say is, notwithstanding any other provision of the law, no Federal funds shall be provided to any organization or entity that advocates against tax competition or U.S. tax competitiveness.

Now, I cannot think of anything that would be more significant in a competitiveness bill than to have this language. There are several organizations, one of which is called the OECD, which is the Organization of Economic Cooperation and Development. This organization actually was transformed back in 1961 after the Marshall Plan came into effect, and they have been, over a period of time, advocating increases in taxes for the United States. In fact, over the past fairly short period of time, 24 different times they have advocated increases in U.S. taxes. One was—I will just list them here—a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, a carbon taxation of State and local taxes in the calculation of Federal taxes, new taxes at the State level, and a host of other new and innovative taxes on U.S. citizens.

They also have advocated for a period of time a global taxation scheme. It is very difficult to find anyone in this country who would say this is in our best interest.

Now, in this particular organization there are some things they do that I have found have been helpful. So the modifications I am making will list three things that will not be considered under this act to be anticompetitive. That is the language I am waiting for right now and I should have in the next couple of minutes.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

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

Mr. COLEMAN. Mr. President, I rise today to offer my strong support for the American COMPETES Act. Legislation that will help to ensure that our Nation remains competitive in today's increasingly global economy. The basis of this bipartisan legislation was a report by Norman Augustine called "Rising Above the Gathering Storm," and a report by the National Academy of Engineering titled "Innovate America."

I remember being at a dinner last year not too far from these Chambers, and well over 30 Senators were there. It wasn't a fundraiser, we were there to hear Norman Augustine—bipartisan, leadership, new Members. I think it speaks to the importance of this issue.

Both of these reports assess the current situation. What they do is set out specific plans to get us where we need to be. The reports have served to put us on notice that we cannot take our competitive leadership for granted in a world that, as Tom Friedman has put so well, is increasingly flat.

For the American people following our deliberations on this legislation, I hope you will take notice that this is one of those issues that rises above party politics, rises above partisan politics, legislation that is about Republicans and Democrats coming together to address fundamental challenges to our Nation's competitiveness.

I am proud to join in that effort. Keeping our country competitive is ultimately about jobs. It is about ensuring that our future workforce can compete in a global economy and that our current workforce remains competitive.

I was chairman of the Western Hemisphere Subcommittee the last 4 years. I remember being at a conference in Mexico, with some Mexican academics complaining about the impact of low-wage jobs in Vietnam on the Chinese manufacturing economy.

When I was in China last year talking with some Chinese academicians and economists, they complained about the impact of low-wage jobs in Vietnam on the Chinese manufacturing economy.

If we begin to lose ground in the critical areas of math and science, we will also lose ground in the race for high-wage jobs, and that is why we should be winning the battle for better trained workers, greater opportunity.

Last month, Microsoft's Bill Gates came before the Health, Education, Labor and Pensions Committee to talk about keeping our country competitive. One of his statements particularly stood out to me.

He said: The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation.

He further said: We simply cannot sustain an economy based on an education system where children are educated in math, science and engineering.

I could not agree more. The challenges we face are significant when it comes to the future competitiveness of our workforce. Today, China graduates almost four times as many engineers as the United States. In fact, I was told at one point the figure was 600,000 engineers in China, 350,000 in India, and 70,000 in America.

The small nation of South Korea graduates just as many as we do. In 3 short years, Asia will be home to more than 90 percent of the world's scientists and engineers.

According to a recent poll, 84 percent of middle school students preferred to clean their room, throw out the garbage, go to their dentist, or eat their vegetables than to do homework, something we have to change.

As Tom Friedman wrote in his book "The World is Flat," when he was growing up, his mother used to tell him to eat all his vegetables because kids in China were starving. Today, his mother would say: Do your homework because the kids in China are starving to take your job.

Several reports have indicated that U.S. students do not perform at the level of their international counterparts in math and science. American high school students currently rank 24th out of 29 among developed nations in math literacy and problem solving.

As if this were not worrisome enough, we also need to concern ourselves with the coming retirement wave of high-skilled workers in the fields of engineering, science and technology, and math.

According to the National Science Foundation, about one-third of American scientists and engineers are over 50 years old. Tiger Woods said before a recent major tournament: I can't win the Masters on Thursday, but I can lose it.

We can't win the global economic battle today, but we can lose it in our elementary school classrooms.

Mr. President, the legislation before us will help go a long way toward preparing our future workers by improving K-12 education. For instance, the
Mr. INHOFE. Mr. President, I ask unanimous consent to dispense with the reading of the amendment be agreed to, as follows:

The amendment No. 905, as modified, was agreed to, as follows:

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION AGAINST FUNDING ANTI-COMpetITIVENESS

(A) 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.

AMENDMENT NO. 905, AS MODIFIED

Mr. INHOFE. Mr. President, we had some objection to this amendment. We have been working with people from both tax committees and the Foreign Relations Committee. I have agreed to some language. I will read the language, but first I ask unanimous consent that the amendment be modified with the changes at the desk.

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

The amendment is as follows:

(Purpose: To protect American competitiveness)

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.

Mr. INHOFE. Mr. President, I have already explained why the amendment does. It does try to get some sense into some of these organizations advocating noncompetitiveness or anticompetitiveness for the United States. One such organization is called the OECD, Organization for Economic Cooperation and Development. This organization I have already talked about, but one of the things they advocate is high taxes for the United States. In order to make sure we can shine that organization for a function that seems to be desirable by the tax committee, I will read the modification. The amendment currently 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.

This is the modification:

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competitiveness of United States tax competitiveness.

I think we have taken care of that need.

With that, I ask that we get into the mix here so we can get a vote on this or else agreement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate the Senator’s willingness to consider modifications in the amendment. We are still checking with particular Senators who have expressed an interest in this on our side. It will still be a few minutes before we are in a position to see whether this is still an amendment on which we would require a vote. I hope this is something on which we can agree not to have to have a rollover vote. Perhaps we will know in the next few minutes.
“(2) submit to Congress a report that describes the results of each evaluation.”.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 914

Mr. GRASSLEY. Mr. President, I come to the floor to offer an amendment that I am going to withdraw. I ask unanimous consent, if necessary, to set aside the amendment and offer my amendment.

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

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 914.

The amendment is as follows:

(Purpose: To increase the fee to be paid by employers of H-1B nonimmigrants and to set forth the percent of such fees to improve programs and projects for gifted and talented students)

At the appropriate place, insert the following:

SEC. 1H-1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1134(c)(9)(B)) is amended by striking “$1,500” and inserting “$2,000”.

(b) USE OF ADDITIONAL FEE.—Section 226 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 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.).”.

Mr. GRASSLEY. Mr. President, in his bestselling book, “The World is Flat,” Thomas Friedman discusses the challenges of globalization using the metaphor of the world getting flatter to describe the breaking down of international barriers to the movement of goods, services, people, and ideas creates an intensely competitive global environment. I liked it so much, and it has so much wisdom in it.

In chapter 8, entitled “This Is Not a Test,” Friedman says, “If this moment has any parallel in American history, it is the height of the cold war, around 1957, when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite.”

Not coincidentally, the Congress passed the National Defense Education Act the following year, 1958.

That act really started Federal Government involvement in education. It was designed primarily to jumpstart education in math, science, and modern foreign languages so we would be able to match and exceed the achievements of the Soviets and win the Cold War.

According to Thomas Friedman, to meet the challenges of what he calls “Flatism” will require, “as comprehensive, energetic, and focused a response as did meeting the challenge of communism.”

As I mentioned, Federal education policy started with an urgency to support and encourage students to excel in fields that were considered to be of major importance to national security during the cold war.

Subsequently, Federal education policy became concerned with equity between students of different socio-economic classes as part of President Johnson’s war on poverty.

Both of these dual focuses of Federal education policy, excellence and equity, are legitimate and important. However, sometimes we seem to ping pong between the two, forgetting about one in favor of the other.

The No Child Left Behind Act of 2001 deepened the existing focus of the Elementary and Secondary Education Act on making sure that all students have an adequate education.

As we now don’t have a single event like Sputnik to bring home to us the current challenges we face, there is a growing recognition that, for the sake of our future economic competitiveness, we cannot neglect the importance of challenging and encouraging students to excel so that they will some day be the scientists, engineers, and researchers that will create the innovations that will drive our economy.

This means that we must not only help underachieving students to achieve at grade level, but we must encourage high ability students to achieve to their full potential.

For years, I have been leading the charge to do a better job unlocking the tremendous potential that lies in gifted and talented young Americans. They represent a national resource that, unfortunately, too often goes untapped.

Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. It takes a great deal more to keep them challenged and stimulated.

If they are not sufficiently stimulated, then often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving to their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

Jan and Bob Davidson, from the majority leader’s home State of Iowa, wrote a book called “Genius Denied” about how, nationwide, we are letting gifted students fall through the cracks and wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, “A Nation Deceived: How Schools Hold Back America’s Brightest Students.”

This situation must be reversed if America is to retain its competitive edge which, obviously, is the purpose of the good legislation before us, led by Senators BINGAMAN and ALEXANDER.

I am glad that the American competitiveness bill currently before the Senate recognizes the need to do a better job of helping students to excel in fields like math, science, and critical foreign languages.

However, if we want to go toe to toe with countries that place a very high value on learning, we must do more to support and encourage the best and brightest American students.

My amendment would increase the fee employers pay for H-1B visas for highly skilled foreign workers to immigrate to the United States and to use that additional funding for the Jacob K. Javits Gifted and Talented Students Education Act.

This is the only Federal program that provides funding to support programming to meet the unique learning needs of our brightest, most promising students.

It funds a national research center that produces invaluable research in instructional strategies that can truly tap into the potential of gifted students as well as a small grant program to encourage such research.

The Javits Act also contains a grant program to encourage greater focus in the States on meeting the needs of gifted learners, although it has been funded at levels that severely limit its effectiveness. The quality or even existence of services for gifted students varies widely among our 50 States.

While the Federal Government should not assume the primary responsibility for funding gifted and talented education, just as Congress provides funding to augment State efforts to provide an equitable education for disadvantaged students and students with disabilities, the Federal Government still has a vital national interest in encouraging State efforts to fully develop the gifts and talents of American youth.

The proposal that is in my amendment before the Senate would essentially charge a fee to those investing in our educational system, just as Congress provides funding to augment State efforts to provide an equitable education for disadvantaged students and students with disabilities, the Federal Government still has a vital national interest in encouraging State efforts to fully develop the gifts and talents of American youth.

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way that is not appreciated by those who will soon be involved in the immigration bill that is going to be before us. They have asked I not offer this amendment, and that is why I said I would offer it and withdraw it.

But the truth is, this is a very important approach we must use if we are going to make adequate use of our own talented and our own gifted students right here at home—the homebreds students whom we have—as opposed to thinking we have to rely, in the 21st century, in this age of America, upon the talent of foreign lands.

Now, there is a lot of talent in foreign lands that if we can draw upon it, we ought to draw upon it. But the fact we have to do that, or we think we are willing to submit to that sort of an approach, to advance the competitiveness of our economy in this globalization we are involved in, is a sad commentary.

That is why I have offered this amendment. I want to say even though I am going to withdraw it, I am doing so with the idea I am not giving up on this effort. I am going to advance this effort in other appropriate places in the legislative process in the future.

Let me suggest, for those who maybe want to fight it, it is going to be in the near future. For those who maybe like it, would they join me in this effort to get this job done?

Having emphasized competitiveness and everything involved in it, I want to say my philosophy of improving education in this country is not rested only upon Federal programs. I think four basic things are at the base of changing or improving our educational system, and they do not involve the expenditure of more money. It basically is a societal attitude that needs to be changed.

No. 1, we have to think in terms that there is nothing wrong with homework. There are too many parents, too many teachers in this country who think, somehow, we have to eliminate homework. Secondly, we have to have the schools in this country and the parents involved think that education and book learning is more important than sports; thirdly, that weekends are not something just for leisure. Weekends have to be used for study as well. And something just for leisure. Weekends sports; thirdly, that weekends are not schools in this country and the parents somehow, we have to eliminate home-

There are too many parents, too many kids, who are there doing both the job of parenting as well as the job of teaching.

Those societal changes are going to do more to enhance education and the competitiveness of our economic system than anything we can do by passing any Federal program. But I think we can enhance a lot of programs, and this bill is a good step in that direction.

As the Acting President pro tempore. Withdrawal of amendment, the amendment is withdrawn.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, today, I join my colleagues from both sides of the aisle to support the prompt passage of the America COMPETES Act. Before I begin, I want to thank my colleagues who have actively participated in developing and cosponsoring this legislation in the 109th Congress. In particular, I wish to acknowledg

the work of Senator JOE LIEBERMAN with whom I began the task of developing competitiveness legislation over 2 years ago.

Last August, working together, in a bipartisan manner, we were able to bring together a bill that combined elements of the PACE Energy bill that Senator ALEXANDER, Senator DOMENICI, and Senator BINGAMAN had worked on, with the American Innovation and Competitiveness Act of Senators STEVENS, INOUYE, HUTCHISON, and I worked on. We also included important education provisions from Senator KENNEDY, Senator ENZI, and members of the HELP Committee.

Today, I am pleased to say the cooperative, bipartisan effort we undertook in the last Congress has led to the consideration of the America COMPETES Act in this Congress. As other Members have noted, this legislation focuses on three primary areas of importance: increasing Federal investment in basic research; fostering science, technology, engineering, and mathematics talent in the United States; and developing an innovation infrastructure. The bill reflects a good balance of spending on key priorities, such as basic research and education, while being sensitive to avoiding duplication among Federal agencies.

It was not easy, but we remained fo-

sisted, on the key recommendations in the "Innovate America" and the "Ris-

ing Above the Gathering Storm" reports. There are a lot of folks with plenty of good ideas out there. By sticking to the recommendations in those reports, however, were able to safeguard this bill from becoming so large, unwieldy, and expensive that it could never pass the Senate. This is why we have a good chance on this bill of actually passing it in a strong bipartisan way either today or tomorrow. One of the keys to this process was getting the chairman and ranking members of the Commerce Committee, Energy Committee, and HELP Committee to join the majority leader and minority leader to introduce the final product.

