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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal Spirit, abide with our lawmakers. Make them so aware of Your presence that the faithful may be blessed, the sad may be comforted, the depressed may be encouraged, the ungrateful may give thanks, and the perplexed may understand. May companionship with You enable our Senators to be guided by Your providence.

Speak to the successful and keep them from pride. Speak to those who are too self-confident and keep them from falling. Speak to those who are so sure of their position that they are certain that everyone else is wrong. Lord, keep them from intolerance. From day to day, guard us from anything that brings shame, so that in the eventide of life, when our task is done, we may see the smile of Your approval. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be an hour of morning business, with the first half controlled by the majority and the second half controlled by the Republicans. Following morning business, we will resume consideration of S. 761. Under an agreement entered last night, once we get back on the bill, there will be 30 minutes of debate with respect to the Sununu amendment, which is numbered 938, which strikes a section of the bill seeking to strengthen science, technology, engineering, and mathematics education at all school levels. We expect the amendment will be voted on at a little after 11 this morning. My understanding is once we dispose of the Sununu amendment, then the Sanders amendment remains pending.

Mr. President, let me say to everyone, I have not had the opportunity to speak to the Republican leader today, but it would be my intention that we would be in recess from 4 until 5:30 for the briefings by General Petraeus, General Pace, and others up in room 407. But it would be my intention to finish this bill after that.

It is my understanding there are some Coburn amendments—he has three of them—and we would like to get votes scheduled on those. If there are other amendments, let's bring them forward. But we will not get the bill from the House on the supplemental until tonight, anyway. We are not going to be able to do anything on it tonight. I think it would be a good step forward if we can finish this bill tonight. That means we would work on it until late in the evening and finish this bill. That is my intention. I hope there are no efforts to delay this bill. If, in fact, that is the case, as I have said before, we would just back off the bill. If we cannot pass, on a bipartisan basis, legislation that has more than 50 cosponsors, I think it is not a good day for us. We should be able to show the American people there are some things we can do on a bipartisan basis.

I remind all Members that there will be a briefing today, as I have indicated, in 407 beginning at 4 p.m.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Ohio is recognized.

TRADE AGREEMENTS

Mr. BROWN. Mr. President, last week our colleague, Senator BYRON DORGAN, chairman of the Commerce

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

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Committee's Subcommittee on Interstate Commerce, Trade, and Tourism, held the first in a series of hearings on our U.S. trade policy. I was proud to join Chairman DORGAN as we asked the pivotal question on the minds of workers and small business owners across the country: Is free trade working? Is it working for American communities? Is it working for our families? Is it working for our workers?

For the majority of Americans and people worldwide, the answer is a resounding no. For a privileged few, yes, this model of trade has increased the bottom lines. But the economic values embodied by this free-trade model are skewed toward a very select few in our Nation. Not only is our trade policy not working, it is worsening the problem of income equality across the Nation.

From 1946 to 1973, economic opportunities for poor and working families in this country grew. As you can see, that income, people's income—they are divided into five groups—the lowest income, 20 percent, the middle groups, and then the wealthiest 20 percent.

Between 1947 and 1973 in this country, the 20 percent lowest income workers actually saw their income rise the fastest. From 1947 to 1973, that was a time of strong economic growth. It was a time of actual trade surpluses during those years. It was a time of fairly stable energy prices—all of that.

The lesson here: Families that worked hard, that played by the rules, had a real chance of getting ahead.

Then the next, from 1973 to 2000, that economic opportunity began to flatten out for those families. We saw, in those years, from 1973 to 2000—1973 was the year we went from a trade surplus to a trade deficit. That was only one of the reasons. The lowest income workers saw their income grow by the least. People whose income was in the top 20 percent saw their income grow the fastest.

If we had a third chart here, income since 2000, since 2000, income has gone up only for the wealthiest 20 percent in this country.

When Secretary Paulson came to the Banking Committee and spoke to us, he bragged about 3½ percent economic growth for this country—a good thing. The problem is, profits are up, productivity is up, but workers are not sharing in the wealth they create. Profits are up, executive salaries are up, and almost everybody else's income in this country has been pretty stagnant.

Our economic house is not in order. It is not in order nationally, and it is not anywhere where it needs to be in my State of Ohio. When I first ran for Congress in 1992, our trade deficit was $38 billion. Our trade deficit figures for 2006 topped $800 billion. That is from $38 billion to $200 billion from 1992 to 2006. Our trade deficit with China went from low double figures in 1992 to well over $200 billion—an increase of almost 20 times in those 15 years or so. In fact, since 1982, we have accumulated trade deficits of $4.3 trillion. The aggregate trade deficit from 1982 to the present day is $4.3 trillion. That is money which eventually will have to be paid. Put another way, we have produced 4.3 trillion fewer manufactured goods, in most cases, than we have purchased. Put another way, to understand what $4.3 trillion of wealth transferred out of our country means, if you had $4.3 trillion and you spent $1,000 every second of every minute of every hour of every day, to spend that $4.3 trillion trade debt, it would take you 131 years.

We have lost more than 3 million manufacturing jobs across the country. Those are jobs which pay an average of 31 percent more than service sector jobs. Service sector jobs, the ones that NAFTA and the World Trade Organization proponents said would replace manufacturing jobs, they also are tradable and they are also moving offshore at a swift pace.

The trade policies we have set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Hamilton, OH, Cleveland and Steubenville, and Lime, OH, as well as in Mexico and Korea and Bangladesh.

We must shrink income equality, grow our business community, and create good-paying jobs. We must establish trade policy that builds our economic security, not undermines it. Job loss does not just affect the worker or even just the worker's family. Job loss, especially job loss in the thousands, obviously devastates communities, layoffs of police and fire and teachers and all of that. It hurts local business owners, the drugstore, the grocery store, the neighborhood restaurant.

This model of trade is also not winning us more friends abroad. Last month, tens of thousands of workers in Korea took to the streets protesting a pending free-trade agreement with the United States, similar to the tens of thousands of protesters against the Central American Free Trade Agreement in our country and in the six countries in Central America.

Much has been written and said about the waning enthusiasm for the free trade area of the Americas, throughout Latin America, most notably because of what NAFTA has done to Mexico's rural population, with a million and a half small farmers' livelihoods devastated. It almost toppled the favored Presidential candidate in Mexico last year, as the challenger talked about NAFTA's negative impact on Mexico and who came within a hair of winning. In Brazil, in Bolivia, in Ecuador, and elsewhere, leaders are responding to the demand for a very different, more equitable trading system, not one modeled after the North American Free Trade Agreement.

A few years ago, I traveled to McAllen, TX, where I crossed the border with a couple of friends into Reynosa, Mexico. I met a husband and wife who worked for General Electric Mexico, 3 miles from the United States, and lived in a shack about 15 feet by 15 feet, no running water, no electricity, dirt floors. When it rained hard, the floors turned to mud. Behind their little shack was a ditch maybe 4 feet wide, human and industrial waste flowing through that ditch. The American Medical Association said it is the most toxic place in the Western Hemisphere.

As you walked through their neighborhood, you could tell where the people living in each of those shacks worked because their homes were constructed from the packing material, the boxes and the wooden crates and the pieces of cardboard and all, the packing material from the company for which they worked.

You could go nearby to an auto plant, nearby to these homes in this neighborhood, 3, 4 miles from the United States of America. The auto plant looked just like an auto plant in Lordstown, OH, or just like the auto plant in Avon Lake or just like the auto plant at Twinsburg, OH. The auto plant was modern, the technology was up to date, the floors were clean, the workers were productive, and the workers were working hard. The only difference between the Mexican auto plant and the American auto plant is the Mexican auto plant did not have a parking lot because the workers are not paid enough to buy the cars they make.

You could go halfway around the world to a Motorola plant in Malaysia, and the workers are not paid enough to buy the cell phones they make, or come back to our hemisphere, to Costa Rica, to a Disney plant, and the workers are not making enough at the Disney plant to buy the toys for their children. You can go back halfway around the world to a Nike plant in China, and the workers are not making enough to buy the shoes they make in their jobs.

Only when workers share in the wealth they create will we know our trade policy is working. American workers are more and more productive every year, an explosion in productivity in this country, yet workers' wages are flat, as we see, especially the bottom 60 or 80 percent, and especially since 2000, where our trade policy is having a depressing impact on wages.

Two years ago, thousands of workers in Central America took to the streets protesting that failed trade policy. CAFTA still has not been implemented in Coast Rica because it is so controversial. In fact, this week in Costa Rica, there will be a public referendum on the Central American Free Trade Agreement.

This shift in thinking about free trade, both in the Senate and the House, in this country among the public and abroad, presents all of us today with an opportunity, the challenge we face, which grows in urgency as to how we trade and take part in our global economy without continuing to destroy, to undermine the middle class. The current system is not sustainable.

Those of us who support free trade—not fair trade but support free trade—we want trade, we want plenty of it, but under new rules. We want legitimate fair trade. It is considered protectionist by some to fight for labor and environmental standards, but they consider it free trade to protect drug company patents and Hollywood DVDs. If we can protect intellectual property rights with enforceable provisions in trade agreements, as we should, we absolutely can do the same for labor standards and environmental protections and food safety standards.

I am pleased to say this Congress is already hard at work in building a better trade policy. Senator DORGAN and I have introduced antisweatshop legislation. We need more fair trade to build the middle class and lift up American workers. There will be more of those proposals in the future. It is not a matter of if we trade but how we trade and who benefits from that trade. Thank you, Mr. President.

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

IRAQ SUPPLEMENTAL

Mrs. MURRAY. Mr. President, I am here to speak on the floor today because American lives, American security, and America's future are on the line in Iraq. The American people know it. They sent a clear message last November. The Iraq Study Group has told us. They gave us honest assessments and recommendations to move forward in Iraq.

Generals have spoken out. General Casey told us in January:

> The longer we in the U.S. Forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.

General Abizaid told us in November:

> I do not believe that more American troops right now is the solution to the problem.

Colin Powell has talked about it. He said:

> I am not persuaded that another surge of troops into Baghdad for the purpose of suppressing this communitarian violence, this civil war, will work.

The numbers speak for themselves. More than 3,300 Americans have died in Iraq and nearly 25,000 have been wounded. A few days ago, 9 more U.S. soldiers were killed in a bombing, and 20 more U.S. troops and an Iraqi soldier were injured.

Americans have heard the military experts, they have heard the Iraq Study Group, they have seen the sacrifice of our troops and their families, and now they are demanding a change in course. But, sadly, the President refuses to listen. He is ignoring the military experts, the bipartisan Iraq Study Group, and the American people.

It is clear the Iraqi civil war requires a political solution, not a military solution. Our servicemembers have done everything we have asked them to do. They deserve better than to be stuck in the middle of a civil war.

Four years into this war—starting the fifth year—the President is still tossing around heated rhetoric while trying to convince the American people that Democrats do not support the troops. I reject that rhetoric, and I call on him to put politics aside and begin to put our troops first. We can all agree, it is long past time for that.

Now is the time to show our troops we support them with the funds and supplies and armor they need but that we also support them enough to change direction when the current course simply is not working.

Now is the time to show our troops we respect our military, and we refuse to decimate the world's finest fighting forces through extended deployments, limited time at home, and the destruction of valuable equipment in another country's civil war.

Now is the time to show our troops their lives mean more than an open-ended commitment to an Iraqi Government that has repeatedly failed to meet deadlines and take ownership for their own future.

Now is the time to show our troops we understand that America needs them, not in the middle of an Iraqi civil war but in places such as Afghanistan, where al-Qaida is growing in strength.

And now is the time to show our troops their Government is about more than promises and rhetoric. We must stand together to say we will meet the needs of our injured servicemembers and our veterans who have paid the price for this administration's failure to plan for the war and its aftermath.

Congress is moving forward now to pass a supplemental bill that shows our troops they come first. All the President has to do is sign on the dotted line. Unfortunately, because the Bush administration failed to plan and failed to understand the centuries' old tensions in this region, we now, more than ever, need a political and diplomatic solution in Iraq.

As the past 2 months have brutally revealed, the escalation is not working. The civil war has intensified and our troops are stuck in the middle of sectarian violence and find themselves the target of insurgent attacks. It is hard to argue that the situation on the ground—both for our troops and for Iraqis—has gotten better.

Last Wednesday, the New York Times reported:

> Bombs ripped through the streets of Baghdad killing at least 171 people in the deadliest day in the capital since the American-led security plan for the city took effect two months ago.

Two days ago, the Boston Globe noted:

> The deaths raised to 85 the number of U.S. servicemembers who died in Iraq in April, making it the deadliest month for American troops since December, when 112 died.

According to the Associated Press:

> Outside the capital, 1,504 civilians were killed between Feb. 14 and Thursday, April 12 compared with 1,009 deaths during the two previous months.

It is time to transition our mission in Iraq from that of policing a civil war. Our troops are trained for combat, not for refereeing warring factions with a long and complex history. It is time to focus on strengthening America's security and bringing our troops home.

Transitioning the mission should center on three realistic and achievable goals for our military: Training and equipping Iraqi security forces, conducting targeted counterterrorism operations, and protecting our remaining U.S. forces and interests in Iraq.

The second part of the equation is a surge in diplomatic and political efforts. This is a necessary task the President has refused to undertake. America alone does not own the keys to Iraq's future. Iraq's neighbors must help as well. They should play a larger role in training the Iraqi military and police and in reconstruction. They should play a larger role in convincing Iraqis they must make compromises and take responsibility for their future. Without a targeted and serious regional effort to stabilize Iraq, the country's future will remain in question.

The cause of continued insecurity and destruction has not been our military, but, rather, the political and policy failures of a President who has hid in his bunker and stubbornly refused to pursue a strategy needed to bring stability to Iraq.

As we all saw vividly in November, the American people have lost patience with the President's go-it-alone strategy. It is simply wrongheaded to continue on with an open-ended commitment to an Iraqi Government that has repeatedly failed to meet deadlines and to take responsibility for their own country.

The supplemental bill we will send to the White House requires the President to send a report to Congress by July 1 of this year certifying whether Iraq is meeting responsible benchmarks. The American people deserve to know if the sacrifices made by our troops are being met by the Iraqi Government.

Specifically, the American people deserve to know if the Iraqi Government has given U.S. and Iraqi security forces the authority to pursue all extremists, including the Sunni insurgents and the Shia militias.

The American people deserve to know if Iraq is making substantial progress in delivering necessary Iraqi security forces for Baghdad and protecting those forces from political interference.

We deserve to know if Iraq is intensifying efforts to build balanced security forces throughout Iraq that provide evenhanded security for all Iraqis.

Specifically, we deserve to know if the Iraqi Government is making substantial progress in meeting reconciliation initiatives, including enacting laws to equitably share oil revenue

among all Iraqi regions, whether they are adopting laws for provincial and local elections, whether they are reforming their laws banning members of the Baath party from public service, and whether they are shouldering the cost of reconstruction through allocation of oil revenue.

Those are reasonable benchmarks Americans should require of Iraq if we are asking our young Americans to put their lives on the line. That is why Congress is about to send this supplemental request to the White House with language that begins the phased redeployment of our troops no later than October 1 of this year, with a goal of removing all combat forces by April 1, 2008—with the exception of those who will remain to train and equip Iraqi security forces, to continue targeted counterterrorist operations, and to protect our remaining U.S. forces.

From sending our troops to war without critical armor, to housing them in squalor at Walter Reid, to leaving them to fend for themselves when they need mental health care, the Bush administration has utterly failed our servicemembers, our veterans, and their families.

As we rightfully change the mission of our troops in Iraq and prepare to redeploy, we cannot—and we must not—forget about our veterans when they come home. Nowhere is that failure more apparent than in the handling of what will one day become known as the signature wound of this war: traumatic brain injury. It is now estimated that 10 percent of Iraq and Afghanistan veterans have suffered traumatic brain injury during their service in Iraq and Afghanistan. One of the biggest problems with traumatic brain injury, or TBI, is that it is an unseen wound. Often, because of that, it is misdiagnosed. In too many cases today, unless a servicemember is involved in an IED incident and is bleeding, he or she is not documented as even having been involved in that explosion, if he was 100 yards away or 200 yards away. So as a result, the actual number of OIF and OEF veterans with TBI could be even much higher than the statistics today even indicate.

Now, I know many of us are familiar with ABC News anchor Bob Woodruff's experience with traumatic brain injury. I personally was moved by Bob's struggle with his injury. His family had unrelenting hope for his recovery, and their ongoing work toward triumph was so apparent throughout this horrible situation. Bob Woodruff has seen a tremendous recovery from his horrendous injury, but I fear the care he received has not been duplicated today for thousands of other troops with similar injuries when they have returned home.

He detailed for us several cases of soldiers who were suffering from injuries, not unlike his own, and the lack of care they received when they left flagship care centers for our smaller, local hospitals.

Our wounded warriors and our veterans have faced massive budget shortfalls. They have faced horribly long waiting lines and sickening hospital conditions. But this administration continues to be reactive to this problem to this day. It is time for that posture to end. Taking care of our troops, taking care of our veterans, taking care of their families has to be a part of the cost of this war.

When it comes to caring for our troops and our veterans, this administration—from the White House, to the Pentagon, to the Department of Veterans Affairs—has consistently waited until conditions reached a critical stage before taking action to remedy them.

In this supplemental conference report we are sending to the President, Congress is saying: Enough is enough. We are finally providing more funding for our troops than even the President himself has sought. The bill we are sending includes over $100 billion for the Department of Defense, which I should note is nearly $4 billion more than the President's request for our troops. We provide critical funding for vehicles that will help our troops be protected from these horrible IEDs.