The America COMPETES Act would double funding for the National Science Foundation by 2011, increase support for the National Institutes of Standards and Technology, and the Department of Energy’s Office of Science. I am a fiscal conservative, but the dollars we invest in basic research will come back to us in spades in terms of educational and economic activity and helping the United States to remain at the forefront of global innovation.

Our continued investment in basic research is made more essential by the actions of other nations such as China and India. Such countries are sitting idly by waiting to see what we will do to remain competitive. Rather, they are undertaking ambitious efforts to expand their own research and development base at our expense. A study recently highlighted by the Council on Competitiveness indicates that China has surpassed the United States as the most attractive location for the world’s top corporate R&D investors to locate their R&D facilities. Sadly, in 2006, the World Economic Forum announced our country dropped from first to sixth place in its Global Competitiveness Index.

We must address the long-term com-

petitiveness challenges we face to maintain our leadership in innovative research, and this bill will enable us to do so. In addition, the bill addresses the need to encourage more American students, from elementary school through graduate school, to pursue careers in science, technology, engineering, and mathematics.

Although estimates of the number of engineers, computer scientists, and information technology students who obtain 2-, 3-, and 4-year degrees vary, there is no question that the increased focus in China and India on educating more of their population in these fields is cause for serious concern. One estimate indicates that in 2004, China graduated about 350,000 engineers, computer scientists, and information technology students, and this number has doubled since 2000. In contrast, the number of graduating engineers in the United States has dropped from 190,000 over the past 3 years, both China and India have doubled their production of 3- and 4-year degrees in the field of engineering, but in the United States the production of engineers has stagnated. This must change.

We need to aggressively encourage more American students to pursue careers in these fields, especially as our current scientific workforce ages. The America COMPETES Act achieves this in part by expanding existing graduate research programs and strengthening NSF’s technology talent program. The bill also strengthens the skills of thousands of math and science teachers by establishing new undergraduate and graduate training programs.

Finally, the bill authorizes competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in institutions of higher education in the 21st century. It is very important we focus on transforming our educational system to meet the workforce needs of tomorrow.
Technological change and globalization have increased the need for our students to receive better education to remain competitive in the world economy for high-skilled jobs that lead to innovative solutions, higher incomes, and better standards of living. This emphasis on quality education in science, technology, engineering, and mathematics needs to start early in the course of a student’s education.

Uniting next year, the Organization for Economic Cooperation and Development released a study on education that highlights the fact that while the United States invests significantly more per student on education—with an $83,000 cumulative expenditure per student ages 6 through 15—than any other country in the world except for Switzerland, students from 16 other countries’ students performed better, on average, than American students in science, math, and reading. Students in 23 other nations performed better, on average, than American students in science. In mathematics, the numbers are even more troubling. Students in 23 other nations performed better, on average, than American students in science. This was on an international standardized math exam.

Other countries have more scientists and mathematicians teaching science and math. In the United States, we must have education majors teaching science and math. If you think about it, if your passion is science and math, you have a better chance of translating that passion to your students. I have spoken with the presidents of our schools in Nevada, at UNR and UNLV and our community college, about trying to transform the way we teach our teachers in Nevada. The University of Texas at Austin has an innovative program called UTeach. They are science and math majors and teaching them to be teachers. The results so far have been very promising. The University of California system is pursuing a similar approach. Our country has to change the way we are educating science and math teachers so we can inspire the next generation of Americans more effectively.

I am also reminded of the story the president of the Museum of Science in Boston, Dr. Yannis Miaoulis, shared with me last year when discussing how to foster innovation in math and science education. Dr. Miaoulis discussed how in school, at a young age, students are taught about volcanoes and make models to simulate how they work. While the accumulation of knowledge on volcanoes or other life science topics is a very good thing, unfortunately, grade schools often do not dedicate time and attention to exploring science through practical exploration of engineering topics—for instance, how a car works. To drive home his point on the need to focus more attention on engineering at an earlier stage in education Dr. Miaoulis asked us a simple question: Do we spend more time in a car or a volcano?

The answer is obvious, and his point is well taken. We need to think strategically about how to educate and inspire the next generation of Americans and increased focus on science, technology, engineering, and mathematics is a priority. If we are to maintain our Nation’s long-term global competitiveness.

As the title of Thomas Friedman’s popular book reminds us, in the 21st century, the world is flat and the United States must adjust to this reality in creative ways or suffer the consequences.

This bill before us today, the America COMPETES Act, will be a critical first step forward to lay the groundwork for the kinds of change and investments we need to make for our country to be competitive in this new century. The key to success on this issue is to move the bipartisan bill before us while resisting the urge to attach ever good idea that has come along in math, science, and technology areas. We were able to keep this product fiscally responsible while addressing critical needs, and a big part of that was to have metrics to measure and reward successful efforts and to provide more accountability for existing governmental programs. As our citizens, businesses, universities, and scientists compete in the most interconnected global history, failure to pass a competitiveness bill now would seriously harm the economic and national security of the United States.

I hope all of my colleagues will join me in helping to pass this critical bipartisan bill as soon as possible.

Mr. ENZI. Mr. President, I wish to speak about the importance of supporting and passing the America COMPETES Act.

It has been 50 years since Sputnik was launched by the Soviet Union. The United States was quick to react with a flurry of activity and investment to spur innovation. Its launch also had a dramatic impact on education in this country. Students wanted to be the best and wanted to prove that the United States was a better and stronger country. Today the need is just as great, but we don’t have a catalyst, like Sputnik, driving the need. The need is driven by our economy and companies that need bright and innovative workers. This need is driven by the competition the United States now faces from across the globe.

Last year, we went to India and saw firsthand what Thomas Friedman discusses in his book, “The World is Flat”. It does not take long to figure out that by numbers alone, India has to educate and train an incredible amount of people in science and engineering. India’s population has declined to the point where just 77 million baby boomers are set to retire over the next several decades.

Reading proficiency among 12th graders has declined to the point where just over one-third of them are even considered proficient readers, 47 percent of those with a college degree are not considered proficient readers according to the most recent National Assessment of Adult Literacy. Only 68 of every 100 ninth grade students graduate on time in 4 years. America’s high school graduation rate is among the lowest in the industrialized world, and the impact on our minority students has been especially severe, where this rate hovers around 50 percent.

Nearly one-third of entering college freshmen need at least one remedial course. The United States has one of the highest college enrollment rates, but a college completion rate average to below average among developed countries in the world.

Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education. Seventy-five percent of today’s workforce will need to be retrained just to keep their current jobs.

Median earnings of a high school graduate are 43 percent higher than those of a nongraduate and those of a college graduate are 62 percent higher than those of a high school graduate. Two-thirds of the 7 million worker gap in 2010 will be a skilled worker shortag.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. To accomplish this, we need to build, strengthen, and maintain our educational pipeline, beginning in elementary school. We must also strengthen programs that encourage and enable citizens of all ages to enroll in postsecondary education and obtain or improve their knowledge and skills. The decisions we make about education and workforce development...
will have a dramatic impact on the economy and our society for generations to come.

This legislation is the product of bipartisan negotiations and input from members of 3 Senate committees—the Senate Committee on Commerce, Energy, and HELP Committees. Work on this legislation began last year in response to the “Rising Above the Gathering Storm” report, the “Innovate America” report, and the President’s American Competitiveness Initiative. I want to thank all those who worked on this bill for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

This bill includes provisions that improve math, science, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to train teachers at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

It should come as no surprise that I particularly commend my colleague from Nevada, Senator ENSIGN, for his foresight and leadership on innovation and competitiveness issues. Beginning in 2006, I worked closely together with Senator ENSIGN on the National Innovation Act to build a new century of progress and prosperity for our Nation by spurring a new wave of American innovation. With his leadership in the Senate, I helped the Senators BINGAMAN, ALEXANDER, INOUYE, STEVENS, ENSEN, KENNEDY, and the other Senators in the Senate, in this bipartisan effort.

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In this bill we seek to address the critical need for increased federal support for basic research. Senator Ensign and I also worked closely together on the National Innovation Education Act. The intent of that bill was to enhance our science and technology talent base and to improve national competitiveness through strengthened education initiatives. Our bill proposed initiatives spanning across the science education spectrum to improve quality instruction and access to learning for all students.

I am pleased that the America COMPETES Act addresses many of the approaches to science research and education proposed by Senator ENSEN and I in these measures in addition to many of the initiatives put forth by Senators BINGAMAN, ALEXANDER, and others in the PACE bills. In large part, these bills sought to incorporate recommendations from the National Academies’ report “Rising Above the Gathering Storm” and “Innovate America” from the Council on Competitiveness.

In this bill we seek to address the challenge posed by America’s United States competitive in the global economy. Innovation, from the development of the Internet to the sequencing of the human genome, stimulates economic growth and improves the quality of life and health for all Americans. Through our investments and leadership in basic research and innovation, we ensure that our children and grandchildren will continue to have the unprecedented prosperity that we enjoy today. We also have high expectations that science and engineering will solve essential worldwide needs from the mitigation of natural disasters to the development of alternate energy sources.

This act recognizes that the Nation depends upon the development and the productivity of highly trained people to generate these innovations. It is disconcerting that only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is their belief that other countries are more committed to their education, their youth, or their schools. In fact, tests show U.S. students are falling behind other developed nations in math and science. We must restore confidence in our education system and ensure it is second to none.

For example, we need to engage the Nation’s top universities to lead some of their best and brightest students, especially in science, technology, engineering, and mathematics, STEM, to graduate and to work in the United States. In this bill we stimulate partnerships for college math, science, and engineering departments to work with teacher development programs. These programs will increase the supply of certified, knowledgeable teachers in areas critical to meeting America’s needs, giving us a greater opportunity to improve student interest and achievement in STEM areas.

We know that new teachers in STEM classes across the country need support and mentoring from knowledgeable, established teachers. This bill supports programs for existing teachers seeking to enhance their content knowledge, teaching skills, and leadership in STEM and foreign languages.

We cannot wait for students to reach college to ensure that they are prepared for the future. It is troubling that many students with their newly obtained high school diplomas find themselves ill-equipped for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High-quality data systems are also critical to improve schools and student outcomes. Accountability for high graduation and dropout rates is important to address education reform in our high schools. States and schools need data systems.
to trace successful educational outcomes back to specific programs, coursework, and interventions. They need to know what works and what doesn’t work. I am pleased that this legislation contains many of the components of a downturn initiative introduced last year, the College Pathways Act, to improve data systems and alignment.

The National Science Foundation is the principal agency sustaining basic research across all science and engineering fields. This investment has led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. NSF focuses on the areas of discovery, learning, and in building the country’s research infrastructure and world-class facilities. These areas line up directly with our three primary areas in this act: increased research investment, STEM education, and innovative infrastructure. It is critical that we develop and support each of these: the people, the ideas and the large-scale tools needed for discovery and innovation.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and training programs by expanding the NSF Graduate Research Fellowship Program and the Integrated Graduate Education and Research Traineeship Program by a total of 2,500 students.

The America COMPETES Act further addresses the issue of improving talent across scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent Program, which I first proposed in 2001 as part of the Technology Talent Act, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, engineering, and technology.

The Department of Energy’s Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

This bill also creates an Innovation Acceleration Research Program to stimulate transformational research by setting a goal for Federal research agencies to allocate 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet, and countless other technologies relied on every day in this country and around the world. We anticipate this funding will be used for “grand challenges” and other high-risk/high-reward research that will expand the frontiers of discovery and innovation.

It is time once more for the Nation to focus on the health and direction of our competitiveness. In 1940, President Roosevelt called on a leading science and engineering advocate, Vannevar Bush, to report on how the Nation should prepare for the post-World War II era to deal with the “new frontiers of knowledge” and “new problems to be overcome” and to “create fuller and more fruitful employment and a fuller and more fruitful life.” The report, “Science—The Endless Frontier,” led to the development of the National Science Foundation. We call on the President to issue a new report on key research and technology challenges based on a national science and technology summit of leaders from labor, industry, academia, government, and elsewhere. The President will also establish a Council on Innovation and Competitiveness to, among other things, assess R&D investment and address future areas needed to maintain the United States as a world leader in research and technological innovation. We need to encourage the groundbreaking experimentation and longer-term outlook that made this country great. I am pleased to join my colleagues in this bipartisan effort to address the science, technology, and education needs that will create innovation and continue to drive American growth and prosperity. I urge my colleagues to join us and support passage of the America COMPETES Act.

Mr. OBAMA. Mr. President, there is concern that America is losing its competitive leadership. I am proud to co-sponsor the America COMPETES Act because it proposes a meaningful response to that loss of leadership, and I compliment the bill managers on the bipartisan effort that is addressing this issue. America COMPETES is a strong piece of legislation, but I wish to propose amendments that I believe will strengthen this legislation in several areas.

As our Nation becomes more diverse, scientists, engineers, and technology professionals continue to be recruited from a narrowing segment of our population. If we were able to increase the participation of underrepresented groups relative to their representation in the population, we would diminish the workforce issues that restrict our economic progress and generate a pool of talent that could refresh our ability to innovate. If we do not tap the diversity of opinion, needs that will compete for the retention and continue to drive American growth and prosperity. I urge my colleagues to join us and support passage of the America COMPETES Act.

Mr. OBAMA. Mr. President, at a moment of profound change for our country, as the global economy grows more interdependent, the reach of technology more vast, and the consequences more important for future generations of Americans, I am proud to present the America COMPETES Act as an original co-sponsor and proud to have been able to include several of my proposals in the final bill. I am also
pleased to see that partnership—not partisanship—ruled the day.

The challenge is to achieve the promise while avoiding the perils of this moment.

Modern technology is making the American workforce more and more productive—while making it increasingly possible for employers to hire the most skilled workers no matter where in the world they live. Our young people see so many promising new fields and disciplines, but too many American students, even some graduates of college, are not equipped with the skills to compete, especially when it comes to participation in challenging math and science fields.

That is why this bill is so important: education will help us overcome these obstacles while opening the doors to new opportunities.

America’s global economic competitiveness will rest more and more on the back of our education system, and the science, technology, and engineering that the system produces—but today that back is breaking.

The United States currently ranks 21st out of 40 industrialized nations in the largest and most comprehensive educational study to date. China produces far more engineers than the United States each year. Fewer well-educated scientists and engineers mean fewer inventions, fewer high-tech exports, and fewer jobs for Americans.

And we are trying to compete with one hand behind our back: half our population disproportionately avoids math and science. Women and minorities are routinely underrepresented in these fields.

The National Academy of Sciences, NAS, outlined solutions to these and other challenges America will face as we contend with other counties in the science, technology, engineering, and mathematics. Their report, “Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future,” gave us a roadmap to avoid this storm. The America COMPETES Act will implement these recommendations.

For example, this legislation would provide funding to increase the number of teachers serving high-need schools who are qualified to teach advanced, college level courses in math and science. It also supports grants to community colleges to offer training to allow women to enter higher paying technical jobs.

This act also provides new incentives for math and science research. The bill doubles the current funding for the National Science Foundation, NSF.

I am also pleased this legislation includes two of my amendments. The first asks the National Academy of Sciences to collect and disseminate “Promising Practices” in the areas of math and science education, as well as techniques proven to help teachers improve their instructional skills. Many States across the country are doing an amazing job of raising their State standards, while others are watering them down.

The NAS report outlined the need for consistency in math and science education as one of the important recommendations. That is why I introduced the Math and Science Consistency Act which instructs the National Academy of Sciences to create voluntary goals for learning in the areas of math and science education.

I thank my colleagues involved with this package, in particular Senator Bingaman, for working with me to include elements of my legislation into the America COMPETES Act.

If we want to truly prepare our students to compete, then it is especially important to look at successful models of math and science education and place this information in the hands of our math and science teachers. These promising practices will help all States improve their math and science education.

It is imperative that we figure out what is working and reproduce it. The math and science education our children receive today is an investment in the economy of tomorrow. I worked alongside Senator Schumer to include a provision that will create two new fellowship programs within the National Science Foundation. These new fellowship programs are modeled after the highly successful Newton Fellowship and Newton Master Teacher Programs in New York City.

Through Math for America, the Newton Fellowship Program has brought a cadre of talented professionals to teach math in NYC school. Additionally, the Newton Master Teacher Program trains current math teachers who demonstrate solid math knowledge to become leaders in their schools through mentoring and professional development. This legislation will allow these successful models to be replicated around the country.

Once implemented, the first fellowship program will be available for professionals who possess advanced math and science skills. It will allow professionals from the private and public sectors to apply to become “NSF Teaching Fellows.” If selected, these individuals would receive a scholarship to attend a 1-year master’s program that results in math or science certification. The fellows would then commit to teach for 4 years in a high-need school. This is the commonsense approach we need in order to build a pipeline of math and science teachers who are experts in their fields.

The second fellowship program entitled the “NSF Master Teaching Fellows” Program, will allow current teachers who hold a master’s in math or science to apply and serve as leaders in a high-need school. In exchange for receiving a stipend, these fellows would commit to mentoring their peers, developing curricula, and assisting in professional development activities for 5 years.

I am pleased that we are making a commitment to expanding the pipeline of math and science teachers, and this amendment is our first step in that expansion. I thank Math for America and the Newton Fellowship and Newton Master Teachers for all they do every day to help prepare our math students in New York City and around the country.

The America COMPETES Act is a comprehensive strategy to help Americans compete and win in the global marketplace. As cochair of the Senate Manufacturing Caucus, I am pleased that this legislation makes a significant investment in the Manufacturing Extension Partnership Program that is critical to sustaining our nation’s manufacturing base.

I am also pleased that this bill includes a new energy research proposal modeled on DARPA. This is an idea that I first put forward at the Clinton Global Initiative in 2005, and introduced legislation on in January of 2006. My legislation would create a new agency to sponsor a diverse portfolio of projects that will: increase national security by significantly reducing petroleum and imported fuels consumption; significantly improve the efficiency of electricity use and the reliability of the electricity system; and significantly reduce greenhouse gas emissions. Section 2005 of the America Competes Act mirrors many of these provisions. However, the legislation does not include provisions from my legislation that provide additional management flexibility, and that I believe are important to the success of this new agency. In addition, section 2005 does not authorize a specific level of funding. I recognize that there are funding constraints, but I think that a much bigger, bolder investment is needed. So I am pleased that section 2005 is included in the bill, but I hope that we can make improvements during conference with the House.

We must do what is best for our children and their economic future. When Americans have the tools for success, America succeeds and that is what this bipartisan legislation can help us achieve.

Mr. Martinez. Mr. President, I rise today to address S. 761, the America COMPETES Act. This is an effort to help prepare our children to enter the work force, ready for math, science, engineering, technology and the ultimate goal is to keep the United States at the forefront of these fields on the increasingly competitive global stage.

I congratulate Senators Lamar Alexander and Jerry Ensign for posing the questions they did to the National Academies of Sciences, Engineering, and Medicine and for working the panel’s recommendations into legislation. And I agree with the findings that basically say if we don’t do a better job of improving our standards and in math, science, and technology, other countries will surpass us in a way that we might never overcome.
I commend the Academies’ full report to all of you, and I think they are on the right track. We need to take some significant and comprehensive steps to better prepare our young people to enter the Information Age workforce. It is critical to our Nation’s future and it is critical that we approve this legislation and start preparing our children of today for the future of tomorrow.

And it is critically important we start preparing for tomorrow today.

In a 2003 Trends in International Mathematics and Science Study, fourth graders in three countries—Chinese Taipei, Japan, and Singapore—outperformed U.S. fourth graders in both mathematics and science. In the new world marketplace, the United States will have to make an even greater effort to keep our high standard of living, to remain competitive.

People, China, Singapore, Finland, and Ireland know very well that brainpower is universal, it is valuable, and it is the secret weapon to producing good jobs and a good quality of life.

Given that physical barriers such as distance have been torn down by the World Wide Web and the benefits of free trade, our foreign competitors know there is no reason that they can’t have a standard of living more like the United States. So they are working hard to develop better trained citizens and create their own stream of discoveries.

The challenge of our generation is to change these troubling trends. Our commitment needs to be redoubled.

I am a great believer in the transforming power of education. Coming from Cuba at age 15, not knowing the language of this country, not knowing how my future would unfold, I relied heavily on the power of education to survive.

My father was the first person in our family to earn a college degree, and he would remind us that the only thing the Communists could not take from him was his education. That concept of an education became a valued treasure in our family. So that is why I worry so greatly about the education of our next generation.

According to recent statistics compiled by the U.S. Department of Education, our nationwide graduation rate in public schools is about 74 percent. That means one out of every four children is graduating from high school. It does not get a high school degree. In Florida, the graduation rate drops to 71 percent. Nationally, if you look at young people between the ages of 16 and 24 who don’t have a high school diploma, at a freshmen, does not get a high school degree. In Florida, the graduation rate drops to 71 percent. Nationally, if you look at young people between the ages of 16 and 24 who don’t have a high school diploma, at a freshmen, does not get a high school degree. In Florida, the graduation rate drops to 71 percent. Nationally, if you look at young people between the ages of 16 and 24 who don’t have a high school diploma, at a freshmen, does not get a high school degree. In Florida, the graduation rate drops to 71 percent.

These are rates that have been virtually static over the last decade. They forecast a tragic pattern that we must change, for the good of these children but also as a matter of national competitiveness in a shrinking but competitive world.

We as a country are falling behind. We are losing the opportunity to remain competitive on a global scale unless we address these percentages and change them.

So when we talk about improving education, we, as individuals, parents, communities, and elected officials, need to focus on quality education.

We need to encourage our young people to seek that diploma and degree, and we need to help those who might otherwise not have access to a higher education.

And we need to remember that America has been the global leader in innovative technologies, and as those technologies grow and expand and proliferate throughout the world, we have to become even more prepared to compete in a global market.

All young Americans, no matter their race, creed, or ethnicity deserve the opportunity to gain not just an education but the best quality education. This is our obligation and our national imperative.

We are a great nation, but that greatness will not be enjoyed by the next generations if we fail to properly educate them. These issues deserve the attention of our Nation.

I want—working together—we can and will adopt initiatives that will provide the best education for our future generations.

Mr. BOND. Mr. President, in today’s global economy, continued progress in math, science, and engineering, and the transfer of this knowledge, is vital if the U.S. is to maintain its competitiveness and keep good-paying, cutting-edge jobs here at home. New products, processes, industries and future employment opportunities depend on the advances in research and their movement into the marketplace.

Missouri is a leader in a field of science that hardly existed 20 years ago—biotechnology. And I want Missouri to continue to be a leader in producing the best math and science minds in the country. How do we do that? One of our toughest educational challenges is helping our young people perform better in science and math.

We know that America’s fourth graders and eighth graders are performing above the international average in math and science. But when they get to high school, they fall behind.

We need to do more. That is why I am pleased to support the America COMPETES Act, which strengthens educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, with a particular focus on math and science teachers. In addition, this bill makes a bold Federal investment in basic science research at the National Science Foundation, the DOE Office of Science, NASA and the National Institute of Standards and Technology.

As many of you know, I have been a strong supporter of NSF over the
years. NSF plays a critical role in the economic, scientific and intellectual growth of this Nation. It is one of our primary tools in meeting the global challenges of the 21st century by pushing the boundaries of scientific research and technology. NSF work will continue to provide insight into the world around us. This work will grow our economy and speed innovation, improving the quality of life for all people.

NSF’s impact over the past half century has been monumental, especially in the field of medical technologies and research. The investments have also spawned not only new products, but also entire industries, such as bio-technology, Internet providers, e-commerce, and geographic information systems. Medical technologies such as magnetic resonance imaging, ultrasound, digital mammography and genomic mapping could not have occurred, and cannot now improve to the next level of proficiency, without underly- ing knowledge from NSF-sup- ported work in biology, physics, chem- istry, mathematics, engineering, and computer sciences.

New NSF support for research in nanotechnology, high-speed computing, plant genome research, biocomplexity, and cognitive neuroscience will further advance the state of technological change and improve our quality of life through creation of new products, a better understanding of how human beings behave, and how our ecological systems can survive.

Unfortunately, the Federal Government has not always adequately supported NSF and the physical sciences with the dollars it deserves. While the Congress and the current and past Ad- ministration has strongly supported the life sciences, the physical sciences have been left behind. This has resulted in a major funding disparity between the two worlds—the physical sciences and the biological sciences. This funding imbalance is alarming because it directly jeopardizes our Nation’s ability to lead the world in scientific innovation. Further, we jeopardize the work of the National Institutes of Health because we are under- determining the physical sciences, which provide the underpinning for future technological advances.

Inadequate funding for NSF also hurts our economy and the creation of good jobs. In recent years, there has been an outcry of outsourcing jobs to other countries. And, our high-tech in- dustry has been struggling to fill high-tech positions with American born workers. The best remedy to this issue is not protectionism but investing in the education and skills of our future workforce. This means better math and science education and technological skills, such as computer literacy. This is also a major part of NSF’s mission.

My good friend Senator BARBARA MI- KULSKI, with many of my other colleagues, were pioneers in the fight to double the funding of NSF. Thanks to this effort we increased funding for NSF significantly; however, we fell short of our goal to double fund- ing. The bill before us today provides an important opportunity to refocus attention on this critical goal and I am pleased that this bill puts us on the path to double NSF funding. It is crit- ical that we continue to support NSF re- main one of our highest priorities and as a member of the Appropriations Committee, I hope we can do our part.

Future job and economic growth in the areas of health care, life sciences, defense, agriculture and transportation is directly related to scientific ad- vancement. For these reasons it is im- portant to support the America COM- PETES Act and make an important in- vestment in the economic security and growth of our country.

Mr. MENENDEZ, Mr. President, I rise in support of S. 761, the America COMPETES Act. I am proud to be an original cosponsor of this legislation, which takes important steps to make sure every American is prepared to be competitive and working to se- cure our Nation’s future in a global economy.

That need has never been more ur- gent than today, when globalization has broken down the walls of geography, language, and in- come. Globalization has brought in- creased educational, technological, and societal advances to regions that only once dreamed of innovation. Today, as nations abroad are gaining a competi- tive edge, our younger generations are at risk of falling behind.

For a nation with endless resources at its fingertips, it is inexplicable that the United States continues to fall far below other nations when it comes to higher achievement. Yet this is the re- ality. On international assessments, our young people score below the aver- age compared to other developed na- tions on math tests. Even when we just look at the highest achieving students, the United States still ranks near the bottom.

In the global race to have the most trained, highly-skilled, best prepared workforce, we are losing ground. And we are especially losing ground in fields that are the source of innovation and technology, which will increas- ingly become a key sector of the global economy.

Fewer of our college students are pursuing degrees in math, science and engineering, and if those trends con- tinue, by 2010 more than 90 percent of all our world’s scientists and engineers would be living outside the United States.

We cannot sit back and expect that we will continue to be at the top when it comes to global achievement. Where other countries are strengthening their education systems, we are not keeping up. We must regain that ground by in- vesting in our younger generations. We must provide quality opportunities for young people now so that they can gain the science, math, and technological skills they need in an emerging global mar-ketplace. We stand at a critical juncture, and how we proceed will de- termine the future for generations to come.

That is why this legislation is so critical—it is a commitment that we do not have to relinquish our Nation’s future. This legislation will both bolster our research and develop- ment capabilities and better equip our young people to become the future leaders that this Nation needs. The America COMPETES Act will strengthen educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school. It will create grants for master’s degrees in math, science, and foreign language and es- tablish programs to improve math in- struction for elementary and secondary students. This legislation also calls for substantially increasing funding for the National Science Foundation, dou- bling basic research funding over the next decade, and the creation of a na- tional science and technology summit.