This military has also been brought to the brink by a President who has, time and again, extended their tours and called upon our National Guard and Reserve to join combat brigades in Iraq. This supplemental bill will rebuild our overburdened military and calls for an end to the deployment of nonbattle-ready troops. It provides $1.8 billion for the VA to provide first class health care to our wounded and $2.5 billion for military health care.

For the last 4 years, this administration has conducted this war with little regard for the tremendous strains it is placing on the VA, on our veterans, and their families. Today, we are putting an end to their neglect. The days of ignoring our wounded warriors as a cost of this war are over.

As the President acknowledged in a speech last September, our terrorist enemies are more dangerous than ever. On that point, the President is correct. Unfortunately, he fails to acknowledge that terrorists are rapidly growing and gathering strength outside of Iraq, and he fails to acknowledge that having our forces in the middle of a civil war is making Iraq sap our ability to combat terrorism in other parts of the globe. It is clear that terrorist cells with heavy anti-American bents are gaining power and continue to grow in places such as Afghanistan and Pakistan. If we turn a blind eye to those anti-American cells and focus only on Iraq, the consequences for America's future security are dire. By redeploying our forces, we can reconcentrate on the war on terror. We can devote our resources toward pursuing those who would do America harm.

As we deal with the situation overseas, we cannot neglect our needs at home. That is why the supplemental bill provides $1.8 billion for veterans health care; $20 million to repair Walter Reed Hospital; $6.9 billion to repair the gulf coast after Hurricane Katrina, long past due; $650 million for the SCHIP children's health program; and $2.25 billion to secure our homeland, a vital need—securing our ports and borders, transit security, screening for explosives at airports—vital needs that are included in this bill.

Somehow the White House is claiming that all of those investments are unnecessary. I think most Americans would disagree. I know most Americans want us to take care of our citizens at home.

In recent weeks we have heard some false claims about the supplemental that I want to take a moment to correct. First of all, we are moving this bill to the President at a rapid pace. In fact, we are moving even faster than the Republicans did last year and the year before that.

Secondly, we are doing our job in meeting the needs at home. Anyone who thinks that domestic needs should be ignored in an emergency supplemental ought to look at the last four supplementals, all written and passed by a Republican Congress signed by a Republican President.

The emergency supplementals approved by Republican Congresses in 2003, 2004, 2005, and 2006 included funding for domestic needs. Interestingly, during those years, the President never complained about domestic funding in supplementals.

As our Government spends billions in Iraq, I believe it is our job to also meet our needs at home. If the President vetoes this bill, he is going to have to explain to the American people why he is delaying funding to our troops overseas, why he is blocking funding to care for our injured troops, why he is ignoring the will of military experts, the Iraq Study Group, and the American people. He is going to have to explain why he is ignoring the needs of our hard-hit communities that are struggling to recover and why he is standing in the way of security needs at home that are so critical.

Congress has agreed to a supplemental bill that shows our troops they come first. The President has repeatedly reminded Congress that he is the Commander in Chief and he is the one with the authority to make the military and policy decisions that impact not only our troops and veterans but the well-being of our gulf coast, our borders, and the future of America's security. The President is alone in his bunker. If he truly cares about getting this funding to our troops as soon as possible and providing them with the supplies and the health care and direction they deserve, he will quickly sign this bipartisan supplemental bill.

Mr. President, 1600 Pennsylvania Avenue is just a short distance from Capitol Hill, but if the President vetoes this sensible legislation to give our troops a successful path forward in

Iraq, then he is miles away from the will of the American people whom he serves.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized. Only 1 minute remains on the Democratic side.

IRAQ SUPPLEMENTAL CONFERENCE REPORT

Mr. FEINGOLD. Mr. President, I strongly oppose President Bush's statements that the Democratic leaders are trying to use the current emergency supplemental bill to make a political statement. Congress is acting on its mandate from the American people, who used their votes last November to register their opposition to the war in Iraq.

The President has repeatedly made it clear that nothing—not the wishes of the American people, not the advice of military foreign policy experts, not the concerns of members of both parties—will discourage him from pursuing a war that has no end in sight and that has no military solution. With our heroic troops stuck in an Iraqi civil war, Congress cannot wait for the President to change course. We must change the course ourselves.

Once again, President Bush is stalling for time as he threatens to veto a bipartisan bill that could finally change the course in Iraq.

Although the conference report does not go as far or move as quickly as I would like, it is an important step toward ending the President's misguided policies in Iraq. It requires the President to begin redeploying U.S. troops from Iraq, while permitting troops to remain in Iraq for defined and narrow purposes: To protect U.S. personnel and facilities, to engage in ''targeted special actions'' against al-Qaida and their affiliates and to train and equip Iraqi forces. The vast majority of our troops would have to be redeployed, thus bringing to an end our current involvement in what may be the greatest foreign policy blunder in American history.

Some of my colleagues may still feel we should defer to the Commander in Chief. But these arguments disregard our congressional responsibilities. Congress authorized this war and we have the power and the responsibility to bring it to a close.

We have a responsibility to end a war that is taking away resources from our top national security priority—the global fight against al-Qaida and its affiliates. Let me remind my colleagues that this is indeed a global fight—focusing so much of our resources on one country against an enemy that operates around the world is shortsighted and self-defeating.

I am not suggesting that we leave the Iraqis to their own devices. There are many serious and troubling political problems in Iraq that are driving the insurgency and sectarian struggle and they require the attention of U.S. policymakers. But they will not be solved by an open-ended, massive military engagement.

Instead, we need a strategic approach to redeployment and a global strategy to defeat the threats posed by terrorist networks. As long as the President's Iraq policy goes unchecked, our military will continue to put their lives on the line unnecessarily, our constituents will continue to pour billions of their dollars into this war, our military readiness will continue to erode, and we will be unable to develop a strategy to truly confront al-Qaida.

If the President vetoes this bill, he will be rejecting the wishes of the American people and the imperatives of our national security. I will oppose any efforts to send a weaker bill to the President's desk and I will continue to speak out on this issue until the voices of the American people are finally heard in Congress and the White House.

Mr. GRAHAM. Mr. President, we have 30 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct, there is 30 minutes remaining.

Mr. GRAHAM. Would the Presiding Officer let me know when 10 minutes have passed?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

IRAQ WAR SUPPLEMENTAL

Mr. GRAHAM. The President will veto this measure. He should. It is one of the worst ideas to ever come out of the Congress in the history of warfare that the United States has been engaged in. It sets a date for withdrawal. I think it is October. It intrudes on the President's Commander in Chief role. It is letting the enemy know exactly what they have to do in terms of date and time to win in Iraq. Everyone who dies waiting on the time to pass, what have they died for? What have they been injured for?

What I would like to point out is that we should talk about those who have lost their lives in Iraq wearing the uniform, and civilians included, who have been serving our country. But we shouldn't use their deaths as a reason to withdraw from a war we can't afford to lose—and we have not lost. We should be honoring their service and their sacrifice, their ultimate sacrifice, because they are standing for our national security interests. Why do they serve? Why do they go to Iraq? Why do they keep reenlisting in the Iraqi theater and the Afghan theater at a higher rate than the military as a whole? What do they see about Iraq that people here in the Senate are blinded to? Why would they keep going back to a war they believe is lost? Why would they go three and four times? Why would they enlist at levels beyond any other group in the military?

Because they know after having gone that if we win in Iraq, their children, their grandchildren, the Nation as a whole is more secure. And if we lose in Iraq, the war is not over, it just gets bigger, and the likelihood of their children being involved in a war in the Middle East goes up, not down. So that is why they go. That is why they are not withdrawing. That is why enlistments are up, not down, because they get it.

The Senate doesn't get it. The Democratic leadership doesn't get it at all. Blinded by a dislike of this President, they can't see clearly what is going on in Iraq. Whether we should have gone or not is over; we are there. There are other people who are there who would like to win this war. Al-Qaida is there in large numbers, trying to kill this infant democracy, because they know if a democracy can flourish in Iraq, their agenda has taken a mighty blow.

How are they trying to drive us out? By killing civilians and coalition forces in as large a number as they can muster.

So is it going to be the foreign policy of the United States when it comes to fighting terrorism that if they can kill enough of us—whatever that magic number is—we leave? You win? Do you think for one moment declaring Iraq lost makes us safer? There is sectarian violence in Iraq, but there are plenty of people of the Shia, Sunni, and Kurdish persuasions that want the same thing for Iraq that we want. There are Shia extremists who want to align with Iran. There are Sunni extremists who want to come back in power and have the good old days of Saddam. They are in the minority. There is not open civil war in this country. There are extremists groups representing the Sunni and the Shia sects that are trying to change Iraq for their purposes, bend Iraq to their will, against the majority of Iraqis, and in the middle of these sects is al-Qaida. In the middle of these sects is Iran.

Why is Iran playing so hard in Iraq? The biggest nightmare to this Iranian theocracy would be a democracy on their border, where different groups would live together, where a woman could have a say about her children, where people could vote for their leaders, not be dictated to from on high. That is why they are playing in Iraq. That is why al-Qaida is there.

The question is, Why do we want to leave? It is tough to watch young Americans killed and maimed in war, but we didn't start this war. War is inevitably about young people getting hurt and getting killed. That is why the world—after so many thousands of years, it seems as if mankind would have learned that war is not the way, but we haven't learned that lesson as mankind. The people who attacked us on September 11, 2001, there will never be a surrender document negotiated with them.

Iraq was about replacing a dictator who was trying to make a joke of U.N. inspections, trying to make the world and his neighbors believe that he was acquiring weapons of mass destruction.

It was a dictatorship that was sending money to suicide bomber families in Palestine. It was a dictatorship that was making everything in the Middle East harder. It was a dictatorship that was shooting at American airplanes every day in violations of U.N. agreements. It was a dictatorship that is now in the ash dump of history. From this dictatorship we are trying to do something new and different for the Mideast, and it will inure to our benefit greatly as a nation: create the ability of different people from different backgrounds to vote for their leaders, to live under the rule of law, and not the rule of the gun. That makes us safer. It changes the Mideast, and it is a great blow to the terrorists. That is why they enlist. That is why they keep reenlisting. That is why they are dying.

Now, our majority leader, Senator REID, who is a fine fellow, and I have enjoyed working with him, has made a colossal mistake for the ages by declaring this war lost. Not only does it run against the grain of the way Americans feel about combat when our Nation is at war, it runs against the reality of the consequences of having declared the war lost. To me, it shows a lack of understanding of what that statement means because when you say the war is lost, the next question to ask is, if we lost, who won? In war, there are winners and there are losers, and if the majority leader has declared us the loser, then the question needs to be asked by the world and this country: Who won that war in Iraq?

Well, I will tell you who will claim credit for winning the war in Iraq—al-Qaida. They will put on their Web site and in their propaganda to anybody who will listen: We won in Iraq. I guarantee you, if we lost, they won. Do you feel comfortable with that as a Senator representing the United States of America? I don't.

Who else won, if we lost? The Shia extremists who are trying to turn Iraq into a theocracy aligned with Iran. Does that satisfy you as a United States Senator? Is that OK with you? It is certainly not OK with me. The Sunni extremists, they won, the ones who are trying to take Iraq back to the good old days of Saddam.

Who are the biggest losers beyond us? We know who the winners are, the extremists in Iraq and al-Qaida, the ultimate extreme group. If you believe giving these groups Iraq makes us safer, you know nothing about human behavior or history as a whole.

This is not Vietnam, I say to my colleagues. This is the 1930s all over again where we have world leaders trying to appease a tyrant—give him Czechoslovakia, give him one more country, him being Hitler. Did that satisfy his appetite? The moral of the story is that when we let tyranny go unchecked, when we give into the dark forces of humanity, when we allow people who slaughter the innocent to win wars, we don't end their desire, we whet their appetite.

We have not lost this war. We will never lose this war as long as we have the will to win. If we have half the political courage as those who reenlist and go back three and four times, or the physical courage, there is nothing we can't accomplish in Iraq.

Some people worry about their next election, and they are trying to get right with the polls. My focus is on those who reenlist time and again and who are literally sacrificing everything they have to offer to their family and to their country.

So when we mention the death of someone wearing the uniform in the service of our Nation as a reason to withdraw from a war we cannot afford to lose, shame on this body. This bill will be vetoed. This new general, General Petraeus, is committed to winning, has a plan to win, and the question is, Are we going to undercut him?

If you passed the legislation and this legislation went to the President's desk and he did not veto it, then you would be cutting the legs out from under General Petraeus. You would be making everything that he is doing impossible to accomplish because you would change the dynamics on the ground so he would have no chance. And, yes, it is working. Violence is part of the 21st century. Israel lives with this every day. They don't let suicide bombers define the fate of Israel.

Are we going to let suicide bombers define the foreign policy of the United States? If we give them Iraq, you better double the size of the military because we are going to go back with a bigger war, not a smaller war. So I hope once the President vetoes it, we will understand that this new general with a new strategy is our best chance for success—with no guarantee because we have made so many mistakes in the past.

The biggest mistake was not having enough people to secure the country. If we want political reconciliation, which we know we have to achieve to win in Iraq, how can we have it without security? Why don't we have security? We let the country get out of control. We didn't have enough troops on the ground or enough capacity to train and fight.

We are doubling the size of the combat capability in Baghdad, and it is working. Mr. President, 16 of the 21 sheiks in Anbar Province have rejected al-Qaida and aligned with us. Six months ago, Al Anbar Province, where the Sunnis live, I would have written off. But now it is the greatest success story of the new strategy. We are still losing people in Anbar, but we are fighting along with the sheiks to combat al-Qaida because they have seen what al-Qaida holds for them and they have said, no, they don't want to live under the al-Qaida banner. They have tasted it and it doesn't taste well. They are coming our way.

Four thousand marines in Anbar province are making a huge difference. The sheiks, the tribal leaders, called for the young people of Anbar Province to join the police—before, we could not get anybody to join the Iraqi police—and they came in such large numbers that hundreds were turned away because we could not process them. Diyala is a result of success in Baghdad. Al-Sadr left Sadr City because we are in there now and are going to places we have never gone before. The mayor of Sadr City aligned with us, and they tried to kill him. He is in the hospital clinging to life. He tasted what the Shia extremists had for his people, the Shia, and he said no.

The only people I know of right now who seem to believe walking away from the fight in Iraq doesn't have severe consequences for the world are the ones in this body. I cannot envision a failed state in Iraq leading to a more secure United States. I cannot envision walking away from Iraq, declaring the war lost, not empowering al-Qaida beyond any other single event that we have engaged in since 9/11. The consequences of destroying General Petraeus's chance to be successful are enormous for the national security interests of this country.

Declaring a war lost by the Senate majority leader is unprecedented, ill-advised, and it is something we need to quickly correct because if we have lost, the people who will claim victory are our worst nightmare. We will be sending young men and women back to the Middle East to fight extremism in other countries as far as the eye can see or we can give this new general a chance to be successful, give him the time, the money, and the resources he needs to be successful, honor each death as a noble sacrifice for the cause of our freedom—for our own freedom, for the alignment of moderation against extremism—or we can let the car bomber and the suicide bomber drive us out of Iraq. We can let them dictate our foreign policy.

If we do that, we can come back home thinking we are safe, but we will have unleashed Pandora's box. The Gulf States are next if we lose in Iraq, and then eventually Israel. The consequences to our national security interests could not be greater.

Americans understood what it was like to live without freedom 200 years ago. That is why they died for it. There are people in the Mideast getting a taste of it. Let's side with those who believe in freedom against those who want to take us to the dark ages.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business on another subject for up to 10 minutes.

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

FIRST RESPONSE BROADCASTERS ACT

Ms. LANDRIEU. Mr. President, I rise today not to speak about the Iraq war or the supplemental, which has been the focus of this morning's debate. I will return to the floor later to speak on both of those subjects. I wanted to take a minute this morning, while we had some time, to speak about a bill I intend to introduce later this week with my cochair, the ranking member of our new Subcommittee on Disaster Recovery, Senator TED STEVENS from Alaska, and other members of my subcommittee, Senators CARPER and PRYOR, as we begin to lay down pieces of legislation that are apparent and necessary to improve the general disaster response for this country, which has been found to be severely lacking.

The bill I will introduce later today is called the First Response Broadcasters Act. It is a piece of legislation, as I said, I will be filing with other members of my subcommittee.

As my State continues to rebuild out of the rubble and destruction and devastation of the first and third worst natural disasters to hit the country, and the subsequent levee breaks that filled up a major American city within 24 hours and continues to wreak havoc on those struggling to get home and rebuild their lives, we learned one of the most vital lessons was that information—good information, accurate information—was not only vital, but it was essential as the first building block to our recovery. In providing it, all of our local media—broadcasters, Web sites and newspapers—did an amazing job to keep the people of Louisiana and our region and the gulf coast informed. Frankly, they also kept informed the Nation and world community that was aghast at what was happening in south Louisiana and the New Orleans region from Katrina, and in the Southwest region from Rita 4 weeks later.

With phone lines down, cell phones out, and streets too flooded to move around to get any kind of perspective about what was actually happening, and where the 4 to 20 feet of water was coming from, when we had never seen anything like that in the history of our city, the sound of local radio and television stations was what hundreds of thousands of my constituents relied on. It was the only voice for them in the first darkest days and nights, and it continued for weeks and months. Actually, Mr. President, it continues to this day. And because of the credibility of our local broadcasters at a time when the public needed them, they were there. Our local broadcasters provided lifesaving information.