I am pleased this bill includes provi- sions I introduced last year to increase the participation of women and minori- ties in science. Specifically, this bill includes improving the Emerg- ency Status Act to in- crease the numbers of women and mi- norities in science and technology fields at all education levels—from kin- dergarten through the graduate level— and establishes a new outreach pro- gram for underrepresented minorities in grades K–12 to encourage careers in science and technology. While opportu- nities in these fields are becoming more accessible to all students, women and minorities are still sorely under- represented in the sciences. It is my hope this legislation will help us to close that gap and ensure that young people of all backgrounds have the op- portunities they deserve.

This bill also contains an initiative that would authorize partnerships be- tween high-need or rural school dis- tricts, higher education institutions and the private sector, with the goal of revitalizing the high school science labs in those schools. This will help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lec- tures, and provide professional develop- ment for high school lab teachers. This legislation— which I introduced last year as a separate bill—will improve the science learning experience for stu- dents in low-income and rural schools across the country.

As someone who was raised to believe there were no boundaries to what I could achieve, I know first hand that a strong education is the key to success. I was not constricted by the income my parents made, or by the neighborhood I lived in, but only my ability and my determination. With the assistance of the America COMPETES Act, I graduated from college and law school, and had a world of opportunity open to me. I want every young person to have the
chance to achieve their dreams an
fulfill their God-given potential. This bill
will undoubtedly help countless young
people reach that goal.

The time has come to make a robust, national commitment to the education of our youth at all levels, from kindergarten through graduate school and beyond. We cannot expect our country to be adequately prepared unless we are making the necessary investments in all of our students.

Our markets face great challenges to meeting the demands of global innovation and competition. A nation that is united in its purpose can answer that challenge, as we have so many times throughout our history. Just as an entire generation was once inspired to dream new dreams of reaching space, and a nation launched a bold investment in science and technology that put a man on the Moon, so can we lead a generation to be the next great leaders and innovators. This legislation will help achieve that goal. It will strengthen not only the competitive future of our young people but of our Nation. I urge my colleagues to support this important bill.

Mr. DODD. Mr. President, I wish to express my appreciation for ensuring the ongoing competitiveness of U.S. capital markets, our economy and American workers. I have served on the Banking Committee since my first day in the Senate 26 years ago. During my tenure as a member of that Committee, and now as its chairman, preserving and strengthening America’s preeminent position as the world’s leading financial center has been among my primary objectives.

Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America’s capital markets more competitive.

First, we must remain mindful that our markets remain the largest, most liquid, and most transparent on the planet.

Second, the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors; such, we should resist the temptation to engage in a regulatory race to the bottom as a rationale to stay on top. Members of the Senate resisted that temptation yesterday when they voted, overwhelmingly, for an amendment that would have significantly weakened a critical investor protection provision of the Sarbanes-Oxley Act. I want to thank the sponsors of this amendment, Senator SCHUMER and Senator CRAPO, for their vote opposing yesterday’s amendment. In doing so, they affirmed their support for an efficient and effective regulatory structure and ongoing efforts at the Securities and Exchange Commission to lower the cost of compliance for small businesses.

Third the success of our markets also depends on our Nation’s ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

We should do all we can to promote the ongoing competitiveness of America’s capital markets. Our Nation’s ability to strengthen security, create opportunity, and expand prosperity for all depends, in part, on the success of our capital markets and of our financial services sector generally. Maintaining the preeminence of capital markets will not be easy. It will require honest and thoughtful engagement on the part of every leader. As Chairman of this Committee, I look forward to furthering the dialogue on this important issue.

Mr. President, I ask for unanimous consent that the following remarks on competitiveness that I recently delivered to the U.S. Chamber of Commerce in March be inserted into the RECORD immediately following my statement.

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

[Prepared Remarks of Senator Dodd to the U.S. Chamber of Commerce, Mar. 14, 2007]

FIRST ANNUAL CAPITAL MARKETS SUMMIT:
SECURING AMERICA’S COMPETITIVENESS

Thank you, Tom, for that kind introduction. This is an opportunity for us to share our opportunity to speak with you this morning. It’s hard to believe that ten years have passed since Tom became President and CEO of the Chamber. He has done an outstanding job of leading this remarkable organization.

I am proud to have had Tom’s and the Chamber’s support for some of the most important pieces of legislation with which I have been associated. Laws like the Private Securities Litigation Reform Act; the Y2K litigation reform act; the Class Action Fairness Act; the Gramm-Leach-Bliley Act, which has helped bring our financial services sector into the 21st century; and the Terrorism Risk Insurance Act, which in the aftermath of 9/11 has had a crucial role in keeping our economy strong.

In all seriousness, these pieces of legislation represent the actions that have benefited the American economy and in so doing have also made our Nation a more hopeful and prosperous place for all.

They represent a window when people decide to reject partisanship and embrace partnership to create positive change for America.

It is once again that sense of partnership that has brought us together today. America in these early years of the 21st century is by some measures doing well. But I defy anyone to say that we cannot do better. Where I grew up, I remember moving from boardrooms to class rooms to living rooms—Americans are deeply concerned about our nation’s future. And I share that concern.

We are at a critical moment in our nation’s history. Our leadership in the world has been achieved over a period of two and a half centuries by the vision and sacrifice of generations of patriots and statesmen.

U.S. leadership is today being questioned and in some ways squandered as it has never been before. The stakes for all of us as Americans could not be, in my view, be higher.

The topic of today’s gathering is the future of America’s capital markets. But in reality, the topic of this summit is the future of America itself. The issue before us today presents an opportunity for us all—Democrats and Republicans, private entrepreneurs and public leaders—to come together to have a serious discussion about ways to move our country forward.
capital markets are strong precisely because of—not despite—the legal architecture within which those markets have been conceived and grown. The law is really probably not a particularly surprising observation from someone who has helped to build that architecture. But law-makers are not the only ones who understand the value of our laws to our capital markets.

Three years ago, Alan Greenspan was asked to explain the phenomenal size and strength of the American economy. He replied to this: ‘[A]rguably the most important factor is the type of rule of law under which economic activity takes place...the enforcement of laws and property rights, transparency and accuracy in accounting and financial reporting, and laws and regulations that provide the proper incentives for good corporate governance.’

More recently, the last month, a Goldman Sachs study analyzed the condition of America’s banks. It found that the strength and continued appeal of those markets could be explained in no small part by what the report called: “a history of solid regulation.” That: “history of solid regulation” means that investors know that they are reasonably certain to get a fair shake in our markets. No, they don’t invest with a high degree of confidence that American balance sheets are accurate, that investment products like securities and derivatives are properly valued, and that the markets will be policed against those who would commit neglectful, deceptive, or fraudulent acts. So the value of the laws and regulations within which our markets operate can hardly be overstated.

Now, let me quickly add that is not to say that all regulation is good—any more than it is accurate to say that any regulation is bad. Our laws and regulations are not to be entrencheted—and attempts to revive them must not be resisted.

On the contrary, we write our laws on paper. We don’t etch them in stone. We should never be unwilling to revisit and reexamine the way we do things. I will do just that under my Chairmanship.

That is why I also support the efforts of Chairman Cox and Chairman Olson with regard to this bill. The important insight emerging from the Sarbanes-Oxley Act. Sarbanes-Oxley was never intended to handcuff companies that seek to innovate. It was meant to improve accountability and transparency in our public companies and restore confidence in the integrity of the markets. The rulemaking underway currently will help to ensure that the core bases of Sarbanes-Oxley are upheld and advanced.

That is also why I support the effort by the NASD and the NYSE to consolidate into a single national market. That is what I mean by the re-legislate organization holds the potential to not only improve the efficiency and consistency of securities industry oversight, but also, crucially, to member firms in the self-regulatory organization.

I have always been open to new ideas and new approaches to achieve important policy goals in new, more efficient, and more effective ways. That kind of approach is more critical today than ever. The stakes are simply too high for us to be afraid to think innovatively and to act decisively.

I take a back seat to no one in my commitment to the preeminence of power of America’s markets. But we must resist the temptation to engage our international competitors in a regulatory race to the bottom. Our laws and rules to protect individual investors are a crucial competitive advantage in the global marketplace. Our competitors know that. If we jettison some of those legal protections, we will cut ourselves off from growth opportunities than any they could achieve on their own. And we would almost certainly see the slow flow of capital from our markets and into those of our competitors.

The third and final thought I wish to make today is that America’s continued ability to attract financial capital hinges on our ability to cultivate and attract intellectual capital. There is no question that the growth of capital markets in Asia, Europe, and elsewhere merits our consideration—and in certain respects, our concern. Without a doubt, the number of those in places like Moscow, London, and Hong Kong is on the rise. I want you to know that I am not unkind of that.

But a closer examination of these foreign markets reveals an interesting fact: American firms are leaders there, just as they are leaders here. Consider America’s leadership in the European capital markets. According to the McKinsey report commissioned by Mayor Bloomberg and Senator Schumer, three of the top four European companies in terms of growth capital markets—be they engaged in IPOs, mergers and acquisitions, or debt issuance—are American.

Visit virtually any emerging market in the world today, and you are almost certain to find American firms shaping, guiding, and helping to lead the development of those markets in the twenty-first century global economy. American firms are providing the lawyers, accountants, analysts, investors, and entrepreneurs who are structuring deals, growing jobs, and creating new wealth.

In that regard, the growth of markets overseas is not something to be feared. Because that growth is creating new opportunities for American firms to earn new business. However, our ability to tap and shape those markets depends in large measure on our ability to educate, recruit, and train the best talent in the world. Last week, I listened to Bill Gates. He came to Washington to sound an alarm bell about how the short-sighted of educated and skilled workers threatens our Nation’s overall economic competitiveness. It was a sobering assessment.

Yet, a decline in the number of educated and skilled American workers is by no means inevitable. It is up to all of us in the Senate—Republicans as well as Democrats—share a strong commitment to improving the educational outcomes of our students. That is particularly true of math and science, where we continue to lag behind many other industrialized nations.

In a global economy, we must realize that an American child no longer competes for a job against the child from the next town. This is a global race. This is a race from another state or region or country.

No. Now our kids are competing for jobs against kids from China and England and India. And the best jobs will go to the kids who can think creatively, can understand key mathematical and science concepts, and can solve problems—regardless of where they live.

So we must work to increase the pool of home-grown entrepreneurs and highly skilled workers. At the same time, we must remain open to those from other nations who have the talent and drive to succeed in America. Our immigration laws necessarily should provide protections for homeland security needs. But that can be done without erecting needless barriers to those who can help America create new wealth and new jobs.

In sum, the success of America’s capital markets, I hope that we will keep these thoughts in mind:

First, that our markets are still the largest, most liquid, and most transparent on the planet.

Second, that the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors.

Third, that the success of our markets also depends on our nation’s ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

Creating the change necessary to maintain the preeminence of our capital markets will not be easy. It will require leadership. But we should not shrink from the challenge. At the outset of these remarks, I said that today’s meeting is about the future of some of the most important American institutions. In this sense, it is about the future of our country.

I had an experience not long ago that I want to share with you. My five year old daughter, Grace, was getting ready for school one morning, when she looked up at me and said, ‘I wonder what my day is going to be like today.’

A moment later, she looked up again and said these exact words: ‘I wonder what my life is going to be like tomorrow.’

5. How do you answer that? It’s a question that I would guess many of you have heard before. Because it’s a question that all parents ask about their children or grandchildren.

None of us can know with certainty the answers to either question. But we do know that the lives all of our children lead will depend in no small measure on the work that you and I will accomplish in the next few years. None of us can know, let today not as Republicans or Democrats, but as Americans who are committed to the future success of the greatest wealth generator of all time: American capitalism.

We all have a stake in creating hope and prosperity for those who will come after us. I will work with you to build on our legacy of the American dream and expand security and opportunity for all Americans.

Because these urgent times demand nothing less than all of us working together to create that change.

That is what I have been doing my entire life in public service—reaching out and turning talk into votes, ideas into initiatives, and principles into progress for our country. Many talk about change. This is not just talk. This is the time for action. Our challenges are too serious and too urgent to merit anything less.

So let us join together once again to turn potential dreams into real possibilities. Let later generations say that, at the beginning of the 21st Century, after an uncertain start, America’s leaders charted a new course that once again matched America’s progress to her promise.

Mrs. MURRAY. Mr. President, with this bill, we are taking a major step forward to help America’s workers compete and win in the global economy.

I have been working on education, workforce and competitiveness issues for many years, and I will never forget the roundtable I held in Washington State a few years ago. Sitting around the table, we had business owners, higher education officials and public school educators.

The big question was this—who is responsible for making sure students gain the skills they need? Businesses didn’t want to hire somebody and then have to train them in the basics. Higher education leaders wanted to be able...
to focus on college-level material, not remediation. And high school leaders were working as hard as they could just to deal with the demands on their plate.

So whose responsibility is it to make sure our students get the skills they need?

It is all of our responsibility, and that is what this bill finally recognizes. It ensures that our Federal agencies—from Commerce to Education to Energy to the National Science Foundation—take aggressive steps to keep American workers ahead of the curve.

I am very proud that our country is home to some of the most innovative workers, schools, and companies in the world. But I have been frustrated that for too long our government has not used all the tools available to strengthen the hand of American workers in the world marketplace. This bill finally gets us on the right track, and that’s going to pay dividends for generations to come.

I worked to strengthen this bill through my amendment to improve math education in high school. Just yesterday, we had a hearing in the Senate HELP Committee, where education experts from across the country told us that math instructional support does not extend as far as it needs to in high school. That’s why I offered an amendment to help address this looming shortage. The Murray Math Skills Program offers competitive grants to help high schools hire math coaches to provide targeted support for students and math teachers. It will ensure high school students have the rigorous math materials, instruction, and support they need to pursue college and careers in engineering, science, math and technology. I am excited that my amendment was included in this bill to make sure high school students get the math support they need.

I also pleaded that this bill doubles funding for the National Science Foundation and the Energy Department’s Office of Science over the next 10 years. It also encourages high-risk research and supports research at NASA. As I work on issues like this, I bring the perspective of not just a Senator, but a former educator and someone who represents one of the most innovative regions of our country—the Pacific Northwest. I have seen firsthand the connections what we do in our schools and what our businesses and economy are able to do. I am proud to represent a state that is home to some of the most innovative workers and companies in the world in diverse fields like computers, software, biotechnology, aerospace, and many more.

So as I work on these issues, I know how important a skilled workforce is to our quality of life.

I also know that so much is at stake. Businesses spend about $60 billion just to retrain new employees, and that doesn’t include what colleges have to spend to help incoming students catch up.

The statistics are troubling. According to a report called “Tough Choices or Tough Times” from the National Center on Education and the Economy, the number of engineering degrees in the United States is down 20 percent from its peak year in 1985. This is just one indicator of the trouble ahead if we don’t turn this ship around.

I have heard time and again from experts, including the “Rising Above the Gathering Storm” report, that our economic future depends on our ability to innovate, think creatively, and create technological breakthroughs.

Our students and workers need strong skills in math, science, engineering, technology, and problem solving to make these kinds of technological and scientific breakthroughs that help ensure our Nation’s place in the world. This bill moves us in the right direction by putting in place several key pieces of the puzzle.

Let me turn to the substance of the bill. The America COMPETES Act helps increase our country’s investment in research, including the type of higher risk research that can lead to major breakthroughs. It also helps students get the skills and experiences they need from elementary school through graduate school in science, technology, engineering, and mathematics. I applaud the bill for also making great steps towards attracting women and minorities into these studies, areas that have been historically underrepresented in math and science. Finally, the bill helps bring an array of representatives to the table to develop a foundation for innovation and creativity, which is so important to our country’s competitiveness.

When the HELP Committee first began to consider these issues in the 110th Congress, we heard from Bill Gates, chairman of Microsoft in my home State, at a hearing titled “Strengthening American Competitiveness for the 21st Century.” We all heard his urgent call for our country to invest in education, healthcare, and basic science research. As Bill Gates put it:

"The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation."

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Mr. KOHL. Mr. President, I rise today to offer this amendment to the America COMPETES Act which would authorize appropriations for the Manufacturing Extension Partnership Program, known as MEP, through 2011. I am a long-time supporter of the MEP program and believe a healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living in the United States.

Manufacturers today are seeking ways to level the playing field so they can compete globally. One way to level the playing field and increase competitiveness of manufacturers is through the MEP program. MEP streamlines processes, shortens production times, and lowers costs, which leads to improved efficiency, by offering resources to manufacturers, including organized workshops and consulting projects.

Unfortunately, the administration doesn’t support this award-winning program. I believe MEP is one of the most valuable assets the Government gives manufacturers. The program has a proven record of saving manufacturing jobs now, and it will strengthen the U.S. manufacturing base for the future. I have written to Secretary Gutierrez, and I have spoken to him about the need to save MEP. The MEP program has received wide bipartisan support in the Senate. This year, 46 Senators, including my colleagues and I, are asking for increased funding for MEP, and the amendment I am offering has 12 cosponsors from both sides of the aisle.

Ten years ago, American manufacturers were not facing the competitive threats they now face from low-cost producing countries such as China and India. The increase in competition from these countries has required our manufacturers to find better, cheaper, and faster ways to improve their products, which is where MEP directly comes in. MEP can help these companies reduce their costs and enter new markets, thus allowing them to be competitive in the global marketplace.

Manufacturers now face in the United States are wasteful or unneeded whether or not we are authorizing a new program. The Coburn amendment was offered to an authorization bill which spends money by deauthorizing something else. I support eliminating programs which are wasteful or unneeded whether or not we are authorizing a new program.

I yield the floor.
Extension Service, which is so important throughout the world and America—the Manufacturing Extension Partnership has really mattered in helping these small companies, whether it is cutting energy costs, whether it is helping those small companies learn how to compete in this increasingly competitive global environment. The MEP has had strong support from both parties, so I strongly urge my colleagues in both parties to support this amendment.

There is simply no reason the administration every year comes and tries to cut this, and every year we fight back and restore the funding. I will be discussing later, either in this bill or sometime later, legislation I have introduced to allow a revolving fund through the Manufacturing Extension Program done locally. In Ohio I believe there are 11 or 12 regions of the State under MEP that can help, that really can help, help form MEP programs in working with these small businesses, these manufacturers. In Colorado I know there is a program called Magna, and in Kyoya County specifically they have had this revolving loan program—sort of a pilot program—that has helped with innovation and with the manufacturing, marketing, and with the development of new products. I think the Kohl amendment will go a long way in helping MEP help small businesses and help us compete globally. So I ask my colleagues for support of the Kohl amendment.

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

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

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

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

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

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

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment No. 918 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senate from Oklahoma [Mr. Coburn] proposed amendment No. 918.

The amendment is as follows:

(Purpose: To provide a sunset date)

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.

The ACTING PRESIDENT pro tempore. Under the order, the Senator is recognized for up to 20 minutes.

Mr. COBURN. Mr. President, this is a sunset amendment. It is very plain, very straightforward. It says, can we be assured that we have, with absolute certainty, all the wisdom, facts, and knowledge we will need 4 years from now as to the viability of the programs expressed in this bill?

It is one thing the American people would like to see us do—relook at, on a regular basis, what we authorize to make sure what we are doing still has application. As a matter of fact, the biggest problem I have noticed in our Government is that we don’t do oversight, we don’t review and reassess, except in very rare instances. This amendment is very simple. It just says that in 4 years, we are going to look at it again. We are going to sunset the bill, and probably a year before that Senator Alexander and his colleagues will come back; relook at it, tweak this, make the changes they need to make, and then have the America Competes Act again 4 years from now. The question is, what does it do? Is it forces us to look at it because it is going to expire, it is going to run out of gas.

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

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

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

The legislative clerk proceeded to call the roll.
If everything were perfect around this place, then we would always get our authorizing bills reauthorized in time so that there would never be a lapse. Unfortunately, that is not the case. There are a lot of authorizing bills that are hanging around in legislation. A lot of this is activities that we have done for a long time, and we are trying to once again, authorize them. We are trying to increase the amounts available for these different activities that are educational, scientific research—whatever the issue is.

If the amendment of the Senator is adopted, my understanding is that effect on October 1, 2011, there is no authorization that point from that point on for any of this bill. Therefore, any Congress that tries to appropriate the funds, a point of order could be raised that this is trying to appropriate money for an activity for which there has not been an authorization. I think that would be unfair. That is my basic view.

I certainly favor the Congress performing its appropriate job of coming back by the time these authorities are completed, the various dollar figures we have in this bill, and looking at this again and doing a rewrite of the authorization. That is what we are trying to do with No Child Left Behind right now. I can tell you that before No Child Left Behind was ever enacted, there was a year or 2 years where the Elementary and Secondary Education Act essentially had expired by its language. There was no sunset such as the Senator is recommending here, but the 5-year authorization had expired. Yet we could go ahead because the underlying language still had force and effect.

I also have great questions as to the legal effect of this amendment. Here we say the provisions of the act and the amendments made by the act shall cease to have force and effect on or after October 1, 2011.

Some of the other provisions of the act are repeals of other acts or repeals of other provisions. Are we saying that in one bill we would be saying we are repealing this provision, but we are also saying as of October 1, 2011, the repeal no longer has force and effect and the provision comes back into effect?

I think there are all sorts of confusion that would be sown by trying to adopt this amendment. I oppose it myself. As I say, there are others who wish to speak on it before we get to a vote. I know the Senator has two other amendments he wishes to address.

I yield the floor, and yield to my colleague from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I don’t want much time. How much time does the Senator have?

The ACTING PRESIDENT pro tempore. The Senator has 15½ minutes for all three amendments.

Mr. DOMENICI. Mr. President, I hope I don’t use over 3 minutes. Maybe the Chair can notify me at 3 minutes.

I rise to indicate that I don’t think we should adopt this amendment. Frankly, some of the provisions in this act are only authorized through 2011. Now we come along and authorize them for that long, meaning we are going to probably work at redoing them, but we have hanging over our heads a sunset that came into existence just a couple of years after we put the bill into play. Here is the problem: If you want to go to a sunset approach to minimizing our Government in the world, would you start with one of the best pieces of legislation we have adopted? This is good law. This is going to be doing great things. If you want to have a sunset provision, pick a bunch of these things you know aren’t any good and sunset that bill that has some force and effect that carries on much broader and has the chance of doing some real good.

This one in the end will be extremely mischievous at the most, and some people didn’t do great things. The truth is, this bill needs more than the time allowed by this amendment because it is new ground, new approaches to putting more brain power into the brains of America’s students as they go through school. You can’t do that in a short period of time. This is the wrong bill, the wrong time to sunset, and it won’t do any good. Therefore, it should not be adopted. I thank the Senator for yielding me 3 minutes.

Mr. COBURN. Mr. President, the claim of Senator BINGAMAN that a point of order will lie against this is wrong. Paragraph 7, rule XVI only requires the Appropriations Committee to list the unauthorized programs. He made my point: 20 percent of our appropriations are unauthorized from expired or sunsetted programs. It won’t stop anything if it is a good program. I contend with Senator DOMENICI that he thinks this is a great bill, but the only way we are going to know is the results of the bill. So based on what we think, not on what we know, is the reason this bill should be sunsetted so that it forces us to go back and look at what we might think we know today but didn’t know and change it.

It is about putting discipline into our body. It is about forcing us to do the things the people told us they wanted done when we came here. It requires us to not be fortune tellers, to not be seance dwellers, but to, in fact, look at the facts after 3 years, see what it has accomplished, and forces us to make the changes.

The Senator knows quite well that on most of the programs we haven’t done that. That is one of the reasons we had a $300 billion deficit. That is one of the reasons we had $200 billion that we spent on wasteful, duplicated, or fraudulent programs last year out of the $1 trillion we spent in the discretionary budget.

What I am trying to do is force us to do the hard work of relooking. I agree, does that make it hard? Yes. Nobody said it was going to be easy. But I would want any Senator in this body who says they know the outcome of this bill to put something behind that and say we don’t need to relook at it. That is the question. This is a disciplinary force that says we have to come back and look at it.

Let me remind my colleagues again. There are great ideas in this legislation. I don’t doubt that for a minute. This didn’t go through the committee process. This wasn’t made available for amendments. On an $80 billion authorization—which is what it is going to be if we guess at the sums that are authorized for this bill—to not have it go through either committees of jurisdiction and come to the floor, and we are going to spend this kind of money and we are going to think rather than know it is going to work, and to say we should not look at it I find really ironical. I feel pretty sure most of the American people would think we can’t know for sure.

It is a commonsense amendment and will cause us to do what is necessary.

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

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

Mr. COBURN. I call up amendment No. 922.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 922.

Mr. COBURN. 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 promote transparency at the National Oceanic and Atmospheric Administration)

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 shall be conducted pursuant to (1) available to the public through the website of the Administrator not later than 60 days after the date of completion.

(b) Prohibition on Use of NOAA Funds for Meetings.—No funds made available by the Administrator through a grant or contract shall 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 a current or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(e) 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.

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

Mr. COBURN. Mr. President, we passed the Fisheries Act, the Magnus-Steens Act, which was reauthorized this year in which Senator Stevens undertook, correctly, the responsibility of eliminating conflicts of interest and created oversight on the fisheries boards.

We have recently had notification and seen some pretty significant abuse within NOAA of some of their grant processes. All this amendment says is, we are going to add some accountability and transparency to the National Oceanic and Atmospheric Administration grants program.

I refer my colleagues to a Baltimore Sun article which has been prominent in that newspaper over the last couple of weeks where over $10 million in a grant was awarded. The citizens had no idea what was happening. It is riddled with conflicts of interest, and it has had little to no oversight from NOAA.

Before we expand NOAA, one of the things I think we ought to do is ask ourselves, are there are conflicts of interest, financial or otherwise, in the grant process. I ask unanimous consent to have printed in the RECORD both articles outlining this situation, as well as a Stanford study on other areas of NOAA processes. All this amendment says is, we are going to add some accountability and transparency to the National Oceanic and Atmospheric Administration grants program.
same standards of “good government” that apply to other federal and state agencies charged with managing U.S. natural resources. First, they say Congress should separate spending from policy and decision-making responsibilities for conservation and quota allocation. To broaden council representation, Congress could require governors to submit a more diverse slate of candidates, ensuring that nominations be made by an independent body such as the National Academy of Sciences, they recommend. And finally, only federal officials with expertise in fisheries management, not some made independent by a former input. Remedies suggested by the authors include lowering the threshold for supporting petitions, allowing the enforcement of federal laws, and changes to the agency's communication with the public.

The agency has also taken steps to improve its management practices, including the establishment of a formal internal review process and increased use of scientific data in decision-making. While there is still much work to be done, the agency remains committed to restoring and maintaining the health of the Chesapeake Bay and its surrounding communities.
tiny plots throughout the bay. If the partnership had any prayer of significantly increasing the number of oysters in the Chesapeake, Frentz reasoned, it would need to plant more oyster seed. To do that, it would need more money.

Frentz persuaded Donald Meritt, the manager of the University of Maryland’s Horn Point Laboratory, to produce more oyster seed, promising to get money to upgrade the facility. Frentz also cultivated Mikulski, who had been earmarking money for the partnership. In 2002, Frentz persuaded the Senate Appropriations Committee to double the ORP’s federal funding, to $350,000. By 2004, the budget was $1 million; by 2005, $2 million. Last year, the funding was about $3 million.

As the money increased, so did Frentz’s pay. He was hired for $38,000 in 2000, according to the partnership. By the time he retired three months ago, he was earning $151,000, most of it from federal funds. He still gets $10,000 a month as a consultant. Frentz always prays. Mikulski was presenting a video tribute to the woman he called “Our Bay Lady.” She returned the compliments. In a 2004 letter to Frentz, she wrote: “I always think the best thing that has happened to the Chesapeake Bay since the skipjack.”

**HELPING WATERMEN**

The idea of using government money to help watermen was not new. The Maryland Department of Natural Resources has for years run oyster programs that are essentially subsidies. The state agency moves baby oysters from the lower Chesapeake, where they are abundant naturally, and spreads them around the bay. A committee of oystermen tells the department where they want this “seed,” as the baby oysters are called, and the department delivers. The idea is to help watermen from upper bay counties earn a living, state officials say. The agency has been doing this for decades. But when parasites began to attack the bay’s oysters in the 1970s and 1980s, this practice turned out to have a down side. The parasites that attack oysters thrive in the same salty waters where oysters reproduce. So when the state moved oyster seed to lower-salt waters, the parasites hitched a ride—spreading disease.