As you will recall, we have lost over 1,000 lives in Louisiana and over 200 lives in Mississippi. But many lives, I am convinced, were saved because broadcasters, having lost their own stations, their own equipment, their own homes, and with their own loved ones missing, stayed on the job. More importantly, they stayed on the air so the reporters could report what was happening, and even those of us in powerful positions could get a better handle on the situation.

As local radio and television stations stand up, as so many did, and put commercial interests aside to serve the public interest, the Federal Government, in my opinion, should be ready to stand up with them. That is what this bill is about. It is not a long or complicated bill. It really doesn't cost very much money. But it will have a major impact as this Nation tries to fashion better responses for our country. We are in desperate need of new tools, new tool boxes, and this is one of them.

In fact, for more than 50 years, we have required local broadcasters to be at the front line of sounding the alarm in a disaster. With the entire industry dependent upon public airwaves, broadcasters have a duty to serve the public in times of crisis. That is what so many of them did.

This is why stations today are required by law to be part of the emergency alert system. At the system's core are 34 primary entry points, radio stations with direct lines from emergency command centers in Washington and in their State. But half of our States don't even have these entry points. To receive an alert in Mississippi, for example, you needed to rely on the message being passed on from station to station from an entry point in Louisiana.

One of the several things this bill does is add primary entry points to every underserved State and region to make sure every State has an equal chance to be well prepared when disaster strikes and to try to put their best assets forward. I have said many times that all the assets in the world, all the plans in the world are not worth the paper they are written on, or the text found on Internet Web sites, if you cannot communicate them at the appropriate time to the appropriate people in the appropriate order.

What good is a successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, a transmitter needs to be in the same area as the people in need of a warning.

Despite our Federal investment in emergency systems and entry point stations, there were several gulf coast broadcasters after the hurricanes who could not stay on the air simply because the Government, our Government, took their fuel away. Let me repeat this. The stations struggling to stay on the air, to tell first responders and others what was actually happening, to try to get their signals up, their electricity up, so when people in Washington kept asking what is going on, we could give some answers, the fuel was confiscated because some low-level FEMA person decided they had higher priorities.

When this bill is passed, local broadcasters will be on the list as first responders, and their food, water, and fuel will not be allowed to be taken away, so that the public can get the information they are desperate for in as independent and accurate way as possible.

It also creates a matching grant program. It also helps to bring broadcast engineers back into the disaster zone more quickly to restore transmitters and other key facilities.

No disaster warning evacuation plan or emergency instruction matters if it cannot get to the people who need to hear it. That is basically why this bill is so important.

Finally, the bill is very important for the journalists, who depend on all of this equipment, technology and access to do their job, which is to report the story in as accurate a fashion as they can to the public that needs to respond, as well as the first responders themselves, and to Government leaders.

For journalists working to tell the story, newspapers and Web sites included, the bill makes sure that the local officials who know the local reporters best decide where the journalists can go, who can go and how long they can stay.

Again, there will be no longer a contract, part-time FEMA official directing the news media or the broadcasters. The law will govern their basic rights, put them on the right list, make it clear they themselves are first responders and, in this Senator's view, extremely important first responders.

I am extremely pleased to have Senator STEVENS join me. This is a bipartisan bill. It is not complicated, it is rather simple, but critical as we begin to stand up a better disaster response this country is certainly most worthy of. The people of Louisiana, Mississippi, Texas, Florida, and other parts of the country are still suffering from disasters that in split seconds, in minutes, sometimes in a few hours, dash the hopes and dreams of millions of Americans.

We cannot prevent tornadoes. We most certainly cannot prevent hurricanes. We cannot prevent earthquakes. We can do a better job of predicting them. But the most important thing we can do is to warn people and help people deal with these terrible tragedies that come their way.

In this Senator's view, we have a lot of work to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICA COMPETES ACT

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 resources directorate of the National Science Foundation.

Bingaman (for Sanders) amendment No. 936, 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.

This morning we have 30 minutes of debate on an amendment I offered yesterday afternoon. This amendment deals directly with the National Science Foundation, which I think many Members of Congress believe is the crown jewel for Federal initiatives, investment, and funding of basic scientific research—research in chemistry, mathematics, physics, material science—that provides benefits that are spread over countless areas of our economy, provides benefits over very long time horizons. This is basic research the markets don't invest in, venture capital firms don't look at. It is fundamental science carried out at the best laboratories and universities across America.

I worked at one time in my career as an engineer. I studied to be a mechanical engineer. I worked as an electrical engineer. I have a little bit of an understanding of some of the scientific principles these laboratories, scientists, and graduate students work on every single day. I certainly have enough appreciation for these concepts to recognize that no Member of Congress should be telling the professional leadership, the academic leadership at the National Science Foundation, which program should be funded on any given day, month, or year. That is why the National Science Foundation has a competitive process, a peer review process where ideas are submitted and approved by panels of experts in each of these areas.

As I say, it is competitive, it is free from politics, free from earmarks, the pet projects and pet policies of legislators, whether they are Democratic or Republican. They are insulated from those things, and that is why it has been so successful.

Unfortunately, in the underlying bill before us, there is for the first time ever a provision to set aside some of that money for a specific area of interest. It may be an interesting area and a very valuable area—the area of human resources and education—but never before have we set aside in legislation funding in this way: over $1 billion of the approximately $6.5 billion the National Science Foundation has to spend each year being set aside for this purpose. For the first time, it guarantees a specific authorization. For the first time, the legislation would guarantee a specific increase for this particular area in outyears. For the first time, and maybe even what I think is most fundamentally wrong, it says that because of these protections, this is a more important area. We don't provide this protection to chemistry or physics or computational mathematics. They do not get a designated allocation in this bill. They do not get a specific increase in funding year on year in this bill. But we give it to the area of human resources.

As I said, that is a worthwhile area for investment, the side of education, it can certainly make a difference, but when we start setting it ahead of, on top of, and at a higher priority than the physics, chemistry, computational mathematics, for which the National Science Foundation is not just designed but for which it is world renowned, we are making a huge mistake. We make a mistake not just because it is wrong to set it ahead of these other programs but it is a mistake because it sets us on the wrong path, because the next time we do legislation such as this, someone else is going to want to set aside funds for another initiative and someone else is going to want to guarantee an increase for another area of programming. Over time, we will undermine, weaken, and perhaps even destroy the integrity of the competition and peer review process that is at the heart of the National Science Foundation.

Those who will oppose this amendment will say this is about human resources and education and we care about those things. Well, I care about those things also, but it is still wrong to carve up the National Science Foundation funding in this way. Moreover, if we care about the education initiatives for science, technology, engineering, and mathematics, we should be looking at the report of the Competitiveness Council that categorized over 106 different science, technology, education, and math programs in 8 or 10 different agencies, and 34 of them are within the National Science Foundation, but a dozen are within the Department of Agriculture, 13 in the Department of Commerce, 9 in the Department of Education, 9 in the Department of Defense, 6 in the Department of Transportation, and so on.

Where in this bill did we look at these 106 programs to make them work better? Where in this legislation did we review which of these programs is most effective and most focused on encouraging students to pursue careers in science, technology, and mathematics? Rather than do that, the authors of this particular provision, section 4002, say, well, the National Science Foundation does work in these areas, so let's make sure they are guaranteed $1 billion a year and guaranteed increases over time.

I think that is the wrong approach to take. It is the wrong approach to take for the National Science Foundation. The scientists who are supported by that foundation have visited me in my office—I am sure they have visited with many other Members of Congress—and time and time again they have said, protect the peer review process, protect the investment in basic science and mathematics. That is what I intend to do as a Senator, and that is why I have offered this amendment to strike that provision that sets aside funds, that guarantees an increase, because it is not the right way to deal with the National Science Foundation.

Mr. President, I yield the remainder of my time.

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 the 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 Senator 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 401. You can see for the next 4 years there are substantial increases. I would reiterate, as we have many times in this debate, these are authorizing levels. This is not actual appropriation of money. That is the heavy lifting which we are going to have to do later on this year. This authorizes, however, significant increases in funding for the National Science Foundation.

As appropriations for the National Science Foundation increase under this legislation, under S. 761, funds for the education and human resources programs will also increase by a proportional amount. We are not in any way

diverting funds from basic research or other activities of the National Science Foundation, and we are not specifying that they do things they have not traditionally done. The National Science Foundation has a very impressive record of accomplishment in education at all levels with regard to science, engineering, and mathematics.

The National Science Foundation is the engine of innovation for K–12 science, technology, engineering, and math education. Strengthening science and math education is a core mission of the National Science Foundation. This is not a sideline, this is a core mission. When the agency was founded, Congress recognized the importance of involving scientists in the critical questions relating to science education, and they made science education a key part of the agenda of that agency. The National Science Foundation programs range from graduate fellowships to programs for secondary school teachers, to informal museum programs. They are designed to attract students to science, engineering, technology, and mathematics. They are designed to give them the preparation and the fundamental knowledge they need to pursue undergraduate and graduate degrees, and they are designed to support the completion of those degrees.

The EHR, which is the education and human resources directorate within the National Science Foundation, also pursues ways for advancing participation and equity in access for all who are interested in pursuing careers in these fields. As a research and development institution, the National Science Foundation is uniquely situated to bring insights to science and math education, and that is the reason why we gave them that job.

The National Science Foundation education programs are a catalyst for change in education, and they have been demonstrated to do that. Let me give one example of a successful program, which is NSF's math and science partnership program. An analysis of 123 schools that participated in that program shows improvements in student proficiency in math and science at the elementary, the middle, and high school levels over a 3-year period. This year, the National Science Foundation's budget includes $30 million for these MSP, or math and science partnership, awards.

A recent report by the Academic Competitiveness Council found that of the 10 math and science education programs at various Federal agencies they evaluated, all 4 of the programs they found to be effective were being run out of the National Science Foundation. So the authorization level for education and human resources in this bill reflects what the President asked for in fiscal 2008, plus an adjustment of $300 million to allow for the new programs authorized in the bill.

Let me directly respond to the main points I understood my colleague from New Hampshire to be making. He started by saying no Member of Congress should be telling NSF how to spend their money, basically. We do that every time we pass an appropriations bill. We tell NSF how to spend their money. We also do it whenever we pass an authorization bill. The last time we passed the NSF reauthorization, which I think was 2003, we specified there precisely how much would go into education versus into other types of activities. So this is not in any way a change.

I think everyone in Congress knows the one thing we are good at is micromanaging. We do not give tens of billions of dollars to any agency and say do what you want. We tell them we want this much spent on research and development, and we want this much spent on education.

The one other point my colleague from New Hampshire made is we should not get into interfering with the peer review system, which is designed to ensure the best activities are chosen. We anticipated that problem and agree entirely with him. Section 4007 of this legislation, on page 183, is entitled ''Reaffirmation of the Merit-Review Process of the National Science Foundation,'' and it says:

> Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation (1) alter or modify its merit-review system or peer-review process; or, (2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

So there is nothing in the section the Senator would have us strike that in any way undermines the peer review system. That is certainly something I would not support doing.

I believe very strongly this is not a good amendment; that deleting section 4002, which is what the Senator's amendment would do, would be a substantial mistake, and I urge my colleagues to resist the amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, how much time remains?

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, which is the 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 way it is done in the current bill.

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 consideration for this area of funding that isn't 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 is much more specific than this, where, ultimately, allocations are made in the specific areas of research, chemistry, or physics. That is based, however, on a request by the National Science Foundation itself in front of that Appropriations Committee. It is based on an exchange for that given year.

I would agree with you, the peer review process needs to be protected. We shouldn't be specifying in authorizing language—even if you make the point it is not meaningful because it is only an authorization—we shouldn't be specifying how much money we are going to allocate to superconducting materials in 2008 or how much funding we are going to authorize for plasma physics in 2009.

We should be much more responsive than that, not prejudge what the needs of the National Science Foundation are going to be in the outyears.

Mr. ALEXANDER. Mr. President, I will take 30 seconds, if I may. I think I am reading this differently than is the Senator. I am reading the authorization language for the year 2003, 2004, 2005, 2006—the existing law, there are specific authorization allocations for each year, not just for education but for research and for research equipment and for salaries and expenses. It goes up each year in the authorization language that exists today. So we are reading a different bill. I will be happy, if I am a part of any conference discussion, if it would help with his concerns,

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 projects. I understand the education role. 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 setasides for an area such as this.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. 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 just 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 the 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 senior 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. But there is no question that it does two things at least and, in most cases, more. It does research, but it also does education. That is enumerated in the year we are in and enumerated in the outyears. That, along with other activities, including research that the Senator is worried about, is enumerated and protected by an actual appropriation; that is, the thing that worries him is the one that should 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 there. Both 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 instrumentation 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 Hampshire.

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, I 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 makes it 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. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—24

Allard	DeMint	Kyl
Bunning	Graham	Lott
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Sununu
Cornyn	Hutchison	Thomas
Craig	Inhofe	Thune
Crapo	Isakson	Vitter

NAYS—74

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Inouye	Roberts
Brown	Kennedy	Rockefeller
Brownback	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Stevens
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Corker	McCaskill	Webb
Dodd	McConnell	Whitehouse
Dole	Menendez	Wyden
Domenici	Mikulski	

NOT VOTING—2

Johnson	McCain

The amendment (No. 938) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

Mr. BINGAMAN. Mr. President, let me just get the attention of Senators for a minute. We made good progress on this bill yesterday, and then, of course, we just had a vote this morning. We are anxious to try to complete this bill before this briefing which is scheduled with General Petraeus at 4 o'clock this afternoon, if we possibly can. So we would be very appreciative if Members would come to the floor with any amendments they have and offer those amendments and take a short time to explain them. For any of them it appears we can accept, we are glad to try to accept them. Some we will not be able to accept. But we are anxious to get any additional amendments any Senator wishes to have considered brought to the Senate floor as soon as possible.

I believe both Senator DOMENICI and Senator ALEXANDER want to say a word, and then I believe Senator SANDERS wishes to speak to his amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just want to second that motion as to what Senator BINGAMAN just said and ask Senators on my side of the aisle to take a look, as soon as you can, with your staffs at this bill and tell us whether you have amendments. If we are going to finish at a time certain, 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 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 employees being able to have an invested ownership in 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 BAUCUS 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 equally divided as 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.

The Senator from New Mexico.

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 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 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 learned; but time and chance happen to them all.

America is used to being the swiftest. We are used to being the strongest. America has become used to winning the race. We have become used to receiving the cream of the world's wealth. But we would do well to heed the warning of Ecclesiastes, for time and chance will happen to us, as well.

New global competitors have entered the race. Over time, they are growing stronger and more learned. America cannot leave winning the race to chance. We must redouble our speed. We must redouble our learning if we are not to fall behind.

That is why I started in June of 2005 delivering a series of addresses on America's economic leadership. That is why, during the last Congress and this one as well, I have introduced a series of bills addressing American competitiveness. Those bills dealt with education, with energy, with trade, research, and savings. That is why much of the work of the Finance Committee this Congress this year will address America's economic competitiveness.

The Finance Committee will shortly mark up education tax incentives. We will follow with tax incentives for cleaner and more renewable energy. This year we intend to extend trade adjustment assistance, and we hope to address small business health concerns as well. Each of these bills will help American businesses remain the world's leaders.

The bill before us will help, and it will help a lot. The bill before us will promote excellence in education, technology, and science. I hope to contribute a series of amendments to this bill. Each, I believe, will bolster America's economic competitiveness.

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 change the way 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 learning 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 exports.

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 weakness lie. These data are critical to knowing where jobs are being created and how to build on those successes. These data are equally 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.

For example, 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. This injection of resources 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 $8 billion by 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 revolutionary technologies 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 the agency by establishing a direct reporting link to the President.

The underlying bill has taken a critical step forward by proposing an ARPA–E. It is now up to the Senate and House to make this terrific idea a reality to address the issues of energy security, energy supply, and global warming.

By advancing amendments like these, we can help to ensure America's economic leadership.

Let us thereby help to ensure that America's business remains the swiftest. Let us ensure that our economy remains strong. Let us not leave our economic future to time and chance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MCCASKILL. Mr. President, I am a proud cosponsor of the important legislation we have been debating this week in order to help America compete, to put America in a competitive place with the rest of the world on technology and engineering. I know how important it is that we make smart investments right now. In a previously adopted amendment I cosponsored along with Senator DEMINT, we have adopted an amendment I proposed, along with Senator DEMINT, which is important to this legislation.

While I support this legislation, while I think it is very important we invest in technology and invest in the future of our economy in a new, global, technology-driven marketplace, I also am very concerned about the way we spend Federal money. I am very concerned about programs that are put in place that we don't check back on to make sure they are working the way they should and that we are spending money the way we should. The amendment that has been adopted—and I want to thank the managers of the bill for accepting the amendment—simply says this: In 3 years, the GAO has to take a look. The GAO has to come in and do a study on how we have spent all of these billions of dollars we are going to set aside—precious dollars—precious Federal tax dollars that, frankly, have so many needs right now, including bringing our deficit under control.

I understand sometimes you have to invest money in order to make our economy thrive, and I am all for that investment, but it needs to be a wise investment. The GAO needs to come in in 3 years and look at the way this money has been spent and tell the American people—and, most importantly, my colleagues in the Senate and our colleagues in the House—that this money is being used the way we want it to be used: efficiently and, most importantly, effectively. That will give us an opportunity to take the temperature of these programs to make sure we are not throwing money down a rat hole, that we are not coming up with a good idea and never having the discipline to follow up and make sure the money is wisely spent.

So I appreciate the acceptance of this amendment. I think it is important. I think doing the kind of followup scrutiny of Government programs is something that has been woefully lacking in Washington, DC, and I look forward to continuing to mandate GAO studies at intervals in programs such as this to make sure the money is being spent

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 morning business.

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 appropriations bill. This is the fifth year of our 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.

The exceptions to 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 this administration 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 terms of the Treasury of this country. Despite that, the President continues to send us emergency bills, unanticipated appropriations.

This time, almost $100 billion is to be added to the expenses 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 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 it is not to be taken out on 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 majority 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 want to 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 Member of Congress needs to do 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 it. 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 and biological 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-Qaida terrorists who caused 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 innocent civilians, 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 engaged. 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 about 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 active, heated debate over whether 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 sworn to secrecy. 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 couldn't make those 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 and al-Qaida—let's get this linkage put together once and for all. There was no evidence at all of a linkage.

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.

Now, 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 warring religious sects will 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 Iraqi Government, a Government which we have had a great deal to do with creating, 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 stand 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, who 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 decision in recent memory. The President has led 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.

The poor judgment of 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 can't imagine that family 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 this extension of the tour of duty for National Guard members is the largest extension since World War II? We are pushing these men and women to the limit. We are asking more of them than has been asked in 40 or 50 years. It is obvious that this administration had 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 trust that the Iraqis will listen. 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 commend 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—a great 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, the things they said 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 debaathification 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 in sectarian militias. No progress at all.

By March, the Government promised to hold a referendum on constitutional amendments. No progress at all.

By May, 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 June, the Iraqi Government promised to hold provincial elections. No date has been set.

By April, the Iraqis want to take over total control of the Iraqi Army. Not likely based on the current situation.

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 self-reliance. 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 twiddle their thumbs thinking about political possibilities?

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

There being no objection, the 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.'' Achieving that goal is largely 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 national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, if the Iraqi government does not make political progress on reforms, ''all the troops in the world will not provide security.''

Instead of dividing over the strategy on the war, the president and the Congress should make very clear to the Iraqis 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.

In calling for a specific withdrawal date, the House and Senate versions of the supplemental spending bill send a clear message to the Iraqis (even if they do face a certain veto). The worst mistake now would be to provide money for the war without sending the Iraqis any message at all about their responsibility for reforms. Both the president and the Congress at the very least must make the Iraqi government understand that future financial and military support is going to depend on Baghdad's making substantial progress toward the milestones Prime Minister Nuri al-Maliki has publicly committed to.

Unfortunately, with a few exceptions, little progress has been made. Consider efforts toward stabilizing democracy and achieving national reconciliation:

The Iraqis promised to achieve, by the end of 2006 or early 2007, the approval of a provincial election law (so far, no progress); approval of a law to regulate the oil industry and share revenues (while the Council of Ministers has approved a draft, it has yet to be approved by the Parliament); approval of the de-Baathification law to reintegrate officials of the former regime and Arab nationalists into public life (no progress); and approval of a law to rein in sectarian militias (no progress).

By March, the government promised to hold a referendum on constitutional amendments (no progress).

By May, the prime minister committed to putting in place the law controlling militias

(no progress); the approval of the amnesty agreement (no progress); and the completion of all reconciliation efforts.

By June, the Iraqi government promised to hold provincial elections (no date has been set).

As for security issues, things are not going much better. The Iraqis have increased security spending over 2006 levels as promised, but they are falling behind on the number of battle-ready Army units.

By April, the Iraqis want to take over total control of the Iraq Army (not likely based on current progress).

By September, the Iraqis want to be given full civil control of all provinces (to date they control 3 of 18 provinces).

By December, the Iraqis, with United States support, want to achieve total security self-reliance (too early to tell, but does anyone really find this likely?).

Yes, there have been some notable successes. For example, the Baghdad government has made good on its promise to appreciate the Iraqi dinar to combat accelerating inflation, and has increased domestic prices for refined petroleum products.

But particularly in terms of reforms needed to reconcile Sunnis and Shiites, progress has been minimal. And unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.

In seeking support for the so-called surge and the supplemental spending bill, the Bush administration argues that American forces have to provide temporary stability to enable the Iraqi leaders to negotiate political solutions. True, but after a while this becomes an excuse for inaction on the political reforms that are essential to stability itself.

This is why the Iraq Study Group report made clear that ''if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security and governance, the United States should reduce its political, military or economic support for the Iraqi government.''

Until the Bush administration and Congress can jointly convince the Iraqi government that this threat is real, there will be little chance of reaching the one goal on which Republicans and Democrats can agree: a safe, stable and prosperous Iraq.

Mr. DURBIN. Mr. President, this debate is long overdue. It is time for us to let them know we are coming home. It is time for them to understand in Iraq that they have received more from the United States than any nation should ever ask or hope for. We have offered up our best and bravest men in uniform. We have brought home those broken in body and spirit and said we will stand by them the rest of their lives, knowing in the process the sacrifices that have been made by them and their families.

We have spent $500 billion, which might have been spent in this country for a lot of things we desperately need—health care, paying for No Child Left Behind, medical research, basic investments in this country's future. We have given up on them because we had to spend the money in Iraq, and we continue to.

When it comes to this bill, which we hope to send to the President, he has already dismissed it with a wave of the hand. I am going to veto this bill, he says. Well, he is going to be vetoing a bill which is critically important. It is 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 dollars for the National Guard 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 the families 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 obviously an issue of significance, 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 a touch 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 in Iraq they are 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 Baghdad, and to give 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 get going 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 into chaos. It will probably 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 to Iraq as far as chaos. It 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 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 there is really, in my opinion, an act of cynicism. 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 goodness, 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?

That is the condition put 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, his captains and his lieutenants. The commanders become 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 significant conditions in a compressed 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 limits the capacity of 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. The consequences of that will be 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-Qaida 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 435 people running military decisions in the field. They 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 well, very, very well—and 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 new commander is 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 accuracy 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 when we are going to leave; that the freely elected Government of Iraq will not get the support it needs to survive as a stable and responsible Government; and that our soldiers will not 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 (Mr. MENENDEZ). Is there objection? Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I will yield to the chairman for a UC request before I bring up my amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy.

Mr. President, I ask unanimous consent that Senator DEMINT be recognized to offer amendment No. 930; that there be 20 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senator DEMINT and myself or our designees; that no amendments be in order to the amendment prior to the vote; that at the use or yielding back of time, the amendment be set aside to recur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 930

Mr. DEMINT. Mr. President, again, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 930 and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendment No. 930.

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

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

The amendment is as follows:

(Purpose: To prohibit congressional earmarks of funds appropriated pursuant to authorizations in the bill)

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DEMINT. Mr. President, my amendment provides what we call an earmark shield for the funds authorized in this bill, the America COMPETES Act, S. 761.

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 the 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 competitive or merit-based process, 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 recognize a 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 individual 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 merit as judged by 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 knowing 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. 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 creates an earmark shield for funds authorized in this bill to ensure they are allocated in the most competitive way.

It is important to recognize that a number of Members of this Senate from many different committees have placed the authorization of this money in very specific categories that we need to protect and not subvert. It is time for the Senate to begin taking steps to discourage the use of earmarks when appropriating funds for important programs and we need to make sure this bill is not a new slush fund for Congress. My amendment will not only preserve the integrity of the competitive allocation process, but it will also 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. BINGAMAN. Mr. President, 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 later this afternoon at a 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 best in order 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 would argue 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 provision or report 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 said 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 provision.

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 this different and more 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 VOINOVICH.

I ask 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:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.

—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses or evaluates assessments of the effectiveness of the new or expanded activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendations as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

AMENDMENT NO. 923, AS MODIFIED

On page 5, line 19, strike the period at the end and insert the following: '', including representatives of science, technology, and engineering organizations and associations that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b.''

On page 5, line 24, strike ''for areas'' and insert '', including recommendations to increase the representation 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, engineering, and technology enterprises, for areas''.

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

''(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

''(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

''(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, by type of institution, and barriers to access to institutions of higher education;

''(C) the rates of—

''(i) students successfully completing postsecondary education programs, identified by ethnicity, race, and gender; and

''(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

''(D) access to, and availability of, high quality job training programs;

''(12) the projected outcomes of increasing the number of 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; and

''(13) the identification of strategies to increase 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 12, line 20, after ''employees'' insert the following: '', including partnerships with scientific, engineering, and mathematical professional organizations representing individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).''

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) Nongovernmental organizations, such as professional organizations, that represent individuals 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.

AMENDMENT NO. 941

(Purpose: To clarify the types of expenses available to Regional Centers under the Hollings Manufacturing Extension Partnership program in meeting their non-Federal funding commitment, and for other purposes)

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

SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

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

''(3) FINANCIAL SUPPORT.—

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

''(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

''(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

''(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.''.

AMENDMENT NO. 960

(Purpose: To include the Great Lakes in research, development, and science education programs of the National Oceanic and Atmospheric Administration)

On page 48, line 9, strike ''ocean'' and insert ''ocean, coastal, Great Lakes,''

On page 48, line 22, insert ''Great Lakes,'' after ''coastal,''.

Mr. BINGAMAN. Mr. President, let me, to alert my colleagues as to the state of activity here at the current time, say what it is, as I understand it.

We have a unanimous consent agreement to consider three amendments Senator COBURN of Oklahoma wishes to offer. That will begin at 2 o'clock this afternoon. We are not certain if we will require a rollcall vote on all three of those amendments or only two of those amendments, but that will be determined in the future.

We also, of course, now have a unanimous consent agreement to have a vote on the DeMint amendment we were discussing. That will be scheduled presumably after we have the votes on the Coburn amendments or in some sequence around that same time.

I am informed we also have an amendment Senator INHOFE wishes to bring to the floor and to discuss and offer, which I hope can be done between now and the 2 o'clock time for beginning the discussion on the Coburn amendments. I see Senator INHOFE is on the floor. If he is agreeable to going ahead with his amendment at this time, he could argue in favor of his amendment, and then I will have some arguments against his amendment, and there may be others also wishing to speak against his amendment, and we could hopefully schedule a vote on that as well.

That is a total of five amendments I am aware of that may require rollcall votes. I hope we can get all of those amendments debated and scheduled for votes and voted on before we have the briefing at 4 o'clock, the briefing by General Petraeus. If we were able to do that, I don't know why we couldn't also go to final passage before 3 o'clock, or if there were a problem in doing that, of course, we could come back after the briefing and have final passage. But I know of no other amendments.

If Senators are sitting in their offices or their staffs are sitting in their offices with other amendments they intend to offer to this legislation, we urge they come to the floor and offer those amendments in the very near future.

I will defer to my colleague from Tennessee for his observations, but as far as I am informed, once we have disposed of these five amendments, we will have disposed of all of the amendments people have insisted on having rollcall votes on.

With that, I yield the floor and I will allow my colleague from Tennessee to speak.

Mr. ALEXANDER. That is my understanding as well. Senator GRASSLEY still has an amendment about which he

wants us to talk. That is the only other amendment I know about, other than the one you said. It is my hope we could follow the schedule the Senator from New Mexico suggested and finish the bill before 4 o'clock. I think that would be the sentiment of most Senators to whom I talked. It will permit us to move promptly to the business before us concerning Iraq.

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 those on the Finance Committee will 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, ending the deductibility 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, which we 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 Norm Augustine called ''Rising Above the Gathering Storm,'' and a report by the Council of Competitiveness 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 Norm 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 China on the Mexican manufacturing economy.

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

If we begin to lose ground, we are not going to win the race to low-wage jobs. Our ability to be the world's greatest economic power is going to depend on our creativity, our productivity, and our innovation. 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 the race we should be winning 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 innovation unless our citizens 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 at least 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 rooms, take 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

bill increases the offering of advanced placement and international baccalaureate programs and expands math and science specialty schools.

While we are beginning to take action in Washington, I proudly note that my State of Minnesota has been very active in ensuring the State's future workforce can compete with the best of them from around the world. Our Governor is a leader in the development of the National Governors Association Innovation America initiative. In Woodbury, a math and science academy is developing a curriculum to meet the needs of the 21st century workplace. In Brainerd, the chamber of commerce is developing an innovative program to transform education through five rural school districts by creating career pathways focusing on regional high-demand, high-pay occupations called Bridges Career Academies.

Minnesota is doing its part.

While the challenges to our leadership in the global economy are indeed significant, I am confident that through a bipartisan and public-private partnership approach, we will meet those challenges.

I have a series of amendments that I anticipate and hope the body will act upon before we conclude deliberation on this bill. One of them is a bonus grants program. Both of these I coauthored with Senator PRYOR. On the other one, he is the principal author. The bonus grants provide math and science partnership grants to three elementary and three secondary high schools in each State which make the largest year-to-year improvement in their efforts to score highly on the State's math and science assessment test. This is about putting our money where our mouths are. This is about providing reward and incentive for schools to do better in these critical areas of math and science.

The other amendment, which is a Pryor-Coleman amendment, No. 966, establishes a small business innovation, research, science, technology, engineering, and math workforce development grant program. This is a way to get leading small businesses to provide short-term workforce training opportunities for colleges in the field of science, technology, engineering, and math.

The one amendment I will not offer but I do want to bring to the attention of the Senate has to do with expediting the FBI background check on doctors and scientists. We have the world-renown Mayo Clinic in Rochester, MN, the greatest medical facility in the world. Some of the doctors have been waiting years to get background checks cleared. We are in danger of losing them. We need to move quickly.

I know the sense is that immigration issues will be dealt with at a later time. We need to deal with the immigration issue. We need to deal with it in the sense of stronger borders, guest worker programs, and we also need to look at some of these smaller pieces that are important—expediting the ability to get background checks so we keep the best and brightest in this country. That debate will be for another day.

Today, the debate is to ensure that America can compete in a global economy. This bill offers that opportunity. It is bipartisan. I am glad to be part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 955.

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

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 955.

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

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

The amendment is as follows:

(Purpose: To 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.

AMENDMENT NO. 955, 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, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS.

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

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 competition of United States tax competitiveness.

Mr. INHOFE. Mr. President, I have already stated what this 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 still use this 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 competition 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 say 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 rollcall vote. Perhaps we will know in the next few minutes.

AMENDMENT NO. 905, AS MODIFIED

While I have the floor, let me indicate there is an amendment which has been filed which relates to the Energy Committee's jurisdiction. It has been cleared on both sides. It is a modification that is at the desk to amendment No. 905 by Senator OBAMA. I ask unanimous consent that this amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

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

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

On page 78, strike line 21 and insert the following:

''(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—ADMINISTRATION

"SEC. 3195. MENTORING PROGRAM.

''(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering. The program shall pair mentors with women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

''(b) PROGRAM EVALUATION.—The Secretary shall annually—

''(1) use metrics to evaluate the success of the programs established under subsection (a); and

''(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 the pending amendment aside 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 follows:

(Purpose: To increase the fee to be paid by employers of H–1B nonimmigrants and to set aside 25 percent of such fees to improve programs and projects for gifted and talented students)

At the appropriate place, insert the following:

SEC. ___. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

Mr. GRASSLEY. Mr. President, in his bestselling book, ''The World is Flat,'' Thomas Friedman discusses the challenges of globalism using the metaphor of the world getting flatter to describe how 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 socioeconomic 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, we sometimes 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.

Now while we 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. As a result, it takes a great deal more to keep them challenged and stimulated.

If they are not sufficiently stimulated, they 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, wrote an important 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 very 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 H1-B visas for highly skilled foreign workers to immigrate to the United States and to use that additional funding for the Jacob 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 nationwide.

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 talent from abroad and use it to invest in talent for the future here at home.

Doesn't it make sense if we are using our educational system to bring students or workers over here to train them better—they take advantage of our higher education system; they take advantage of our educational system generally—wouldn't it be wise to use those resources so we can enhance the opportunity we have for our own gifted and talented students right here in the United States?

We have to put more attention on education. Now, I am offering a Federal program, I know, or the expansion of a Federal program, and funding it in a

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 I think 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 homebred students whom we have—as opposed to thinking we have to rely, in the 21st century, in this great country 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 withdrawing it, I am doing it 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 lastly—and the one thing that is most important—parents, to a greater degree than they are presently, have to be involved and show interest in the education of their own kids, and supporting the great teachers of this country 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. I wish I had been able to convince the people on the Judiciary Committee that we ought to advance this amendment here at this time because it is very associated with the competitiveness of our society and the purposes of this bill.

AMENDMENT NO. 914 WITHDRAWN

But I ask unanimous consent to withdraw the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, today, I join with over 60 of 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 acknowledge 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 that 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 very 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 focused on the key recommendations in the ''Innovate America'' and the ''Rising Above the Gathering Storm'' reports. There are a lot of folks with plenty of good ideas out there. By sticking to the recommendations in these two groundbreaking reports, however, we 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 chairmen 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 stimulating 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 not 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 had dropped from first to sixth place in its Global Competitive Index.

We must address the long-term competitiveness 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 technologists with 4-year degrees, while the United States graduated about 140,000. 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 would do 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.

Unfortunately, last 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. Sixteen other countries performed better 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 did—23 other nations. This was on an international standardized math exam.

Other countries have more scientists and mathematicians teaching science and math. In the United States, we mostly 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 back 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 actually taking 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 must try 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 learn 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 as much 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 students' 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 very important part of maintaining 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 every good idea that has come along in math, science, and technology areas. We were able to keep this work product fiscally responsible while addressing critical needs, and a big part of that was including 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 economy in 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 with 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 I was in 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 only 25 percent of its population to have more literate and educated people than the total population of the United States. This trip reinforced my belief that we need to ramp up our efforts in the areas of education and labor to keep our country competitive.