Initially, state officials thought that wouldn’t happen because they believed the parasites would die off in fresh water of the upper bay. Once water cooler, the parasites would survive, the department continued, move the seed around anyway, arguing that since the bay’s oyster population was low, oysters from the upper bay wouldn’t lessen disease and would only hurt watermen. “History is what it is,” said Chris Judy, the department’s longtime shellfish director, explaining why the practice has continued. “The time to [say] ‘Let’s not move diseased seed’ was at the beginning.”

**MANAGED RESERVES**

Charlie Frentz did not want to spend millions of dollars to plant disease-resistant oysters only to have the state turn around and deposit diseased seed nearby. So he asked the watermen to turn down the state’s seed. He said the partnership would instead provide hatchery-raised oysters that would eventually be available for harvest. The oysters would be planted on special bars that he called “managed reserves.”

Normally, watermen can take oysters from the bay when they are 3 inches long. In the managed reserves, they have to wait until the oysters are 4 inches. The larger size meant the oysters would have an extra year or so to live in the bay. But after the first year, when one waterman complained about the conditions that he threw an oyster hammer at Larry Simns, the partnership changed the rules. Today, when half a bar’s oysters reach 4 inches, watermen also can remove the 3-inch oysters.

Meritt, the hatchery manager, calls the managed reserves a package that is too good to pass up because it gives many oysters an extra year in the bay to provide ecological benefits. But other scientists say the program is nothing more than an expensive, market-manipulating fishing subsidy and is falsely billed as restoration. An oyster’s ability to reproduce increases exponentially with each year it survives. So harvesting the same 3-inch oysters twice in this process, it takes to reach 4 inches—cuts off its life span at a critical time, according to Krantz, the former fisheries chief.

He estimated that when an oyster reaches 5 or 6 inches, it will have a 3,000 percent increase in reproductive capability. Krantz and other scientists say it’s crucial to leave the oysters in the water; even if many will die of disease, the ones that live will help propagate a species that can withstand disease. Of the 950 million hatchery-raised oysters that the partnership has planted since 2000, more than half have gone into managed reserves. About 100 million were planted for harvesting within a year or two; they are special restrictions. Only about 255 million were put in oyster sanctuaries where harvesting is prohibited. The sanctuary oysters have done better than others, according to Paynter, who said that almost all the remaining oysters are still alive, according to Kennedy T. Paynter Jr., a University of Maryland scientist who is paid by the partnership to monitor its bars. The director of Maryland’s hatcheries, Simns, said, given that half of the oysters planted anywhere in the bay are expected to die in the first year. The numbers appear to contradict what scientists predict that if oysters are not harvested, they will just die of disease. “To use that as an excuse to harvest is a logistical absurdity,” said University of Maryland biologist Roger Newell. “If an oyster is harvested, there is a 100 percent chance of it dying.” If you leave it at the bottom, he said, there is a chance it will live.

**BAR-CLEANING**

More lucrative for Simns and some other watermen has been the “bar-cleaning” work—removing diseased adult oysters from some of the partnership’s bars and dumping the in-town oysters in the dirt to the spot later to harvest the oysters for private sale; while disease eventually kills some oysters, it is also safe for people to eat. So the watermen earn money twice in this process. They are paid by the partnership, to move the diseased oysters, and then they get to harvest them. The bar-cleaning work is done in the spring, between the end of oyster season and the start of crabbing season—a period when many watermen are already broke. But removing the bad oysters is also good for the bay, according to Krantz, the end of oyster season and the start of managing reserves. Of Maryland oyster biologist Roger Newell. “It’s better for ORP to have someone like the Watermen’s Association manage the watermen, said Simns, 70, who aren’t getting a dime at the same time, because I know. I’ve done all that stuff.”

He said Frentz assured him that his role in the Watermen’s Association was not a problem—that he could be on the board at the same time he was getting money from an ORP grant. “I don’t vote on anything that has to do with Maryland Watermen’s Association,” Simns said. But his position as a member of a nonprofit’s board who derives financial benefits from the partnership raises a conflict-of-interest questions. Daniel Borochoff, professor of the American Institute of Philanthropy, a watchdog group that monitors nonprofits, said generally is not good practice for an organization to pay one of its governing board members for services. “A board member receiving money to perform services, that is frowned upon,” he said. According to Simns, he has paid $50,000 to $70,000 to the Watermen’s Association net from $100 to $125 from their $450 barber checking checks after paying for gas and the expense of keeping up a boat. Nevertheless, he said, “Hey, trust us. The same time he was getting money from an ORP grant, said NOAA grant manager Rich Takacs. “It’s up to the organization receiving the funds to use their internally approved business practices.” Takacs said.

When asked for copies of the partnership’s contracts with the Watermen’s Association (the nonprofit), NOAA officials acknowledged that they had not done little to manage the money their agency gets from the earmark and passes on to the Oyster Recovery Partnership. The agency does not scrutinize the partnership’s salaries, administrative expenses or the paper its annual budget, said NOAA grant manager Rich Takacs. “It’s up to the organization receiving the funds to use their internally approved business practices.” Takacs said.

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Hey, trust us.

NOAA officials acknowledge that they have done little to manage the money their agency gets from the earmark and passes on to the Oyster Recovery Partnership. The agency does not scrutinize the partnership’s salaries, administrative expenses or the money it spends on its annual banquet, said NOAA grant manager Rich Takacs. “It’s up to the organization receiving the funds to use their internally approved business practices.” Takacs said.

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As a result, there has been no comprehensive assessment of what the $10 million in federal funds granted to the partnership in the past five years has done to help the cause of restoring watermen to the bay, NOAA officials said. Even in terms of helping watermen, the program almost certainly is not cost-effective, partnership and NOAA officials report. Even the Department of Natural Resources seed-planting program showed that, for every dollar the state spent to create a crop for watermen to harvest, the watermen earned 13 cents in oyster sales.

Bahner, who ran NOAA’s Chesapeake Bay office until last year and has taken a job at the agency’s Washington headquarters, said he believes the partnership is making a valuable contribution to the bay in planting millions of oysters. He also said, however, that Mikulski’s earmark put his agency in a difficult position.

Federal scientists and grant managers wanted to ensure that the money was used in the best way to restore oysters, he said. But partnership officials argued that the program was designed to help watermen and that the state had not yet had the one-year, end-of-the-year “audit” to see how it was doing. “When the program started, it was primarily, ‘Put the oysters in the water for the watermen,’” Bahner said. “You’ve got this whole watermen’s community. It’s a subsidy program.”

[From the Baltimore Sun, Apr. 14, 2007]

Oyster Grants to State Disputed—Senator Asks Details on $10 Million

(By Greg Garland)

A conservative Oklahoma senator who wants to eliminate congressional earmarks has asked a federal agency for a detailed examination of how the grants for oyster recovery have been spent in Maryland.

In a letter to the head of the National Oceanic and Atmospheric Administration, U.S. Sen. Tom Coburn said he was “very concerned” about questionable spending practices detailed in an article in The Sun about the Maryland’s Oyster Recovery Partnership.

“It sounds like a dubious use of federal dollars and raises a lot of questions,” Roland R. Foster, an aide to the Oklahoma Republican, said. The partnership is a nonprofit group charged with trying to restore oysters to the Chesapeake Bay, receives its annual funding through a federal “earmark” arranged by U.S. Sen. Barbara A. Mikulski, a Maryland Democrat.

The Sun reported this month that while the group has planted nearly a billion hatchery-raised oysters since 2000, less than a third have been put in protected sanctuaries. Most have been planted in places where they can be harvested by watermen and sold. The newspaper also noted that the partnership is paying the Maryland Watermen’s Association $1.2 million each year to remove the released oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say its primary purpose is to provide income for watermen. The partnership also used $46,000 in federal funds to hold its annual dinner at the Priory Resort and Spa in Cambridge, The Sun reported. Meanwhile, the bay’s oyster population remains at historic lows.

In a letter to NOAA chief Conrad C. Lautenbacher Jr., Coburn questioned how the earmarked funds were being used. “What oversight has NOAA conducted of this specific appropriation?” he asked. “It appears to us that NOAA was aware that funds were being used for banquets or of the financial conflicts of interest between staff and organizations receiving funding.”

Coburn also asked for reports on how the partnership is doing in meeting its stated goals and whether the federal efforts have been cost effective. Monica Allen, a spokeswoman for NOAA, declined to comment on Coburn’s letter but said the agency would be happy to respond when it is completed and sent to Coburn. Stephan Abel, executive director of the Oyster Recovery Partnership, said, “It would be inappropriate for us to comment.” Foster also said Coburn has attempted to focus attention on earmarks as part of a campaign to end what he described as congressional earmarking. A year ago, Coburn and Arizona Sen. John McCain sent a letter to all 100 U.S. senators announcing they would challenge every earmark, or “pork project,” on the Senate floor.

The problem with earmarks, Foster said, is that they are made based on political connections and aren’t subject to competition or stringent oversight. Coburn said The Sun’s article about the Oyster Recovery Partnership’s spending raises larger concerns about how NOAA and the other federal agencies are spending their money. “This is one example of the exception, or is this a widespread problem at NOAA?” Foster asked.

Lautenbacher has taken issue with The Sun’s story about the government sending him a letter to the newspaper that his agency provides adequate oversight of the federal funds provided to the partnership. NOAA officials have pointed to the fact that the partnership has hired an auditor each year to do a standard financial review to comply with federal requirements. In 2006, Senate Budget Chairman Judd Gregg, R-N.H., expressed concern for an independent audit of the partnership. In response, results show, the partnership had its usual accounting firm review its own audit reports from 2005-2006. The firm found its reports to be appropriate.

Mr. COBURN. Mr. President, it has come to mind that NOAA, when they do the grants, lets the grantees set the terms of oversight. I ask unanimous consent to have printed in the RECORD from NOAA’s official Web site their financial assistance application for their grants where they ask the grantee what kind of oversight they want rather than setting it up themselves.

There being no objection, the matter is ordered to be printed in the RECORD, as follows:

NOAA Financial Assistance Application C. Federal Involvement

C1. Is the proposed activity going to be conducted in partnership with NOAA or would the proposed activity require NOAA’s direct involvement, activity, or oversight? If yes, describe NOAA’s involvement, activity, or oversight, including the name of the office or program that is involved.

C2. Would the proposed activity involve any other federal agency(ies) partnership, direct involvement, or oversight? If yes, provide the name(s) of the agency(ies) and describe its involvement, activity, or oversight.

Mr. COBURN. Mr. President, let me describe what has happened. There was an earmark which NOAA believed they did not have the responsibility to oversee, since it was an earmark, in terms of rehabilitating oyster beds. We have seen from the investigations so far that there is a conflict of interest. But more importantly, what we have seen is conflicts of interest in terms of the board that manages the program and the ownership of the companies that are given the grant money.

I won’t go into the details. Senator Mikulski is in agreement that they should be oversighted and looked at and conflict of interest should be eliminated. This amendment is trying to do that.

It just says that ought to happen and there ought to be a review, there ought to be a prohibition of use of NOAA funds for meetings. There is $46,000 yearly going out for a meeting out of the earmark money with no real concern. There is no conflict of interest requirement in the grant authority-making process at NOAA. So this amendment simply sets out that we ought to have basic conflict of interest rules of engagement in the grant-making process with NOAA.

I reserve the remainder of my time.
under the jurisdiction of the Commerce Committee.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, what you just heard was a denial that we need oversight and that people shouldn’t be accountable for how they spend Federal dollars. The fact is, this is one program and one meeting. This doesn’t stop meetings. This doesn’t stop any legitimate function. This was a golf tournament and a meeting for 2 days and $500,000 of Federal funds. I will tell you, NOAA does not have any conflict of interest rules presently in their guidelines.

So what the Senator is saying is, leave it the way it is today. Let’s don’t change it. That is exactly the problem, because this didn’t come through the Commerce Committee. They would have fixed it, as Senator STEVENS fixed the fishery boards. Instead, what we is one program and one meeting. This spend Federal dollars. The fact is, this under the jurisdiction of the Commerce Committee. They would have fixed it, as Senator STEVENS fixed the fishery boards. Because it didn’t come through committee, didn’t get attached. Now that we want to attach it on the floor, we don’t want to have that done.

The fact is, there is no oversight catalyst these grant programs. By defeating this amendment, we are going to continue saying there is none. If you don’t like this amendment, then fix it in conference. There is no reason why we shouldn’t hold these grants to the light of day. There is no reason why they shouldn’t be transparent. Everything in this Government should be transparent.

There is nothing in these grants that is fiduciary or private that shouldn’t be exposed. The fact is, if you are going to take money from the Federal Government, the American people ought to know what you do with it. What are we saying is, we don’t want that to happen. That is what defeating this amendment means. It means more secrecy and less transparency. It means, by the way, if there is a financial conflict of interest, don’t worry about it, we don’t want to hold them accountable. I understand the resistance, but the American people won’t understand the resistance. The real problem we are faced with is our Government is so big and into so many things that we don’t know where it is being handled right or wrong. This is one small step to say there shouldn’t be a conflict of interest. There ought to be reporting, there ought to be oversight, which there is not. We ought to be asking the GAO to oversee it and to look at it. That is all it does.

Mr. President, I will rest with the will of the body on that amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALEXANDER. Mr. President, I want to describe how this bill got to the floor because it has been suggested it might not have come through committee. The energy parts of this bill were fully considered by the Energy Committee when it was chaired by Senator DOMENICI last year, and it was then reported to the Senate in March. The Commerce Committee parts of it were fully considered by the Commerce Committee in May or June and reported to the full Senate then. The Fisheries and Wildlife parts didn’t go through the regular committee process from the Health, Education, Labor, and Pensions. That was the decision of that committee to do that. They had a series of roundtables and a series of meetings and made recommendations to the working group.