Add to this perspective the fact that China has 20 percent of the world's population and has sharply increased the proportion of its college-age population participating in higher education from 1.4 percent to over 20 percent in just a generation. It should not be surprising that a substantial portion of our workforce now finds itself in direct competition for jobs with highly motivated and often well-educated people from around the world. Unless we pay attention to these facts, this competition will only increase in the future.

Here are a few of the facts that I find paint a compelling picture and show why this legislation is needed: Business is spending billions each year to train new employees and remediate the educational skill gaps of those already in the workforce. The American workforce is aging—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. In addition, 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 other words, within 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 shortage.

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 institutions 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 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 support students trained 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 support the education components of this bill. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. In this global economy, learning is never over and school is never out. Every American can and should be part of our Nation's success. The education and skills of today and tomorrow's workforce were a high priority for me even before I became chairman and now the lead Republican of the Health, Education, Labor, and Pensions Committee.

The America COMPETES Act is a good starting point, but we need to do more. Maintaining America's competitiveness requires that all students have the opportunity to continue to build their knowledge and skills. We need to find ways to encourage high school students to stay in school and prepare for and enter high-skill fields such as math, science, engineering, health, technology, and critical foreign languages. For many, including those at the cutting-edge of science, technology, engineering, and mathematics, acquiring a postsecondary education or training will be the key to their success. Therefore, I remain committed to reauthorizing the Higher Education Act.

Individuals in the workforce often need retraining to keep up with our fast-paced economy. Businesses also need help in finding well-qualified individuals to meet their needs. The Workforce Investment Act and the system created to support it provide those needed services. We must reauthorize the Workforce Investment Act this Congress.

Finally, our children need a strong foundation of knowledge to succeed in both education and knowledge. The No Child Left Behind Act provides funds to States and local school districts to support our neediest and most disadvantaged students. Those students need a hand up in order to succeed in the future. I look forward to working with Chairman KENNEDY to reauthorize the No Child Left Behind Act this year.

Fifty years after Sputnik, the United States is in another equally important race that will define our leadership. This race is fueled by innovation, education, and skills. Its success is measured by jobs and prosperity for American families. It is a race we cannot afford to lose.

I ask my colleagues to support the passage of the America COMPETES Act.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL, together with Senators BINGAMAN, ALEXANDER, INOUYE, STEVENS, ENSIGN, KENNEDY, ENZI and a majority of the Senate, in this bipartisan effort.

I particularly commend my colleague from Nevada, Senator ENSIGN, for his foresight and leadership on innovation and competitiveness issues. Beginning in 2005, I started working 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 Commerce Committee, Senator ENSIGN and I supported a bipartisan approach, focused on talent, investment, and infrastructure, to sustain and enhance U.S. science and technology leadership for the future. The National Innovation Act addressed a number of the most critical issues involving technology leadership in the United States, realizing 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 ENSIGN 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 of keeping the 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 and opportunity 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 alternative 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, fields, into successful teaching careers. 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 classrooms 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 school graduation numbers 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 bill I 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. Basic research outcomes have 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, their 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 trainee 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, and engineering.

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.

The 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 scientific research. Late in 1944, President Roosevelt called on a leading science and engineering advocate, Vannevar Bush, to report on how the Nation should prepare in the post-World War II era to deal with the ''new frontiers of the mind [that] are before us'' and to ''create a 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 must continue 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 fuel 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 cosponsor the America COMPETES Act because it proposes a meaningful response to that loss of leadership, and I compliment the bill managers on the bipartisan manner in which the Senate 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 underrepreseneted groups, including women, to a level reflective of 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 our Nation as a competitive strength, we will diminish our capacity to innovate. Full participation by all segments of our populace would do more than just increase the number of workers in high technology fields; full participation would bring fresh perspectives and inventive solutions.

To increase participation, I have offered several amendments to America COMPETES. The first establishes a mentoring program to support women and underrepresented groups as they progress through education programs being proposed at the Department of Energy. Mentoring is an effective means for experienced scientists to provide professional assistance and advice to developing scientists, and such a program would ensure the success of these education programs. I also propose that women and minority scientists and engineers be represented and consulted as strategies are developed to increase America's competitiveness. This inclusion should occur at the proposed National Science and Technology Summit, on the President's Council on Innovation and Competitiveness, and elsewhere. If the concerns of diverse groups of technology professionals are not heard, it will be too easy to overlook the advantages these groups can bring to the innovation landscape.

I have also proposed that, to profit from the strength of our diversity, we must start with America's young students. Summer is a time when, as a result of summer learning loss, young students may lose several months in math skills. The summer learning loss is greatest for children living in poverty. Summer programs combat this loss, accelerate learning, and can serve to close the achievement gap in mathematics and problem-solving that currently robs us of the talents of too many children. I have introduced an amendment that supports summer learning opportunities, with curricula that emphasize mathematics and problem solving, aligned to the standards of school-year classes.

Finally, I propose that one of the major challenges facing us is an issue we understand on the basis of science; an issue that can be solved, at least partially, through technology; an issue that has the potential to greatly affect our competitiveness. It is an issue offering both challenges and great opportunities. Therefore, I am proposing an amendment to create a Climate Change Education Program to broaden our understanding of climate change. The program would emphasize information to help us comprehend climate change and to promote implementation of new technologies that would ensure our place as an international leader, willing to use science to understand our world, willing to apply technologies to address the serious challenges facing us.

I urge my colleagues to support these amendments.

Mrs. CLINTON. 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 support the America COMPETES Act as an original cosponsor 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 avenues—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 scientists, engineers, and inventors 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 means 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 supplies 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 in their report. 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 everyone 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 also 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. I am pleased our amendment 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 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 Fellows and Newton Master Teachers for all they do every day to improve math education for students in New York City and around the country.

The America COMPETES Act is a comprehensive strategy to help America 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, section 2005 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 fields of math, science, engineering, and 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 JEFF BINGAMAN 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 teaching our children in the areas of 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 in India, 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 always 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 who starts out as a freshman, 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, the numbers are alarming: Hispanics, 25 percent, Blacks, 11 percent, Whites, 6 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, community leaders 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 that next generation. That is why the America COMPETES Act is so very critical.

This bill will improve teacher training in math and science by creating summer programs hosted by the National Science Foundation.

This bill will increase the support for Advanced Placement Programs to expand access for low income students so they might perform better in college preparatory courses.

Over the next decade, this bill doubles the investment in basic research at our Nation's leading Federal scientific research facilities so that we can take research out of the classrooms and put it into real-world applications.

That last point is equally important as the previous two. Yes, we should expand the math, science and engineering training for teachers, but we also need to focus now on the kinds of research that will elevate the production of technological innovation.

I am certain all of us come into contact with a computer every day, and it is a safe bet that many of those computers have an Intel chip inside.

One of the people who worked on the Academies report, Craig Barrett, the chairman of Intel, points out that 90 percent of the products his company delivers on December 31 did not even exist on January 1 of that same year.

That is an amazing pace of change. Handheld computers, Blackberrys, flash drives, the iPhone—these kinds of advancements create opportunity and demand for human capital. Human capital can harness science and opportunity—and keep our Nation at the cutting edge of global innovation.

So the challenge is clear we need to ensure our young people have the tools they need to harness their brainpower and keep up with the rate of innovation. That's going to take a greater commitment to public education in the areas of math, science, and engineering.

And I can tell you that if our children can't, won't, or don't take advantage of these opportunities, the children of other countries will. Our task is to commit to their success and this legislation does just that.

To conclude, I will say that the Federal Government alone will not solve these problems, and I don't believe Congress has a magic bullet to address all—or even most—of the challenges mentioned here today.

I do, however, believe we can all support the legislation before us today. The report by the National Academies panel is a fair and realistic assessment of how we ought to proceed.

Who could argue that we shouldn't look at ways to increase the pool of qualified math and science teachers, strengthen the Nation's commitment to research, make the United States the most attractive place to the Nation's and world's brightest minds, and ensure we protect intellectual property while allowing the freedom to innovate? These issues deserve the attention of our Nation.

I know—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's work will give us a better 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 biotechnology, 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 underlying knowledge from NSF-supported work in biology, physics, chemistry, 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 humans 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 Administration has strongly supported the life sciences, the physical sciences have been left behind. This has resulted in a major funding disparity between the life sciences and the physical 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 undermining the physical sciences, which provide the underpinning for medical 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 industry 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 MIKULSKI and I, along 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 funding. 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 critical that doubling funding for NSF remain 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 advancement. For these reasons it is important to support the America COMPETES Act and make an important investment 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 we are preparing our young people to be competitive and working to secure our Nation's future in a global economy.

That need has never been more urgent than today, when globalization and technology are tearing down the walls of geography, language, and income. Globalization has brought increased educational, technological, and societal advances to regions that only once dreamed of innovation. Today, as nations abroad are gaining a competitive 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 reality. On international assessments, our young people score below the average compared to other developed nations 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 increasingly 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 continue, 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 investing 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 marketplace. We stand at a critical juncture, and how we proceed will determine the future for generations to come.

That is why this legislation is so critical—it is a commitment that we will do what is necessary to strengthen our Nation's future. This legislation will both bolster our research and development 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 establish programs to improve math instruction for elementary and secondary students. This legislation also calls for substantially increasing funding for the National Science Foundation, doubling basic research funding over the next decade, and the creation of a national science and technology summit.

I am pleased this bill includes provisions I introduced last year to increase the participation of women and minorities in science. Specifically, this bill directs the Energy Department to increase the numbers of women and minorities in science and technology fields at all education levels—from kindergarten through the graduate level—and establishes a new outreach program for underrepresented minorities in grades K–12 to encourage careers in science and technology. While opportunities in these fields are becoming more accessible to all students, women and minorities are still sorely underrepresented 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 opportunities they deserve.

This bill also contains an initiative that would authorize partnerships between high-need or rural school districts, 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 lectures, and provide professional development for high school lab teachers. This provision—which I introduced last year as a separate bill—will improve the science learning experience for students 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 Federal Government, 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 Nation faces 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 support 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 on the 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; as 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, to defeat 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 every citizen depends in large 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 leadership. As chairman of the Banking 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, 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. And thank you all for this 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 on 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 played a crucial role in keeping our economy strong.

In all seriousness, these pieces of legislation represent hard-fought changes 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 what can happen 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. Wherever I go—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 quarter 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, in my view, be higher.

The topic of today's gathering is the future of America's capital markets. But in reality, we are all here out of a shared concern about 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.

The Capital Markets Commission report is a thoughtful document that makes an important contribution to the debate about the future of our Nation's capital markets.

I commend the Chamber, the Commission and its co-chairs—my good friend Bill Daley and Arthur Culvahouse—for highlighting some of the key challenges facing our capital markets. I look forward to analyzing the report's recommendations in greater depth and examining them in the Senate Banking Committee at a hearing I intend to hold in the coming weeks.

I have served on the Banking Committee since my first day in the Senate. No one now in the Senate has served there any longer. As a member of that Committee, and now as its Chairman, I have had one overarching objective: to preserve and strengthen America's preeminent position as the world's leading financial center.

That objective is so crucial because our nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally.

My service on the Banking Committee has provided me with a tremendous opportunity to observe, study, and, I hope, strengthen our capital markets. 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 should keep in mind that, as we speak, America's capital markets remain the most dominant in the world. That is not empty rhetoric. It is a demonstrable fact.

For example, the total amount of financial stock in the U.S.—equities, bonds, loans, and deposits—is more than six times the amount of the U.K.'s, more than double Japan's, and four times that of the other Asian capital markets.

America's dominance is also proven by the market capitalization of the major exchanges. Yes, IPO and trading activity on overseas exchanges has been growing. I am very aware of that, but the market capitalization of the major U.S. exchanges dwarfs that of their overseas competitors. The market cap of the New York Stock Exchange is $15 trillion dollars. That is 15 times the value of the Shanghai Stock Exchange, four times the value of the London Stock Exchange, and three times the value of the Tokyo Stock Exchange.

Much of the growth in capital is coming from overseas investors—and according to some measures, in record amounts. The most recent Economic Report of the President found that foreign investment in U.S. financial stock such as U.S. Treasury securities, corporate stocks, and corporate and other private bonds totaled $5.7 trillion in 2005—the highest level in nearly thirty years.

In addition, 34 foreign IPOs listed on U.S. exchanges last year—the highest percentage of foreign IPOs in the U.S. in 20 years.

It is worth pointing out that all of this growth has been achieved despite the 2001 recession, the 9/11 terrorist attacks, a string of corporate scandals, and the ongoing lengthy, bloody, and costly wars in Iraq and Afghanistan.

So, despite the bearishness of some, the United States remains the preeminent destination for global capital.

We're hearing a lot these days about London, and Hong Kong, and Shanghai. But the fact is, the U.S. capital markets remain the largest, most liquid, most innovative, most resilient, and most lucrative in the world.

And on my watch, as Chairman of the Senate Banking Committee, I intend to keep them that way. Which leads me to the second consideration that must guide us: our

capital markets are strong precisely because of—not despite—the legal architecture within which those markets have been conceived and grown.

That is probably not a particularly surprising observation from someone who has helped to build that architecture. But lawmakers 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 had this to say: ''[A]rguably the most important factor is the type of rule of law under which economic activity takes place.''

Glenn Hubbard, the former chairman of President Bush's Council of Economic Advisors, echoed those thoughts in a 2004 report. He said: ''Effective capital markets require . . . 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, last month, a Goldman Sachs study analyzed the condition of America's capital markets. 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. Win or lose, they 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 are well-policed against those who would commit negligent, 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 entrenched—and attempts to revise 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 past assumptions, and we will do just that under my Chairmanship.

That is why I also support the efforts of Chairman Cox and Chairman Olson with regard to improving regulations implementing 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 currently underway will help ensure that the core intent of Sarbanes-Oxley is upheld and advanced.

That is also why I support the effort by the NASD and the NYSE to consolidate into a single SRO for all broker-dealers. This new self-regulatory organization holds the potential to not only improve the efficiency and consistency of securities industry oversight, but also to reduce costs to member firms.

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 preeminent 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 hand our competitors a victory greater than any they could achieve on their own. And we would almost certainly see the slow flow of capital out of 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 and size of IPOs in places like Moscow, London, and Hong Kong is on the rise. I want you to know that I am not unmindful 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 five firms in the European markets—be they engaged in IPOs, mergers and acquisitions, or debt issuance—are Americans.

Visit virtually any emerging market in the world today, and you are almost certain to find American firms shaping, guiding, and leading that market into the 21st 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 something to embrace rather than fear. 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 shortage 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. On the contrary, many of us in the Senate—Republicans as well as Democrats—share a strong commitment to improving the educational achievement 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. Nor does he or she compete against a child from another state or region ofthe 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 place a priority on 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, then, when we discuss the competitiveness 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.

And 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 dare not shrink from the challenge.

At the outset of these remarks, I said that while today's meeting is about the future of our capital markets, in a broader 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.'' It's not every day that you get that question from a five year old.

A moment later, she looked up again and said these exact words: ''I wonder what my life is going to be like.'' She had just turned 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 often ask about their children or grandchildren.

None of us can know with certainty the answer to that 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.

We gather 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 rhetoric into results, ideals into initiatives, and principles into progress for our country. Many talk about change. This is not a time for talk. It's a time for action. Our challenges are too serious and too urgent to merit anything less.

So let us join together once again to turn people's dreams into realities. And 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 a 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 our students get 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.

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 shortcoming. 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 am pleased 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 connection between 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 remediate 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 and careers; groups 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 work force consists of people who have the knowledge and skills needed to drive innovation.

This bill recognizes that truth and moves our country in the right direction. It is not the final word. We still have a lot of work to do in areas like workforce investment—but it is a critical step forward, and I urge my colleagues to join me in voting for the America COMPETES Act.

Mr. VOINOVICH. Mr. President, I rise today to join a number of my colleagues in support of the America COMPETES Act, of which I am an original cosponsor.

Prior to the completion of the National Academy of Sciences' ''Rising Above the Gathering Storm'' report more than a year ago, I joined my colleagues, Senators ALEXANDER and BINGAMAN, in a meeting with Norm Augustine, the lead author of the report and the former CEO of Lockheed Martin. It became clear to me then that Congress had to make the report's recommendations a top priority in order to maintain our Nation's competitive edge. I am proud to come to the floor today to say that we are on our way toward meeting their challenge.

In the big picture of where the United States stands, it is clear that the economic framework of our Nation needs to be renewed. I happen to believe that our Nation's health care system places our businesses at a disadvantage globally, and that we must build regimes globally to enforce intellectual property rights, which will be the currency from which our economies will grow. Most importantly, the time is now right for a national commitment toward becoming more energy independent. I call it a Second Declaration of Independence—this time from foreign sources of energy.

However, reaching these goals will be impossible without a workforce full of educated and motivated young Americans. This means we must place more emphasis on careers based in the fields of science, engineering and mathematics.

Right now, we are not getting the job done. Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, falling from third place several decades ago. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

The America COMPETES Act will help us reverse these trends. The COMPETES Act would strengthen mathematics, science and engineering education and expand opportunities for students; it also would improve our science infrastructure and increase our investment in critical research.

Since the release of the NAS report, I have traveled throughout Ohio to discuss the recommendations with scientists from our State's top research institutions, elementary and secondary school teachers who are preparing tomorrow's workforce, business leaders and others. At Youngstown State University, I visited with local math and science teachers in grades 5–10 who had partnered with the University and the Department of Education to improve their skills and gain the tools necessary to pique students' interests in the math and science fields. I also traveled to The Ohio State University in Columbus and spent time at the Future Engineers Summer Camp with Ohio eighth graders, and was briefed on the collaboration among the University of Akron, Akron City Schools and the National Inventors Hall of Fame for a middle school focused on math and science. These are the types of programs that will strengthen our nation's competitiveness and these are

exactly the types of programs that the COMPETES Act aims to expand.

Again, I am encouraged that so many of my colleagues in Congress have recognized the need to focus on these goals by sponsoring the bipartisan COMPETES Act. While this bill isn't perfect, it is certainly a step in the right direction and a great example of what my colleagues and I can do by working together. Too often around here we get caught up in driving our own train and are too busy to realize that we don't have any passengers. I am happy to be a passenger on this particular ''train'' and am confident our action in the Senate this week on the COMPETES Act is a step in the right direction for our country and our position in today's global economy.

Mr. LEVIN. Mr. President, yesterday I voted to table Senator COBURN's sense-of-the-Senate amendment that would have called for a requirement that all newly authorized programs be offset by deauthorizing something else. I support eliminating programs which are wasteful or unneeded whether or not we are authorizing a new program.

The Coburn amendment was offered to an authorization bill which spends no money. It targets the authorizing process, not the appropriations process by which Congress allocates funds and determines priorities among authorized programs. The Coburn amendment also fails to address tax cuts which dig us into a deeper and deeper deficit ditch.

I support fiscal responsibility and have supported a number of strong budget tools this year like the provision which reestablishes a strong pay-go rule, which would require any new spending or tax cuts be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. The amendment offered by Senator COBURN takes the wrong approach.

I yield the floor.

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

AMENDMENT NO. 942

Mr. KOHL. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up my amendment, which is No. 942, for consideration.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. LEAHY, proposes an amendment numbered 942.

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

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

Mr. KOHL. I ask unanimous consent to add Senators BAYH, MENENDEZ, and VOINOVICH as cosponsors to amendment No. 942.

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

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the Manufacturing Extension Partnership Program)

On page 34, line 17, strike ''$120,000,000'' and insert ''$122,005,000''.

On page 34, line 20, strike ''$125,000,000'' and insert ''$131,766,000''.

On page 34, line 23, strike ''$130,000,000'' and insert ''$142,300,000''.

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, 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 operations, integrates new technologies, shortens production times, and lowers costs, which leads to improved efficiency, by offering resources to manufacturers, including organized workshops and consulting projects.

In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with MEP centers to develop domestic supply chains. I am proud to say these companies found it more profitable to work with small- and medium-sized Wisconsin firms than to look overseas for cheap labor.

The amendment I am offering would increase the amount of funding available to the MEP program by $19 million over 4 years, allowing MEP centers to reach more manufacturers and to increase the services they provide. I believe we would be hard-pressed to find another program that has produced the results that MEP has on their limited budget. In fiscal year 2005, MEP clients reported over 53,000 new or retrained workers, sales of $6.3 billion, and $1.3 billion in cost savings. This is the type of program in which we should be investing more, not less.

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, 48 Senators signed a letter 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 other ways to produce 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. With the increased threats American manufacturers now face, there is more need than ever to increase the funding for the MEP program. So I urge my colleagues to support this program.

At this time I will avoid asking for the yeas and nays.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. KOHL. Mr. President, I ask unanimous consent that notwithstanding adoption of Obama amendment No. 923, as modified, the previously agreed to DeMint amendment No. 929 still be in order.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I rise in support of the Kohl amendment. I, first of all, appreciate the terrific work he has done in the Manufacturing Extension Partnership.

I come from a State with many of the same problems the Senator from Wisconsin faces, including a decline in our industrial base. In too many cases, many of the 3 million manufacturing jobs our country has lost are in my State, and it especially hurts those small manufacturing companies, those small tool and dye makers, those small machine shops in Steubenville and Akron and Toledo. The work he has done on the Manufacturing Extension Partnership has already helped turn around some of those businesses in my State, in Ohio, in the Miami Valley, and the Mahoney Valley and everything in between.

The MEP allows small companies—the big companies don't need the help so much—similar to the Agriculture

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 learning how to export, working with the U.S. Export Assistance Center, whether it is dealing with some kind of trade policy, perhaps, or tax policy, helping those small companies learn how to compete in this increasingly difficult and 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 small manufacturers. In Cleveland there is a program called Magna, and in Kyoga 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.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 955, AS MODIFIED

Mr. BINGAMAN. Mr. President, I am informed by the chairman and ranking member of the Finance Committee, whose jurisdiction this would be under, that the amendment Senator INHOFE has offered, amendment No. 955, as modified, which is now at the desk, is acceptable to both sides at this point.

Mr. President, I ask unanimous consent that it be brought up, agreed to, and that the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 955) was agreed to.

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

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

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. REID are printed in today's RECORD under ''Morning Business.''

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

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

The legislative clerk proceeded to 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, in consultation with the managers of the bill, they have granted me some time to bring up three additional amendments that I believe are important as we look at the bill.

AMENDMENT NO. 918

Mr. COBURN. First, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 918 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 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 companions 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 key component of what it does is it forces us to look at it because it is going to expire, it is going to run out of gas.

What happens now is that we pass things and don't ever look at them again. I believe the Senator from Tennessee, as well as the Senator from New Mexico, would agree that we fail to do proper oversight in this body. That is one of the very lacking components of the job. It is hard work, oftentimes not fun, but it is very important to the future of this country.

Some people will say that we should not sunset this, that the implication is that we know now what we are going to need to know 4 years from now. But, in fact, we sunset a lot of things, from the PATRIOT Act, to the tax bills, to the Ryan White health care bill, to Defense bills, to veterans bills. I put forward that we need more sunsets because of the discipline it will force on us as representatives of the American people to do what is in their best interest, with the knowledge we have on hand at that time.

I don't know whether this amendment will pass, but it is a great judgment for the American people to look at us and say are we serious about doing the business or are we so arrogant or elitist that we think we know now absolutely what we need to know 4 years from now.

I had a good debate with Senator DURBIN on the previous bill the body considered. One of his suggestions was that I should have offered a sunset to that legislation. I think that is a great suggestion. I think it is equally apropos that we do it on this legislation. It gives us the benefit of our experience over the next 3 years, it allows us to have the hearings in the committee and the committee work we need to do—as a parenthesis, this bill didn't go through any committees, didn't have the pleasure of the Commerce or HELP Committee—and allows us to look at and see what we have been doing and whether it is effective, whether or not the American people actually get good value for the money over what we intend them to do. That is our real obligation. It is not to create an America COMPETES Act, it is not to pass a piece of legislation, but, in fact, it is to make sure that whatever we do, the American taxpayer dollar gets a great accomplishment for that.

I reserve the remainder of my time and will listen to the opposing points of view on this amendment.

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

Mr. BINGAMAN. Mr. President, I will speak briefly on the amendment. I know the Senator has two other amendments he wants to also discuss, and there may be others who want to come back and say something about this amendment.

I urge my colleagues not to support this amendment. Under the rules of procedure that we follow in the Senate, an appropriation can be objected to if the underlying activity that the money is being appropriated for has not been authorized. So we try to pass authorizing bills. That is what this legislation is. This is authorizing legislation.

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 we have allowed to lapse. That does not mean that we quit funding those activities. We, in fact, continue funding those activities through the appropriations process until Congress organizes itself and passes a new reauthorization. But the old reauthorization remains in place until there is something new to replace it or until there is some conscious decision.

These are not new activities, by and large, we are talking about in this 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, whether it is science education, scientific research—whatever the issue is.

If the amendment of the Senator is adopted, my understanding is that effective on October 1, 2011, there is no authorization at that point from then 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 unwise. That is my basic view.

I certainly favor the Congress performing its appropriate job of coming back by the time these authorizations 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 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 any 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, I think 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, then why 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 them, not sunset a 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 will claim that it did 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.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

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 work 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 $350 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 ironic, and 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.

AMENDMENT NO. 922

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 reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

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

Mr. COBURN. Mr. President, we passed the Fisheries Act, the Magnuson-Stevens 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 has failed to demonstrate results. 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 we ought to do is make sure there are no 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 where there is a lack of informed consent and a lack of conflict of interest rules for NOAA.

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

[From the Environment News Service, Nov. 13, 2003]

FISH PERISH AS CONFLICT OF INTEREST SNARES MANAGEMENT COUNCILS

WASHINGTON, DC.—The regional fishery management councils that govern the multibillion dollar U.S. commercial and recreational fishing industry are dominated by the industry, exempted from federal conflict of interest laws, and subject to little federal oversight, says a new report released Wednesday by three Stanford University researchers. Sixty percent of appointed council members have a direct financial interest in the fisheries that they manage and regulate, say the authors of the report, ''Taking Stock of the Regional Fishery Management Councils.''

Stanford's Josh Eagle, Barton Thompson Jr., and Sarah Newkirk conducted a review of the mandates, constitution, rules, and procedures of the United States' Regional Fishery Management Councils, and surveyed members of four of the eight councils. Their study, sponsored by The Pew Charitable Trusts, concludes that the councils have presided over the economic and biological decline of many fisheries, and that the councils are not likely to implement the kind of management necessary to prevent future declines. ''The oceans are among the nation's greatest natural resources, yet few Americans know who manages the nation's fisheries or how decisions affecting the sustainability of fisheries are made,'' said co-author Josh Eagle, director of the Stanford Fisheries Policy Project and lecturer in law at Stanford Law School.

The eight fishery councils were established in 1976 by the passage of the Fishery Conservation and Management Act, now known as the Magnuson-Stevens Act, to take primary responsibility for the management of dozens of fisheries along U.S. coasts in Atlantic, Caribbean, Gulf of Mexico and Pacific waters.

The recent collapses of once abundant species, such as cod in New England and rockfish off the Pacific coast, have caused hardship for fishing communities across the country. In addition salmon, tuna, red snapper, lobster, and blue crab, among many other species, are overfished, and many scientists, including the report's authors, say an essential step in helping these species recover is to put an end to overfishing. Eagle said, ''With more than a third of the nation's studied fish stocks overfished and the status of many more uncertain, it is clear that we must apply standards of good government to the management of America's fisheries and place the public's interest first.''

The councils opened a three day conference today in Washington, DC to educate the public, policy makers, and media on the marine fishery management process. They are presenting successful management examples by region, and current management and research initiatives. The councils say they wish to ''help bridge the gap between perception and reality regarding fisheries management'' and to provide a forum for information exchange and to solicit a wide range of perspectives on future management and marine research directions. But Eagle, Thompson, and Newkirk say in their report that the councils are unlikely to solve the current problems facing the Nation's fisheries for at least three reasons.

First, council members face a conflict of interest because they must limit the number of fish that can be caught to ensure their conservation while also allocating the allowable catch among members of the industry, who may apply pressure to increase the size of their quotas. Second, because 80 to 90 percent of appointed council members are from the fishing industry, diverse viewpoints are not fairly representated in council discussions and decisionmaking, the report states. Each council has only one environmental representative, one state official and one federal official in addition to the fishing industry members. Congress requires federal advisory commissions to be ''fairly balanced in terms of points of view represented and the functions to be performed by the advisory commission,'' but the fisheries management councils are not subject to the Federal Advisory Committee Act.

Finally, the split in responsibilities between the councils and the National Marine Fisheries Service removes effective accountability for the status of the Nation's fisheries, the report's authors conclude. An example from the Western Pacific Fishery Management Council based in Honolulu, reported by the ''Cascadia Times,'' shows how the process works in practice. In June the Secretary of Commerce appointed longline fisherman Sean Martin to a seat on the Western Pacific Fishery Management Council. Martin is also co-owner, with Jim Cook, of Pacific Ocean Producers, a fishing equipment supply company.

Longlining kills endangered sea turtles when they become entangled in the 60 mile long fishing lines baited for swordfish and other commercial fish species.

On September 23, the Western Pacific Fishery Management Council decided whether or not to reopen swordfishing in Hawaiian waters through which endangered leatherback turtles migrate. Biologists told the council the rule would harm 144 sea turtles per year, but on a motion by Martin, the council voted 8–5 to reopen the fishery. The September 23 vote may also lead to violations of the Endangered Species Act. ''It would authorize a far higher number of sea turtle takes than the scientific record supports,'' says William Hogarth, assistant administrator of the National Marine Fisheries Service, now known as NOAA Fisheries.

Some fisheries management councils do take action to protect fish species. On November 21, following action taken by the federal Pacific Fishery Management Council and conforming action taken by the state of California, recreational and most commercial fisheries for nearshore rockfishes, shelf rockfishes, California scorpionfish (sculpin), and lingcod will close in all Pacific waters. ''In past years, anglers had more opportunities to fish for rockfish in deeper waters. This year, fishing for rockfish was limited to waters shallower than 120 feet which put greater pressure on nearshore species,'' explained Fred Wendell, California Department of Fish and Game nearshore fishery manager. And some fish populations are doing well. The Mid-Atlantic Fishery Management Council released survey data in June showing summer flounder numbers had reached the highest levels ever recorded since the survey began in 1968.

''The robust recovery of the summer flounder stock is a direct reflection of the positive impacts that the management measures have had on the resource,'' said Dr. Christopher Moore, council deputy director. ''The Council and Commission should be extremely proud of the management decisions they have made over the years to rebuild summer flounder.'' Still, many members of the four fisheries management councils polled by the authors of ''Taking Stock'' agreed that there are problems with the current system and that these problems should be addressed.

Eagle, Thompson, and Newkirk report that more than half of the council members polled said environmental interests are underrepresented on the councils. Roughly a third of the respondents said they had felt it unfair in one or more past instances for a fellow council member to participate in a decision in which he or she had a financial interest. A similar percentage expressed concern about decisions in which the relatives or friends of voting council members had a financial interest in the outcome.

Eagle, Thompson, and Newkirk call for changes in federal policy on fisheries management councils that would institute the

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 the institutional decisionmaking responsibilities for conservation and quota allocation. To broaden council representation, Congress could require governors to submit a more diverse list of candidates, or require that nominations be made by an independent body such as the National Academy of Sciences, they recommend. And finally, only federal management exempts federal decisionmakers, the council members, from conflicts of interest. Remedies suggested by the authors include lowering the recusal threshold and prohibiting those holding financial interests in regulated fisheries from council appointment.

[From the Baltimore Sun, Apr. 1, 2007]

OYSTERMEN REAP FEDERAL BOUNTY—BID TO REVIVE BIVALVE BENEFITS WATERMEN MORE

(By Rona Kobell and Greg Garland)

At the Hyatt Regency resort in Cambridge, several dozen scientists, watermen and government regulators gathered to sip martinis and mingle over hors d'oeuvres. Later, there were cheers and tributes as they dined on crab and filet mignon. The mood was celebratory at January's annual meeting of the Oyster Recovery Partnership. Yet the government-financed nonprofit has made little progress toward its stated mission of restoring oysters to the Chesapeake Bay. Maryland officials set up the group more than a decade ago in what was envisioned as a groundbreaking attempt to revive a species all but destroyed by overharvesting and disease. Since 2002 alone, the partnership has received $10 million in federal funds to lead Maryland's efforts to make oysters an abundant, self-sustaining species again.

The way to do that, leading scientists say, is to leave the shellfish in the water so they can reproduce and propagate the species. But the partnership puts most of its oysters in places where watermen can take them out—and sell them for roughly $30 a bushel. ''If you're serious about the ecological value of oysters, then they must remain in the bay and live,'' said veteran oyster biologist George Krantz, former fisheries director at the Maryland Department of Natural Resources. The partnership's spending has done more to create income for watermen than bring back the Maryland oyster, an investigation by The Sun has found. The group not only provides watermen a crop to harvest, but it also pays them to do work that many scientists say has little merit. The Sun found:

While the partnership has planted tens of millions of hatchery-raised oysters, less than a third have been put in protected sanctuaries. Most are planted in places where they can be harvested.

The group is paying the Maryland Watermen's Association nearly $400,000 this year to remove diseased 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 a primary benefit is to provide work for watermen.

The head of the Watermen's Association sits on the partnership's board and is among those who benefit financially from the federal grants. Association president Larry Simns Sr. doled out tens of thousands of dollars of the grant money to watermen last year to help plant or move oysters. Also, he collected $40,100 for supervising their work.

The group used $46,000 in federal funds to hold its annual meeting at the Hyatt Regency, a golf resort and spa. The money went not just for the fancy dinner but also for hotel rooms for 50 of the guests. Private funds were used only for the alcohol.

While solid figures are not available, the Department of Natural Resources estimates that there are fewer oysters in the Chesapeake today than when the Oyster Recovery Partnership began its work in 1994. Its efforts have failed to overcome the devastating impact of two oyster parasites, MSX and Dermo, that have all but wiped out the oyster population. Partnership officials nonetheless consider their work a huge success. ''We're certainly doing infinitely better than what has been done in the past,'' said Torrey C. Brown, a former state natural resources secretary who now serves as the partnership's unpaid chairman. He is proud of the group's extensive oyster-planting program. Partnership officials say it makes sense to let watermen harvest many of those oysters because the shellfish would die eventually of disease. They point out that in the several years before the oysters are harvested, they help the bay by filtering away pollution. ''The idea that it is a watermen's welfare program is nonsense,'' Brown said. ''I don't think that they're getting any untoward benefit.''

Though the partnership gets millions in federal funds, it operates with virtually no governmental oversight. The group gets the money as the result of a budget ''earmark'' arranged by Sen. Barbara Mikulski, a Maryland Democrat, and the grant is distributed. by the National Oceanic and Atmospheric Administration. A top NOAA official acknowledged that his agency hasn't intervened as the partnership used the grant to run programs that he said are effectively subsidies for watermen. Because the money was approved specifically for the partnership through an earmark, agency officials believed they had no authority to interfere, said Lowell Bahner, a NOAA administrator who until recently oversaw the agency's Chesapeake Bay office.