The working group then had meetings with the administration officials, and Senator DOMENICI presided over most of them—we called them home meetings and then Senator PRIST and Senator REID introduced this legislation last October. It has been public all that time. Then Senator REID and Senator MCCONNELL introduced the legislation in January of this year, and it has been public all that time. I wanted to make sure it was known that this is legislation that has been fully exposed to the light of day, whatever the merits. I am not commenting on the merits of the comments of the Senator from Oklahoma, but I did want everyone to be aware of the process through which this went to get to the floor.

Mr. President, I thank the Senator for his courtesy.

AMENDMENT NO. 921

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that amendment No. 921 be called up.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendment No. 921.

The amendment is as follows:

(Purpose: To discontinue the Advanced Technology Program of the National Institute of Standards and Technology)

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. 276n) 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.

Mr. COBURN. Mr. President, this is an amendment to eliminate the Advanced Technology Program. I see the Senator from Michigan is here, and I am sure she will mount a rigorous defense in regard to it. There are some things people should be aware of. We had an oversight hearing on this program in my Federal Programs Subcommittee. We showed it to be ineffective. Between 1990 and 2004, 35 percent of the $2 billion of this program went to Fortune 500 companies—Fortune 500 companies—with 65 percent of the grants went to companies that were not even bidding for it to be funded outside of the program. In other words, they never went to the private sector. Almost two-thirds never attempted to get funding in the private sector.

This was a program that was designed to help with technology. It wasn’t designed to be a corporate welfare program. In fact, what has happened is that five companies since 1990 have consumed $376 million of this money. Let me tell you who the companies were. They were: General Motors, hardly in need of taxpayer money to fund research; IBM, hardly in need of taxpayer money to fund research; General Electric, hardly in need of taxpayer money to fund research; Minnesota Mining, 3M; and Motorola. Their combined revenues yearly are in excess of $50 billion.

We are going to see a large defense of this program, because there have been some instances where it has done some good. I don’t deny that. But for the $2 billion we have spent on it, what have we gotten? The House has eliminated this program, by the way. We decreased it over the last 2 years. This is a program that is not working efficiently, is not working effectively, and we are not getting great return for our money.

Mr. President, with that, I will withhold the rest of my comments and retain the balance of my time.

Mr. DOMENICI. Would the Senator yield for 30 seconds to the Senator from New Mexico?

Mr. COBURN. I believe you all still have time.

Mr. DOMENICI. I intend to vote for your NOAA amendment, and I compliment you on what it does. I do think you have some merit in the other amendments, including the last one. It is just very hard to do that kind of thing now on this bill.

I think you have raised some real points about that big program. We ought to be careful when we have a $2 billion program, and we are not. It is not getting out there to small and independent businesses that have to go and seek private assistance, and you have made good points. It is just hard to do it on this bill.

The NOAA amendment, I am telling you in advance, I am for you.

Mr. COBURN. I thank the Senator for his comments. I note that the House didn’t find it hard to eliminate ATP on their component piece of legislation that will be matched up with
this and, in fact, last year we elimi-
nated ATP in the funding cycle on the
appropriations side.
I know there are some positive things
about the program, but overall it is a
poor investment for the Federal tax-
payer.
Mr. President, I yield the floor at the
present time, and I reserve the remain-
der of my time.
The ACTING PRESIDENT pro tem-
porum. Who yields time?
Mr. BINGAMAN. Mr. President, I yield
5 minutes to the Senator from Michigan.
The ACTING PRESIDENT pro tem-
porum. The Senator from Michigan is
recognized for 5 minutes.
Ms. STABENOW. Mr. President, I ap-
preciate the leadership role Senator
BINGAMAN and Senator ALEXANDER are
playing on this critical bill, as well as
Senator DOMENICI and others who have
worked on putting together this legis-
lation.
It makes no sense to eliminate the
Advanced Technology Program. In fact,
the Department of Energy labs to do partner-
ships where the Federal Government
puts up half the money and they put up
half the money to do the kinds of re-
search to move the industry forward in
order to be able to compete in a global
economy.
Frankly, this is one of the areas
where we are woefully behind, I would
suggest to my friend from Oklahoma.
We are woefully behind. One example of
this is advanced batteries but ex-
novation. While we are developing the
basic science in the United States, it is
Japan and China and South Korea that
are taking the next steps to make
those batteries. A $50 million invest-
ment in Japan alone; a 5-year commit-
ment from China of over $200 million; a
5-year commitment from South Korea of
over $100 million. Yet in our budget in
the United States we have $11 mil-
lion to focus on what is one of the most
critical parts of technology to move forward.
Alternative fuels and new breakthroughs.
ATP is different. It is unique among
Federal research programs. Most re-
search is focused on advanced scientific
knowledge, but there is a very long
road from scientific discovery in a uni-
versity lab to the commercialization of
that product. This is in between that.
You might call it a bridge project, or a
bridge loan. This is that in-between pe-
riod before industry feels confident
efficient to pick it up and move forward
with it.
The goal of ATP is to push basic re-
search knowledge into the innovation
pipeline. That is what it is all about.
When we add more dollars to increase
basic research, we have to make sure
we are also not creating a bottleneck
in that innovation pipeline. We have to
be able to fund the next step in that
partnership. I would suggest this has
been a tremendous amount of what has actually happened.
The ATP programs have succeeded in
a wide range of fields. There is no ques-
tion, when you are doing this research it
is basic research. By the way, we give
the credit to these large companies that
large companies my colleagues spoke
about. We give it to large companies
and small companies to do basic re-
search—no different. This is the next
step.
We have seen wide-ranging successes.
They have already delivered on cheaper,
better bone marrow transplants, mam-
mograms, cartilage repair. They are
enabling companies to make bio-
degradable plastics from corn, improv-
ing manufacturing, and powering
long-lasting lightweight fuel cells, all of
which are critical for our future.
The Advanced Technology Program has made investments in nanotechnol-
yogy. They were making them long be-
fore anybody knew what nanotechnol-
yogy was, along with investments in
homeland security and bringing fuel cells
and solar cells and microturbines to
the marketplace.
In 2003, the White House sponsored a
fuel cell demonstration, and the Presi-
dent tested a long-life mobile phone.
The phone the President tested was
powered by advanced fuel cell tech-
nology. Without the advanced tech-
nology program, MTI microfuel cells
would not have been developed. This
breakthrough technology was devel-
oped to power the very phone the
President was holding. It would not have
had the potential that it has or the joint
partnership with ATP.
There are certainly other companies
where ATP projects have not been suc-
cessful. That is the nature of high-risk,
high-payoff research programs, and people
around the world know that.
Governments around the world know
that. Right now, I should add, our com-
panies are competing with govern-
ments around the world, governments
that own companies, governments that
are doing these kinds of research.
Let’s put the successes and failures in
the overall context. A 2003 survey of
over 350 companies indicates the actual
economic value resulting from ATP
joint ventures exceeded $7.5 billion.
The ATP annual report showed the pro-
gram has generated $17 billion in eco-
nomic benefits from just 41 of the 736
completed projects.
In conclusion, this is a program that
works. We should not be cutting off
this investment in innovation in Amer-
ia.
The ACTING PRESIDENT pro tem-
porum. Who yields time?
Mr. BINGAMAN. Mr. President, how
much time remains on our side?
The ACTING PRESIDENT pro tem-
porum. The Senator from New Mexico
has close to 5 minutes.
Mr. BINGAMAN. How much time on
the side of the Senator from Okla-
ham?
The ACTING PRESIDENT pro tem-
porum. The Senator from Oklahoma has
21 minutes.
Mr. BINGAMAN. Let me go ahead and
use the remainder of our time in
opposition to the amendments, and
then the Senator from Oklahoma can use
as much additional time as he would like, obviously.
I agree with the comments the Sen-
ator from Michigan has just made about
the ATP program. I do think one of
our weaknesses historically, particu-
larly in recent decades in this country,
is although we have done reasonably
well on basic research, we have not
done as well in taking that basic re-
search the next step and getting it to a
point where it can be commercialized
and manufacturing can occur in this
country.
I have a chart I was going to show.
Let me put up the chart and try to
make the point as to where the ad-
vanced technology program is in the
development cycle, and I understand it.
This chart tries to point out the ven-
ture capital funds focused on late-stage
research.
There are five different categories
represented on this chart: seed funding,
startup funding, obtaining first-stage ex-
pansion, and then later stage.
Regarding venture capital funding,
the higher bars on the chart, of course,
are in the later stage. The seed funding
and the startup funding are the two areas
on which the Advanced Tech-
ology Program concentrates. It does
so in a way which is intended to get
the very best results.
These programs are peer-reviewed.
There is real competition, rigorous
peer-reviewed competition in the allo-
cation of this money. The funds go to
those researchers and those tech-
nologists who are most likely to be
able to take these basic discoveries and
turn them into commercial products
and commercial services. There are
many examples of successes in this area.
Unfortunately, we do not have as
many today that we can point to, rel-
ative to the rest of the world, as we
used to have. The reason, frankly, be-
 tween ourselves and many of our
competitors, is very severe at this
point. When you go to a country such as
Japan and look at the extent of the
Government’s support of this kind of
technology development, it is extre-
remely impressive, far away from that.
We say we are not going to help;
we just point out to competition. Frankly,
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Government’s support of this kind of
technology development, it is extre-
remely impressive, far away from that.
We say we are not going to help;
we just point out to competition. Frankly,
years ago. Their expert panel included top executives from companies such as Intel and Xerox and groups such as Sematech, venture capitalists, also academic researchers. They concluded the following:

The Advanced Technology Program is an effective Federal partnership program. The selection criteria applied by the program enabled it to meet broad national needs and to help the benefits of successful awards extend across firms and industries. Its cost-shared, industry-driven approach to funding promising new technological opportunities shows considerable success in advancing technologies that can contribute to important societal goals such as improved health diagnostics, developing tools to exploit the human genome, and improving the efficiency and competitiveness of U.S. manufacturing.

This is a program I think deserves the increased levels of support that are contemplated in this legislation. I urge my colleagues to resist the amendment of the Senator to delete funding for the Advanced Technology Program.

Is there still time on my side?

Mr. BINGAMAN. The Acting President pro tempore. The Senator has 17 seconds.

Mr. BINGAMAN. I yield the remainder of my time.

The Acting President pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I am somewhat perplexed. We had a debate on Medicare Part D. The debate was about corporate welfare. I find it hard to believe that we want to continue to fund General Electric and IBM and Intel and all these other companies with taxpayer money after we have claimed we do not want to do corporate welfare.

Tell me where in that process—if the Senator from New Mexico would care to put his sign back up—this money is? Tell me why an IBM needs money at that stage. Tell me why a General Electric needs taxpayer money at that stage. Money that is going to go to them. They have all the resources. IBM just announced they are buying back 10 percent of their stock. They have plenty of cash. They are buying back their stock. Tell me why, in a time when we have a $300 billion deficit, $300 billion we borrowed from two generations from now, that we should give a penny to IBM, corporate welfare to enhance anything. They have all the resources they need. Tell me why we should give a penny to General Electric or Intel or any of those large companies that consume 30 percent of this money.

If we want to have an Advanced Technology Program, why wouldn’t we say, yes, we will do it, but you have to be at risk. You have to truly not be able to access the capital markets. They have no problems accessing the capital markets for research. So what we are doing is taking from two generations from now and giving it to the richest corporations in this country in order for us to have a future. That is one reason why it wouldn’t happen otherwise. It will happen otherwise. That is what markets are all about.

I will be happy to have the Senator respond to my question.

Mr. BINGAMAN. Mr. President, I am happy to respond. I would respond by saying we are not providing funds to particular companies so they can compete with their counterparts world-wide. Whether it is the automobile industry, whether it is the semiconductor industry, whether it is the biologics industry, whatever the area is, we have companies in our country that are competing in those areas, and there is early stage research and seed development—early stage development into which they should be putting significant efforts.

When you look at it from the point of any individual company, it might not make that much sense to say we are going to devote a substantial portion of our research dollars to this because it is long pay off in 10 years. It may never pay off. But here we can use some taxpayer dollars to prime the pump, so to speak, and to go to these companies on a cost-shared basis and say: You guys get together. We will help you develop advanced battery technology because otherwise we may eliminate our dependence on foreign oil. But we are going to become dependent on foreign battery cells. That is not good for the U.S. economy as a whole.

If General Motors happens to be one of the participants in that consortium of companies that is working on that advanced battery technology, then so much the better. But I do not consider that corporate welfare. I consider that good, intelligent allocation of our resources in order to keep our industry competitive in the world marketplace.

Mr. COBURN. Let me reclaim my time. I thank the Senator for answering my question, but I guess the real question is, in the long run, where is the benefit? If any of those industries are going to survive, they are going to be putting research dollars into those areas already. That is my contention.

We know from the studies that, of all the Fortune 500 companies, the money that has been given to them they would have spent anyway. This is just money that they don’t have to spend because we are spending American dollars on it. The fact is, anybody in any of those areas, especially major companies that have all the capital resources they need—they have an inherent self-interest to fund that research. Why? Because their livelihood and their existence depends on it.

What we are doing is we are saying, for the big companies, the Fortune 500 companies, we are going to take away their risk. The market has already created the risk. Their risk is to develop the program. So I would disagree. I think it is corporate welfare, especially with regard to the Fortune 500 companies that have significant assets.

All you have to do is look at what is out there today, look at the share buybacks. They have more than enough money with which to fund all these things.

I can give you specific examples from General Electric, IBM, Intel, where those projects were going to be funded anyway. We just gave them a gift. We just simply gave them a gift.

Mr. BINGAMAN. Mr. President, I ask the Senator if he will yield for a question.

Mr. COBURN. I am happy to yield for a question.

Mr. BINGAMAN. Here is the information I am given. I would cite this to the Senator and ask if he has a reason to disagree.

Of the single applicant awards under the Advanced Technology Program, 78 percent have gone to small businesses. 11 percent have gone to medium-size businesses and nonprofits, and only 11 percent of solo awards have gone to large businesses. Is that accurate?