''Senator Mikulski said, 'I want oysters in the water for harvest by watermen,' '' Bahner said. ''Is that a subsidy? That's what it looks like. And I think she would be proud of that.'' Mikulski declined to be interviewed for this article. But in a written response to questions from The Sun, she said she expected NOAA ''to have strong oversight'' of how the grant was being spent. In addition, she said the money ''was never intended to be a subsidy for industry or watermen.'' ''Unlike farm subsidies, this does not guarantee revenue for watermen or industry,'' Mikulski said. ''This was intended . . . to help jumpstart restoration for the economic and environmental health of the Bay.''

Many scientists question why the partnership is spending millions of federal dollars to plant oysters, only to let watermen take them before they can reach full reproductive potential. ''You can't justify doing it,'' said Krantz. ''The agenda has virtually excluded any scientific personnel who voiced opposition to this concept. . . . The decision to take them out is based on a harvester's wishes, not a conservationist's wishes.''

ROCK BOTTOM

The Oyster Recovery Partnership traces its roots to the winter of 1993, when Maryland's oyster industry hit rock bottom. Watermen harvested fewer than 80,000 bushels of oysters that season, taking home about $1 million. Just a decade earlier, they were bringing in more than a million bushels, which fetched $16 million at the dock. In the years before that, the harvests were even better, providing a stable income for thousands of people who earned their living on the water.

The fast decline of the oyster was alarming not just because it was putting watermen out of a job. Oystering was part of Maryland's identity, the old-fashioned simplicity of the work immortalized in sepia-toned photographs of watermen plying their wooden tongs from sail-powered skipjacks. The collapse of the species was of tremendous concern to scientists. Oysters are the backbone of many aquatic communities, providing reefs that are crucial habitat for crabs and small fish. They are also critical to the health of the Chesapeake because, as they suck in water to filter out food, they literally filter away pollution.

Among those most concerned was Brown, then Maryland's secretary of natural resources. He gathered everyone he could think of with a stake in keeping oysters healthy, assembling in one room a motley coalition of 40—watermen, regulators, legislators, university professors. He hired a facilitator to calm tensions at what became known as the Oyster Roundtable. No one was allowed to leave the table until everyone agreed on what to do next.

But as further meetings were held, Brown said, it was clear the warring parties didn't trust each other. So he suggested creating a nonprofit agency that would get the various groups involved in an effort to bring back oysters. It would not be a research organization—plenty of those already existed. Rather, it would work with scientists and watermen to plant oysters in the water and monitor their progress. Ideally, the group would receive a small amount of government money, but it would also raise private funds.

The Oyster Recovery Partnership was formally created in 1994, under a board that today numbers 18 people, including seafood executives, other businessmen and environmentalists. Its purpose, according to a written agreement with the state, was to develop projects to promote ''the ecological restoration of oysters in the Chesapeake Bay.'' The agreement says nothing about helping watermen. But the group's first office was in a back room of the Maryland Watermen's Association headquarters in Annapolis. The partnership has since moved into space across the hall. The organization got off to a rocky start. It never raised the private money its founders had hoped for, and its small staff often seemed overwhelmed. By 2000, the group had gone through two executive directors and was in poor financial shape. It advertised for a new executive director and interviewed dozens of candidates. Charles Frentz was one of the last. ''I told them, 'I am either going to put you out of business or straighten you out,' '' Frentz recalls.

A LACK OF FOCUS

Frentz conceded that he knew little about the biology of the bay—he had spent much of his career running several horse racing businesses in Florida, including one that put on the prestigious Breeders' Cup. He said he hadn't been looking for a job; he was retired and had moved to Maryland largely to marry his high-school sweetheart, an executive at the Social Security Administration. But he brought with him a passion for the bay that came from growing up near Sparrows Point and spending summers at a family home in Tolchester Beach, trawling for soft-shell crabs. More importantly, he said, he could apply sound management practices to a foundering organization. ''It was almost a feel-good situation where you had good intentions, but there was a lack of business focus,'' Frentz said. ''There was no question that I challenged how they did business, why they did business and how they would do business in the future.''

When Frentz came on board, the partnership was getting about $450,000 from NOAA and had little other income. It was using volunteers to plant small clusters of oysters on

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 many more baby oysters. To do that, it would need more money.

Frentz persuaded Donald Meritt, the manager of the University of Maryland's Horn Point hatchery, to produce more oysters, promising to get money to upgrade the facility. Frentz also cultivated Mikulski, who had been earmarking money for the partnership. In his first year in the job, Frentz nearly doubled the ORP's federal funding, to $850,000. By 2002, the group was getting $1 million; by 2004, $2 million. Last year, the funding doubled again to about $4 million.

As the money increased, so did Frentz's pay. He was hired for $58,000 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 frequently praised Mikulski, even presenting a video tribute to the woman he called ''Our Bay Lady.'' She returned the compliments. In a 2004 letter to Frentz, she called him ''just about the best thing that has happened to the Chesapeake Bay since the skipjack.''

HELPING WATERMEN

The idea of using government money to help watermen isn't 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 babies 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 wouldn't survive in the fresh water of the upper bay. Once it was clear the parasites would survive, the department continued to move the seed around anyway, arguing that since the bay's oyster population was so far gone, stopping the program 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 didn't 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 had to wait until the oysters were 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 was so mad about the restrictions 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 reserve ''a really nice compromise'' 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 put-and-take fishery falsely billed as restoration. An oyster's ability to reproduce increases exponentially with each year it survives. So harvesting the animal after just four years—about the time it takes to reach 4 inches—cuts off its life span at a critical time, according to Krantz, the former fisheries chief.

He estimates that if 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 without any special restrictions. Only about 265 million were put in oyster sanctuaries where harvesting is prohibited. The sanctuary oysters have done better than many expected. About 20 percent of them are still alive, according to Kennedy T. Paynter Jr., a University of Maryland scientist who is paid by the partnership to monitor its bars. That survival rate is good, Paynter 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 the watermen's assertions that if oysters are not harvested, they will just die of disease. ''To use that as an excuse to harvest is a logical absurdity,'' said University of Maryland oyster 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 them in another spot. Watermen will return to the spot later to harvest the oysters for private sale; while disease eventually kills the shellfish, infected oysters are 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 have time on their hands. But removing the bad oysters is also good for the bay, according to Paynter.

When oysters die, they gape open and spread disease. So it's important, Paynter said, to get them out while they're alive. Paynter said, however, there is no scientific benefit to putting the diseased oysters back in the bay for watermen to harvest later. ''Really,'' he said, ''we'd like to take the diseased oysters out and put them into the driveway.'' Other scientists and state officials say bar cleaning has little merit even in terms of removing disease. A state study in 2005 showed that bar cleaning leaves behind infected oysters.

''Bar cleaning may buy you a little bit of time to produce more market-size oysters, but eventually disease is going to take hold,'' said DNR assistant fisheries director Tom O'Connell. He argues the partnership shouldn't be spending so much money on bar cleaning until it is studied more. Despite the lack of scientific evidence that the process works, the ORP allocated almost $400,000 of this year's $4 million federal grant to the Maryland Watermen's Association for bar cleaning. Simns, a member of the ORP's executive board, hands out that money—wearing his hat as president of the Watermen's Association. He says he uses a process that is above board and fair.

He sends out ''bid forms'' to the roughly 500 watermen who have oyster licenses asking them to suggest a daily price for the work, he said. Then, Simns said, he sets a rate based on the average of the bids he receives—last year, $450 a day. He gives work to pretty much everyone who asks, Simns said, about 50 watermen last year.

Simns acknowledges that he used ORP money to pay himself $40,100 last year, in part to supervise this work that is done by men who are members of his association. The people who are paid include his son, Larry Jr., who gets $100 day as a crewman on his father's boat, partnership records show. The Watermen's Association itself gets about $65,000 of the money for administering the contract—money it uses for operating expenses. As for his own pay, Simns argues that the partnership needs him to oversee the work—he has been working the water since he was a boy, and he knows all the watermen. ''It's better for ORP to have someone like the Watermen's Association manage the watermen,'' said Simns, 70. ''They can't blow smoke at me, 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 ORP board at the same time he was getting money from an ORP grant. ''I don't vote on anything that has to do with the Maryland Watermen's Association,'' Simns said. But his position as a member of a nonprofit's board who derives financial benefits from the relationship raises conflict-of-interest questions. Daniel Borochoff, president of the American Institute of Philanthropy, a watchdog group that monitors nonprofits, said it 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, the other watermen net from $100 to $125 from their $450 barcleaning checks after paying for gas and the expense of keeping up a boat. Nevertheless, it can be an important source of income, said Floyd ''Bunky'' Chance, an Eastern Shore waterman. ''Everyone who participates likes it, for the income if nothing else. . . . Most watermen are just trying to keep the wolf from the door,'' he said.

HEY, TRUST US

NOAA officials acknowledge that they have done little to manage or oversee 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.

When asked for copies of the partnership's contracts with the Watermen's Association for bar cleaning and other work, Takacs said he didn't have any. The partnership wasn't asked to provide them, he said. Takacs said the partnership's approach to its bar cleaning and oyster planting operations has been ''a lot of 'Hey, trust us.' '' Unlike many other NOAA grantees, which provide detailed reports on their scientific work, the partnership provides only cursory reports of one to two pages with a broad general description of its work, he said.

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 oysters to the bay, NOAA officials said. Even in terms of helping watermen, the program almost certainly is not cost-effective, partnership and NOAA officials admit. A government analysis of the Department of Natural Resources seed-moving 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 Silver Spring 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 NOAA's job was to hand over the checks. ''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 explanation of how $10 million in government grants for oyster recovery has 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 yesterday. The partnership, a nonprofit group charged with trying to restore oysters to the Chesapeake Bay, receives its annual funding through a federal budget ''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 found that the partnership is paying the Maryland Watermen's Association nearly $400,000 this year to remove diseased 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 Hyatt Regency golf resort and spa in Cambridge, The Sun reported. Meanwhile, the bay's oyster population remains at historic lows.

In the 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 grant?'' Coburn asked. ''[P]articularly was NOAA 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 its federally funded efforts have been cost effective. Monica Allen, a spokeswoman for NOAA, declined to comment on Coburn's letter but said the agency would provide a copy of its response when it is completed and sent to Coburn. Stephan Abel, executive director of the Oyster Recovery Partnership, said, ''It would be inappropriate to comment until NOAA has had the opportunity to respond.'' Foster said Coburn has attempted to focus attention on earmarks as part of a campaign to end what he regards as wasteful government spending. 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 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 handles its federal grants. ''Is this one example the exception, or is this a widespread problem at NOAA?'' Foster asked. Lautenbacher has taken issue with The Sun's findings, saying in a recent 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, Senator Mikulski asked NOAA for ''an independent audit'' of the partnership. In response, records show, the partnership had its usual accounting firm review its own audit reports from prior years. 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 grantee 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 material was 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, activity, 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 rehabitating oyster beds. We have seen from the investigations so far that it has been highly ineffective. 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 very simple. 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 this grant 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.

Mr. BINGAMAN. Mr. President, let me speak, again regretfully, against the Senator's amendment, and I do so first on behalf of Senator INOUYE as chairman of the Commerce Committee. This is, of course, within the jurisdiction of the Commerce Committee. The provisions of the amendment relate to the Department of Commerce and NOAA, and the statement I have been given by Senator INOUYE is pretty straightforward and says the amendment, while possibly based on good intentions, actually causes substantial harm to numerous NOAA programs and activities and missions.

Some of the specifics cited are that the provision requiring that audits be posted on the Web within 60 days does not contain safeguards for proprietary information that may have been gathered as a result of the audit. Also, a concern has been raised about the prohibition in section B on the use of NOAA funds for meetings. The provision in the amendment says:

> No funds made available by the administrator through a grant or contract can be used by the person who received the grant or the contract to attend any conference other than a conference related to training or routine meetings of officers or employees of the administration.

One of the basic activities scientists and engineers engage in is doing their research and then presenting that research at conferences so they can have reaction from their colleagues and their peers and have an interchange about the validity of the work they have done. This would prohibit the use of funds for that purpose, which is one reason it would be objectionable.

The other concern that has been raised is we are setting up a separate procedure here with regard to handling conflict of interest issues at NOAA which would be separate and apart from the general procedures the Federal Government has with regard to grant review processes. The thought is that those general processes should be made to apply and we should not be writing into law, particularly as an amendment to this legislation, some kind of separate provision and requirement with regard to just this one agency within the Department of Commerce

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 that cost $46,000 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 are trying to do with this is to fix the same thing Senator STEVENS did with the fishery boards. Because it didn't come through committee, that 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 with 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 we are saying is, we don't want that to happen. That is what defeating this amendment means. It means more secrecy, 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 wonder if the Senator from Oklahoma would permit me a couple of minutes to comment on something.

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

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 only parts of the legislation that didn't go through the regular committee process were 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 homework sessions—and then Senator Frist 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 reminded 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. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

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 Financial Management 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 under this program never being asked 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 would 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 eliminated 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 taxpayer.

Mr. President, I yield the floor at the present time, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I appreciate 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 legislation.

It makes no sense to eliminate the Advanced Technology Program. In fact, the House is renaming it but extending the very same approach in terms of a partnership for the kind of research that takes place after basic research.

I might say that 65 percent of the ATP awards have gone to small businesses, many of them small- and medium-sized manufacturers. The reality is that, yes, our large employers and small have joined together with universities, with the Federal Government, and with Federal labs to do partnerships where the Federal Government puts up half the money and they put up half the money to do the kinds of research 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 in advanced battery technology. 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 investment in Japan alone; a 5-year commitment from China of over $100 million; a 5-year commitment from South Korea of over $100 million. Yet in our budget in the United States we have $11 million to focus on what is one of the most critical parts of technology to move forward on alternative fuels and new breakthroughs.

ATP is different. It is unique among Federal research programs. Most research is focused on advanced scientific knowledge, but there is a very long road from scientific discovery in a university 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 period before industry feels confident enough to pick it up and move forward with it.

The goal of ATP is to push basic research 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 investment in terms of what has actually happened.

The ATP programs have succeeded in a wide range of fields. There is no question, when you are doing this research it is basic research. By the way, we give the R&D tax credit to those same large companies my colleagues spoke about. We give it to large companies and small companies to do basic research—no different. This is the next step.

We have seen wide-ranging successes. They have already delivered on cheaper, better bone marrow transplants, mammograms, cartilage repair. They are enabling companies to make biodegradable plastics from corn, improving manufacturing, and powering longer lasting lightweight fuel cells, all of which are critical for our future.

The Advanced Technology Program has made investments in nanotechnology. They were making them long before anybody knew what nanotechnology 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 President tested a long-life mobile phone. The phone the President tested was powered by advanced fuel cell technology. Without the advanced technology program, MTI microfuel cells would not have been developed. This breakthrough technology was developed to power the very phone the President was holding. It would not have happened without that joint partnership with ATP.

There are certainly other companies where ATP projects have not been successful. 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 companies are competing with governments 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 program has generated $17 billion in economic 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 America.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has close to 5 minutes.

Mr. BINGAMAN. How much time on the side of the Senator from Oklahoma?

The ACTING PRESIDENT pro tempore. 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 Senator from Michigan has just made about the ATP program. I do think one of our weaknesses historically, particularly 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 research 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 advanced technology program is in the development cycle, as I understand it. This chart tries to point out the venture capital funds focused on late-stage research.

There are five different categories represented on this chart: seed funding, startup funding, other early stage, expansion, 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 Technology 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 allocation of this money. The funds go to those researchers and those technologists 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, relative to the rest of the world, as we used to have. The competition, frankly, between 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 extremely impressive. We shy away from that. We say we are not going to help; it is up to our individual companies to do the best they can. Sometimes they do well, sometimes they do poorly. But the Advanced Technology Program helps them to do better. It has been a very good investment.

The Academies of Science did a report looking at this very thing a few

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 ensure that the benefits of successful awards extend across firms and industries. Its costshared, industry-driven approach to funding promising new technological opportunities has shown 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?

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 a certain size. 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 and making ourselves feel good because 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 effectively. What we are doing is saying there are sectors of U.S. industry which are in very substantial competition with their counterparts worldwide. 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 term. It may not 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. I guess the difference 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 going to spend American taxpayer 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 GE, IBM, and Intel. All of 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 14½ 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 this 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 interests, 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. That is the real deal. 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 votes in relation 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 these amendments prior 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 10-minute votes; 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 University, 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 Academy of Sciences on 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 a dual degree in engineering. 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 years'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 here 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 contribution 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 couple of 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 Black 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 needs to happen as that act 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 congressional earmark. 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. BYRD. 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 this amendment were agreed to, it would set up two criteria for all appropriations legislation, pursuant to authorizations in 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 comprehensive ethics reform. 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, which uses the same definition of earmarks contained in the ethics bill that was 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.