Mr. COBURN. That is inaccurate; 21 percent of the ATP grants over the last 14 years went to Fortune 500 companies.

Mr. BINGAMAN. That is 21 percent over the last 14 years?

Mr. COBURN. Yes.

Mr. BINGAMAN. That is contrary to the information I was given. I thank the Senator for yielding for the question.

Mr. COBURN. Let me just summarize, and then I will yield back the remainder of my time. How much time do I have?

The Acting President pro tempore. The Senator has 1½ minutes.

Mr. COBURN. I will be happy to yield after I finish this last statement, and I appreciate the managers of this bill for the time they have given me on these amendments, and their courtesy.

There is no question, there are positive aspects of the program. I said that before. The question comes—and it really comes from what Senator STABENOW said. We already give them an R&D tax credit. They already get a direct writeoff for doing this research anyway. So the American taxpayers are already paying for it. Now we come along and give them more.

The point is, we do not need both. We do not need both. IBM gets an R&D tax credit, and then they get money from us under ATP for things they were going to do anyway. General Electric gets an R&D tax credit, then they get money from us in the ATP program for these things they are going to do anyway.

I believe there has to come a time when we start thinking about how we spend our money and whether we are getting a good return. The fact is, with ATP, overall, all the money we have spent, we have not gotten back a return.

The other point I would make is, only four States have received about 60 percent of the money on this ATP program. Ironic, isn’t it? Four States. So
there is great consensus among those people on a parochial basis to support this program because it is a big program for those individual States.

Mr. President, I will finish by saying that all three amendments I have offered today are designed to increase transparency, increase accountability, eliminate conflicts of interest, and eliminate wasteful Government spending. That is what we have to be about if we, in fact, want to leave the heritage to our children and grandchildren that we will receive by such great sacrifice of those people who came before us. The way you leave a heritage is to sacrifice today. We cannot have everything we want today if we want our kids and grandkids to have what we have experienced.

I yield back the remainder of my time.

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

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from New Mexico.

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.

Mr. BINGAMAN. Mr. President, I know the Senator from Georgia has an amendment he wishes to speak to and offer and proposes to withdraw. I will yield in a moment for him to do that. But let me ask unanimous consent that following his statement and his action, the vote on the question to the pending amendments occur in the following order: DeMint amendment No. 930, Coburn amendment No. 918, Coburn amendment No. 921, Coburn amendment No. 922, and Kohl amendment No. 942; that no amendment be in order to the vote or to this final Kohl amendment prior to the vote; that prior to each vote in the sequence listed here, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be vote by vote; further, that provisions of previous orders governing these amendments remain in effect.

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

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from New Mexico.

I rise today to propose and then to withdraw an amendment that will make sure our Nation’s historically Black colleges and universities, our HBCUs, are not overlooked in this important bill, the America COMPETES Act of 2007.

In the State of Georgia, we have eight HBCUs: Albany State University, Clark Atlanta University, Fort Valley State University, Morehouse College, Savannah State, Spelman College, Paine College, and Morris Brown College.

This is a pretty simple amendment which would simply ensure that the HBCUs are included in the study by the National Academies barriers and innovations to advanced technologies. Specifically, I want to make sure we are able to find and highlight what HBCUs are doing nationally to equip their students with the knowledge and skills to compete in the 21st century workforce.

The underlying bill would establish a President’s Council on Innovation and Competitiveness. My amendment simply includes HBCUs in the Council’s recommendation for strengthening innovation and competitiveness capabilities in academia.

I wish to specifically highlight two examples of programs at Spelman College in Atlanta. Established in 1987, the Spelman College Women In Science and Engineering—or WISE—Scholars Program is a model student development effort that has successfully facilitated the recruitment, retention, and graduation of more than 200 African-American females pursuing baccalaureate degrees in sciences, mathematics, or an engineering discipline. The WISE Program addresses a national need to increase the prevalence of underrepresented racial minorities and women in science, technology, engineering, and mathematics disciplines, while strengthening Spelman’s capacity to continue to serve as a national conduit for the human resources needed to sustain the country’s global economic competitiveness. The WISE Program continues Spelman’s important role in providing the Nation with a skilled scientific workforce.

As part of the American Competitiveness Initiative, unveiled during last year’s State of the Union Address, the President called upon the Nation to, one, double the Federal commitment to the most critical basic research programs in the physical sciences; two, make permanent the research and development tax credit; and three, train 70,000 high school teachers to lead advanced-placement courses in math and science and bring 30,000 math and science professionals to teach in classrooms.

Both the National Science Foundation and National Aeronautics and Space Administration believe Spelman’s WISE Scholars Program is the vehicle to meet the Nation’s increasing need for math and science teachers. Also, in 2003, NASA awarded the college with a $4.5 million grant to enhance its WISE Scholars Program.

In 2005, six Spelman women qualified for the international RoboCup 2005 four-legged robot soccer competition in Osaka, Japan. The students created computer programs for the robots to compete in the soccer tournament, requiring the robots to play without human intervention. Of the 24 teams that qualified internationally, the SpelBots, as the team was called, were the first and only historically Black college and university, the only all-women institution, and the only U.S. undergraduate institution to qualify for the tournament. When looking back years from now at historically Black colleges and robotics research, all searches will lead to Spelman.

Mr. President, these are just two examples of what is taking place at our HBCUs all across our country. That is why I believe HBCUs and programs such as these should be included in the recommendations by the President’s Council on Innovation and Competitiveness.

Now, I am going to withdraw this amendment because I have had a discussion with the Senator from Tennessee and the Senator from New Mexico, and I think they are probably right that this might be more appropriate as we reauthorize the Higher Education Act, which I understand will be marked up in the HELP Committee within the next couple of weeks, in all probability. So I am going to withdraw the amendment. But I do wish to put this body on notice that we need to recognize the contributions our HBCUs are making in math, science, and technology, and that is a critical component of this bill. It will also be a critical component of the Higher Education Act. At that point I will be bringing this amendment forward to highlight those men and women who are at our HBCUs and the contributions they are making to math, science, and technology innovation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his leadership on the issue of competitiveness. He has been one of the foremost advocates for this legislation, which has made its way through so many committees and reached the floor, and we are close to passage today. I thank him as well for his consistent advocacy for historically Black colleges and universities of which Georgia has several of the most prominent. He has talked to me and other members of the HELP Committee about that. He is exactly right. Reauthorization of the higher education bill is fairly imminent. Hopefully in the next few weeks, we will begin to mark up a bill. Senator Chambliss has made it clear he expects the committee to take seriously his amendment. I have assured
him that for my part, the committee will. I know Senator Kennedy and Senator Enzi feel the same way. Senator Warner of Virginia has also noted he wants to make certain that what we do in this legislation takes into account historically underserved colleges and universities. He, too, is looking toward the Higher Education Act reauthorization. It is very helpful of both of them to, in this case, take the floor and in other conversations to make us aware of what it is that comes up in the next couple of weeks. The Chambliss amendment and his advocacy will be an important part of the discussion. I thank him for his leadership.

AMENDMENT NO. 930

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 930 offered by the Senator from South Carolina, Mr. DeMint.

Mr. BINGAMAN. Mr. President, let me take the lead in opposition to the amendment. This is the amendment that would set up a new 60-vote point of order on any appropriations bill that comes to the floor with anything contained in it that could be designated a congressionally earmarked provision. Unfortunately, the definition of congressional earmark set out in the amendment is very broad. It basically says: If you are specifying money going to an entity, either in the language of the appropriations bill or in the report accompanying it, and it relates to items being authorized in this legislation, the objection could be made that you had to have 60 votes. So you would have one set of rules for most appropriations bills and a different set of rules for appropriations bills that would include appropriations relevant to this competitiveness bill. It would be a very bad policy. I urge colleagues to oppose the amendment.

Mr. DE MINT. Mr. President, I am strongly opposed to the amendment offered by the junior Senator from South Carolina, which would prohibit congressional earmarks of funds appropriated, pursuant to authorizations in this bill, for the America Competes Act. The effect of the amendment proposed by the Senator from South Carolina could be waived or suspended in the Senate only by a 60-vote supermajority.

If the amendment were agreed to, it would set up two criteria for all appropriations legislation, pursuant to authorizations in this bill, for the America Competes Act—one criterion requiring a simple majority vote for Presidential budget recommendations and another criterion requiring a supermajority of 60 votes for congressional earmarks, which, according to this legislative provision, is virtually anything that Congress changes from the President's budget request.

Under the Constitution of the United States, the Congress has the power of the purse. The Senate should jealously guard that prerogative. Our system of government includes checks and balances that have served us well through over 200 years as a Republic. And the power of the purse is a check on the ambitions of the executive branch.

Earlier this year, the Senate considered and passed the America Competes Act. It passed with an overwhelming majority of 96-2. In addition, the Senate Appropriations Committee has announced a new policy of increased transparency and accountability in regard to earmarks, that enforces a stricter definition of earmarks contained in the ethics reforms. Those letters were adopted overwhelmingly on the floor of the U.S. Senate. These changes in the appropriations process are intended to help restore confidence in the Congress. It ends “business as usual” in Washington. It restores integrity to the appropriations process. It will increase accountability and openness. Moreover, Senators will be required to certify that neither they nor their spouses have a financial interest in any earmark. I have asked Senators to submit a letter to Senator Cochran and me certifying they have no financial interest in a project being proposed for an earmark. Those letters will be available for public inspection.

In the meantime, I would like to remind my colleagues that when we considered the joint funding resolution earlier this year, which included all of the pending appropriations bills from the previous Republican-controlled Congress, there has yet to be enacted, the House Appropriations Chairman, Mr. Obey, and I made a bold move and eliminated 9,300 earmarks that were in bills authored when the Senator from South Carolina was in the majority. We eliminated every single one of them—all 9,300 earmarks. The joint funding resolution, which was signed into law on February 15, 2007, contained no new earmarks.

In summary, the process of earmarks is carried out the way it is authorized. It is, is only one part of a much broader package of reforms that has already passed the Senate. This includes strengthened gift and travel rules for Members of the Senate, strengthened lobbying disclosure, and outlawing executive branch lobbying abuses in which Mr. Abramoff and others were involved. We should not cherry pick this legislation. It needs to be enacted as a whole.

In the meantime, I would like to remind my colleagues that when we considered the joint funding resolution earlier this year, which included all of the pending appropriations bills from the previous Republican-controlled Congress, there has yet to be enacted, the House Appropriations Chairman, Mr. Obey, and I made a bold move and eliminated 9,300 earmarks that were in bills authored when the Senator from South Carolina was in the majority. We eliminated every single one of them—all 9,300 earmarks. The joint funding resolution, which was signed into law on February 15, 2007, contained no new earmarks.

In summary, the process of earmarks is carried out the way it is authorized. The status quo is not satisfactory. That is why I have taken the initiative to establish new standards for transparency and accountability. That is why I joined with House Appropriations Committee Chairman David Obey to eliminate earmarks from the fiscal 2007 funding resolution.

I strongly oppose the amendment from the Senator from South Carolina. The Senate has already voted on an ethics reform package that redefines the method by which earmarks will be considered. The Senate Appropriations Committee has already put in place rules that will increase the transparency and accountability for earmarks in the fiscal 2008 process. But most of all, I oppose the amendment by the Senator from South Carolina because it would establish two criteria for earmarks—those proposed by the President would require only a simple majority, while those proposed by the Congress, in which the power of the purse resides, would require a 60-vote supermajority.

The Framers of our Constitution chose to give the power of the purse to the Congress for a reason. They did not want an overbearing, accountless executive branch.

The Representatives of our Constitution chose to give the power of the purse to the Congress for a reason. They did not want an overbearing, accountless executive branch.

I hope my colleagues will reject the proposal by the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DeMINT. Mr. President, I thank the Senator from Tennessee for all his work on this bill. The question is, after we have gone through these many months of work on this bill to make America more competitive and we have directed funds to the Federal agencies that we think are most appropriate and would be most helpful in raising the quality and skill level of our labor force, do we want it to happen? Do we want this authorization bill to be implemented as we have written it? As the sponsors have been very careful to point out, this is an authorization bill, not an appropriations bill. What my amendment does is make sure that this bill is carried out the way it is authorized and that the appropriators do not take money for the National Science Foundation and say: I want some to go to my State or to this university, and we spread it out instead of using the merit-based peer review process. We change a bill that has a lot of thought and bipartisan support, and we basically turn it over to the appropriators to change. If Members want this bill implemented the way it is written, please support the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 930.

Mr. DeMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. Biden), the Senator from Delaware (Mr. Carper), the Senator from South Dakota (Mr. Johnson), and the Senator from West Virginia (Mr. Rockefeller) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. Brownback), 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 motion to lay on the table was agreed to. Mr. BINGAMAN. Mr. President, I believe we can proceed to the second rollcall vote, which is the Coburn amendment No. 918.

AMENDMENT NO. 918

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 918 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Mr. President, this amendment is one which I think would be bad policy, a bad precedent for us here in the Senate. It basically puts a hard and fast, drop-dead date on any legislation contained in this bill and says there is a sunset provision so that any program authorized here, any kind of activity permitted under this legislation, would be prohibited following that date in 2011. It is not the kind of sunset we would normally adopt on legislation. I don’t think it is appropriate here. I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Who yields time in support of the amendment?

Mr. ALEXANDER. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 918.

Mr. COBURN. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The PRESIDING OFFICER. The motion to lay on the table was rejected.

Mr. REID. Mr. President, we have a briefing at 4 o’clock. We are going to do this next vote and complete that. We have scheduled another vote right at 5:30. We are going to finish this bill tonight. If people have amendments, they should offer them.

These two managers have worked extremely hard to finish this bill. This will be a fair fight in the cap for bipartisan. We are going to stay here tonight until we finish this bill. We have, as I understand it, about three amendments left after we do this one, but we should all have the opportunity to go to that briefing. So we will be back here at 5:30 after this next vote.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 942

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Kohl amendment No. 942 be the pending amendment.

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

Mr. BINGAMAN. I am informed that additional debate on this amendment is not needed and that there is no request for a rollocall vote, so I ask unanimous consent for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 942.

The amendment (No. 942) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.