Earmark disclosure, as important as it is, is only one part of a much broader package of ethics reforms that has already passed the Senate. This includes strengthened gift and travel rules for Members of the Senate, strengthened lobbying disclosure, and outlawing some of the notorious 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 that had 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 earmarking funds has gotten out of control. 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 revises 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, unaccountable 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 ensure 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 result was announced—yeas 22, nays 71, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—22

Allard	Feingold	Martinez
Burr	Graham	McCaskill
Chambliss	Grassley	Sununu
Coburn	Hagel	Thomas
Cornyn	Inhofe	Thune
DeMint	Isakson	Vitter
Dole	Kyl	
Ensign	Lugar	

NAYS—71

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Gregg	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Inouye	Salazar
Bunning	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shelby
Casey	Landrieu	Smith
Clinton	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Tester
Corker	Lott	Warner
Craig	McConnell	Webb
Crapo	Menendez	Whitehouse
Dodd	Mikulski	Wyden
Domenici	Murkowski	

NOT VOTING—7

Biden	Johnson	Voinovich
Brownback	McCain	
Carper	Rockefeller	

The amendment (No. 930) 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 feather in the cap for bipartisanship. 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 rollcall vote, so I ask we proceed to 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.

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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), 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 Arkansas Mr. (STEVENS).

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

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—27

Allard	Ensign	Lott
Bayh	Enzi	Martinez
Burr	Graham	McCaskill
Chambliss	Grassley	Sessions
Coburn	Gregg	Shelby
Corker	Hagel	Specter
Cornyn	Inhofe	Sununu
DeMint	Isakson	Thomas
Dole	Kyl	Thune

NAYS—67

Akaka	Brown	Clinton
Alexander	Bunning	Cochran
Baucus	Byrd	Coleman
Bennett	Cantwell	Collins
Bingaman	Cardin	Conrad
Bond	Carper	Craig
Boxer	Casey	Crapo
Dodd	Leahy	Roberts
Domenici	Levin	Salazar
Dorgan	Lieberman	Sanders
Durbin	Lincoln	Schumer
Feingold	Lugar	Smith
Feinstein	McConnell	Snowe
Harkin	Menendez	Stabenow
Hatch	Mikulski	Tester
Hutchison	Murkowski	Vitter
Inouye	Murray	Voinovich
Kennedy	Nelson (FL)	Warner
Kerry	Nelson (NE)	Webb
Klobuchar	Obama	Whitehouse
Kohl	Pryor	Wyden
Landrieu	Reed	
Lautenberg	Reid	

NOT VOTING—6

Biden	Johnson	Rockefeller
Brownback	McCain	Stevens

The amendment (No. 918) was rejected.

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

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following the disposition of the previously ordered amendments, the only other amendments in order be Senator LANDRIEU's amendment No. 975, Senator DORGAN's amendment No. 958, and a managers' amendment, which must be cleared by both managers; that after disposition of the above amendments, the bill be read the third time, and the Senate, without any intervening action or debate, vote on final passage of S. 761.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:30 p.m.

There being no objection, the Senate, at 4:10 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. OBAMA).

AMERICA COMPETES ACT—Continued

AMENDMENTS NOS. 915, AS MODIFIED; 916, AS MODIFIED; 924, AS MODIFIED; 926, AS MODIFIED; 944, AS MODIFIED; 950, 951, 952, AS MODIFIED; 957, AS MODIFIED; 958, 965, AS MODIFIED; 970, AS MODIFIED; 975, 977, AND 980

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have a managers' package of amendments which have been cleared and which are at the desk. Some are in modified form. Let me go through the list and then ask consent for their approval:

Amendment No. 915, as modified, by Senator GRASSLEY; amendment No. 916, as modified, by Senator GRASSLEY; amendment No. 924, as modified, by Senator OBAMA; amendment No. 926, as modified, by Senator MENENDEZ; amendment No. 944, as modified, by Senator COLEMAN; amendment No. 950 by Senator BAUCUS; amendment No. 951

by Senator BAUCUS; amendment No. 952, as modified, by Senator BAUCUS; amendment No. 957, as modified, by Senator HATCH; amendment No. 958 by Senator DORGAN; amendment No. 965, as modified, by Senator MURRAY; amendment No. 970, as modified, by Senator FEINGOLD; amendment No. 975 by Senator LANDRIEU; amendment No. 977 by Senator MURRAY; and amendment No. 980 by Senators ALEXANDER and BINGAMAN.

I ask unanimous consent that these amendments, as modified, if modified, be agreed to and that the motion 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. 915, AS MODIFIED

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work in earlier grades than traditionally made available.

On page 127, line 6, insert ''by the grade the student is enrolled in,'' after ''subject,''.

On page 127, line 12, insert ''by the grade the student is enrolled in at the time of the examination'' before the semicolon.

AMENDMENT NO. 916, AS MODIFIED

On page 62, insert after line 14:

(c) be of at least 2 weeks in duration.

On page 63, after line 2 insert:

(3) STUDENT ACHIEVEMENT.—The Director may consider the academic achievement of middle and secondary school students in determining eligibility under this section, in accordance with subsection (1) and (2).

AMENDMENT NO. 924, AS MODIFIED

On page 145, between lines 13 and 14, insert the following:

SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a high-need local educational agency; or

(ii) a consortium consisting of a high-need local educational agency and 1 or more of the following entities:

(I) Another local educational agency;

(II) A community–based youth development organization with a demonstrated record of effectiveness in helping students learn;

(III) An institution of higher education;

(IV) An educational service agency; or

(V) A for-profit educational provider, nonprofit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii).

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term high-need local educational agency means a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

(A) that serves not less than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(C) with a total of not less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8 as determined by the Secretary of Education.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(8) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(c) DEMONSTRATION GRANT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that propose to target services to children in grades K–8.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, $1,600; and

(II) for fiscal year 2012, $1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as ''summer scholars''.

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity, the State educational agency shall prioritize applications to low-achieving eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such

summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with one or more eligible entities offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with State academic content standards and goals of the local educational agency serving the summer scholar;

(IV) measures student progress to determine the gains made by summer scholars in the summer learning opportunity, and disaggregates the results of such progress for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability status, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to the HELP Committee of the Senate and the Education & Labor Committee of the House on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

AMENDMENT NO. 926, AS MODIFIED

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking ''paragraph'' and inserting ''subparagraph'';

(4) by striking ''INITIATIVE.—A program of'' and inserting ''INITIATIVE.—

''(A) IN GENERAL.—A program of''; and

(5) by inserting at the end the following:

''(B) PILOT PROGRAM.—

''(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as 'Partnerships for Access to Laboratory Science' to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) Acquire appropriate nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

''(III) professional development and training for teachers aligned with activities supported under section 2123 of the ESEA of 1965;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science, and to the extent applicable, technology and engineering, academic achievement standards;

''(V) training in laboratory safety for relevant school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph.

''(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

''(I) includes an institution of higher education or a community college;

''(II) includes a high-need local educational agency;

''(III) includes a business or eligible nonprofit organization; and

''(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

''(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 30 percent.''.

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology and recommend whether such activities should continue. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 3 years after the date of enactment of this Act. The report shall identify best practices and materials for the classroom developed and demonstrated by grant awardees.

(d) SUNSET.—The provisions of this section shall cease to have force or effect at the beginning of fiscal year 2012.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section such sums for fiscal year 2008 and each of the 3 succeeding fiscal years.

AMENDMENT NO. 944, AS MODIFIED

At the end of Division C, insert the following:

TITLE __—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

SEC. __01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be $50,000.

SEC. __02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section such sums for fiscal years 2008 through 2011.

AMENDMENT NO. 950

(Purpose: To provide that 21st century learning skills are included in the alignment of education programs)

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

AMENDMENT NO. 951

(Purpose: To allow distance learning projects as an optional activity for the foreign language partnership program)

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

AMENDMENT NO. 952, AS MODIFIED

At the end, add the following:

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce such sums for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

AMENDMENT NO. 957, AS MODIFIED

On page 99, line 5, strike ''critical foreign language'' and insert the following: ''a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification,''.

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: ''or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences''.

On page 109, line 24, insert before the semicolon the following: '', or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills''.

AMENDMENT NO. 958

(Purpose: To provide for a feasibility study with regard to a free online college degree program)

At the appropriate place, insert the following:

SEC. . FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008.

AMENDMENT NO. 965, AS MODIFIED

At the end of title II of division C, insert the following:

SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term ''mathematics coach'' means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term ''secondary school'' means a school that provides secondary education, as determined under State law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as be necessary for fiscal year 2008 and each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (l)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any

state educational agency under this section shall be not less than $500,000.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (l); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) CONFLICT OF INTEREST.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) APPLICATION.—

(A) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) CONSORTIA.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) AWARD BASIS.—

(A) PRIORITY.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) AMOUNT OF GRANTS.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during

after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY REQUIREMENTS.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

AMENDMENT NO. 970, AS MODIFIED

On page 164, strike lines 11 through 22 and insert the following:

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P–16 education data system to the purposes and functions for use of such information set forth in Federal or State law regarding education and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P–16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions for use of such information set forth in Federal or State law regarding education, and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions for use of such information set forth in Federal or State law regarding education; and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P–16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P–16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P–16 education data systems for any purpose other than as authorized by Federal or State law regarding education, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use by governmental and non-governmental entities of the unique identifiers employed in statewide P–16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy to the maximum extent practicable consistent with the uses of the information authorized in this Act or other Federal or State law regarding education.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the

establishment or improvement of the statewide P–16 education data system; and

AMENDMENT NO. 975

(Purpose: To require the Secretary of Energy, acting through the Director of Mathematics, Science, and Engineering Education, to provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses)

On page 78, strike line 21 and insert the following:

''(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.

''(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

''(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

''(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

''(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

''(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

''(C) to increase the use of effective instructional practices; and

''(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

''(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

''(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

''(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

''(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

''(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

''(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

''(f) FEDERAL AND NON-FEDERAL SHARES.—

''(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

''(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

''(2) provide equal consideration to States without National Laboratories.

''(h) USES OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

''(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

''(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

''(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

''(ii) classroom management;

''(iii) professional development;

''(iv) parental involvement; and

''(v) school management; and

''(C) provide high-quality and continuous teacher and staff professional development.

''(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

''(A) the science of energy;

''(B) the sources of energy;

''(C) the uses of energy in society; and

''(D) the environmental consequences and benefits of all energy sources and uses.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $1,000,000 for each of fiscal years 2008 and 2009; and

''(2) $2,000,000 for each of fiscal years 2010 and 2011.''.

AMENDMENT NO. 977

(Purpose: To encourage members of the Armed Forces to participate in programs for master's degrees in mathematics, science, or critical foreign languages education)

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

AMENDMENT NO. 980

(Purpose: To express the sense of Senate regarding policies related to deemed export control)

At the appropriate place in the bill, add the following:

"SEC. ___. SENSE OF THE SENATE.

It is the Sense of Senate that—

U.S. government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.''.

AMENDMENT NO. 921

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 921 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, let me use the minute in opposition to the amendment. The Senator from Oklahoma may wish to speak in favor of his amendment.

This is the amendment to strike the funding and the provisions in the bill for the Advanced Technology Program. In my view, this would be a very bad step for us to take. I know there are some Members who do not believe this is a worthwhile use of taxpayers' dollars. I am not one of those. I believe the Federal Government should partner with industry to assist in the early stages of technology development, and particularly that is important when we compete with other countries that spend heavily to assist their industrial sectors to compete in world markets.

So I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no question the ATP program has had some successes. The fact is that over $2.5 billion has gone to Fortune 500 companies over the last 14 years for research they would have done otherwise. This is a program which is outmoded. We have a way to help businesses do research and development. It is called the R&D tax credit. This is not effective. It is a poor way to spend our money.

I yield back the remainder of my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 921. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—39

Alexander	DeMint	Kyl
Allard	Domenici	Lott
Bennett	Ensign	Martinez
Bunning	Enzi	McConnell
Burr	Feingold	Murkowski
Chambliss	Graham	Roberts
Coburn	Grassley	Sanders
Cochran	Gregg	Sessions
Collins	Hagel	Shelby
Corker	Hatch	Sununu
Cornyn	Hutchison	Thomas
Craig	Inhofe	Thune
Crapo	Isakson	Vitter

NAYS—57

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

NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 921) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 956

Mr. BINGAMAN. Mr. President, we inadvertently left a cleared amendment off the list I read describing the managers' package. I ask unanimous consent that amendment No. 956 be agreed to and that the motion to reconsider be laid on the table.

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

The amendment (No. 956) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding concerns that United States capital markets are losing their competitive edge in intensifying global competition, and to recommend that Congress and the Administration take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace)

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING CAPITAL MARKETS.

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled ''Sustaining New York's and the U.S.'s Global Financial Services Leadership'', ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction.'';

(3) further, the report referred to in paragraph (2) stated that—

(A) ''The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs—those over $1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''; and

(B) ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.'';

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since 1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

Mr. SCHUMER. Mr. President, I rise to join my colleague Senator CRAPO in offering our Sense of the Senate to express that the Congress and the administration take the necessary steps to sustain the United States' position as the global leader in financial services to S. 761.

We can all agree that the U.S. is the financial capital of the world. Today, Wall Street is booming, and our Nation's short-term economic outlook is strong. But to maintain our success far into the future we must immediately address a real and growing concern: our global competitive position in the capital markets is being threatened.

The evidence is quite clear.

London, certainly our greatest competitor, has been working hard to gain on us in financial services in the last few years. And, although London has not overtaken us, it is no longer a distant second.

While New York is still the dominant global exchange center, we have been losing ground as the leader in capital formation. In 2005, only one out of the top 24 IPOs was registered in the U.S. and four were registered in London.

Sadly, the problem is not just IPOs. Our competitive position is being challenged in most businesses that are globally contestable.

Today London leads in some of the fastest growing and innovative areas in the financial services. They account for 70 percent of the global secondary bond market, 40 percent of the derivatives market, 30 percent of foreign exchange activity, and 30 percent of cross border equities trading.

Why is this happening? Not because London is more innovative—New York City is and 49 percent of the top CEOs say so. But, what they also say is—given the risks associated with developing innovative financial instruments and the importance of attracting talent in finance—the U.S.'s legal, regulatory and immigration policies are not attractive and it only makes sense to pursue cutting edge activity overseas. To make matters even worse, it is not only London. As technology has virtually eliminated barriers to the flow of capital, it now freely flows to the most efficient markets, in all corners of the globe. So, in addition to London we're increasingly competing for position against cities like Hong Kong, Tokyo and Bombay.

My concern about this issue has been keeping me awake at night. For over a year now I have been racking my brain, trying to understand the causes and fixes needed to keep us No. 1.

Well . . . that is precisely what Mayor Bloomberg and I set out to do in

a more formal way when we commissioned McKinsey Consulting to conduct a study to examine the competitive position of New York City's financial services industry, specifically in comparison to London's. The study identified the drivers that might cause New York City to lose its competitive edge, but more importantly provided recommendations and an action plan to correct the problem.

We gathered detailed analyses of market conditions here and abroad. McKinsey interviewed and consulted more than 50 respected leaders from the financial services industry, consumer and labor groups, and other stakeholders.

Our report which was released in January illustrated the reality of the situation. The U.S., New York in particular, is in grave danger of losing its status as the financial capital of the world without a major change in policy and regulation. If we continue on with the status quo, within the next ten years we will go from being number one, to becoming a marginalized regional market—spelling disaster for New York and the entire country.

Financial services comprise 8 percent of the U.S. economy—the third fastest growing sector of the U.S. economy. The industry also plays an important intermediary role in promoting economic activity and creating jobs (savings, investment, borrowing, capital formation, wealth accumulation, transactions). 1 in every 19 jobs in the U.S. is in financial services.

This clearly is not just a New York issue. Many of you will be surprised to learn, just as I was—that seven states (Connecticut, Massachusetts, Delaware, Rhode Island, North Carolina, South Dakota), including New York, have more than 10 percent of their State's GDP devoted to financial services.

Resolving this issue will require all hands on deck. In New York we already recognize that—the Mayor, the Governor, and I have already joined forces.

I strongly believe that we are in a good position to act now in order to lessen the damage that could be waiting for us 10 years down the road.

Cleary, this is an issue that will take some time to work through—taking on our country's regulatory regime, legal system and immigration policies will be no easy undertaking. In recognizing the complexities, our report focused on near term recommendations that are mostly administrative and the longer term recommendations that are legislative.

I want to commend Secretary Paulson and the Department of Treasury for convening a conference on United States capital markets' competitiveness. I hope this will build more momentum for other financial services regulators and Congress to take action and sends a signal that we are in need of a renewed U.S. focus on competitiveness.

We deed to take action to level the playing field for both domestic and foreign companies doing business in the United States, to address more complex policy, legal, regulatory and other structural issues affecting the U.S. position as the world's leading financial center. We must create a responsive, market-oriented regulatory framework, moving closer towards a fair and predictable legal environment, and provide access to skilled professionals from outside of the U.S.

I want to thank my friend and colleague Senator CRAPO for his commitment and leadership on this issue. I look forward to working with you over the next several months to protect our capital markets—this is not a Democrat or Republican issue, it's an American issue.

The bottom line is that we, in New York and in the U.S., literally cannot afford to lose our place as the global leader in financial services and we must examine which factors impede our competitive standing.

At the same time, we have to be smart, careful, and balanced as we seek to continue to redefine the exquisite balance of innovation and regulation as markets evolve internationally.

We know that addressing these challenges and ensuring that we do so in a way that continues to offer strong protections to consumers and investors will be a huge undertaking. But if all stakeholders—industry, consumer advocates, labor, and government—come together in the name of securing our economic future, we can do it.

Failing to do so would be dereliction of duty.

We must all commit to seeking a shift in national policy in a direction that will ensure that New York and America retain its leadership position in the financial services industry well into the 21st Century.

I thank my colleagues for joining us in support of this amendment.

Mr. CRAPO. Mr. President, I rise today in support of this global competitiveness amendment with the senior Senator from New York to S. 761 and to call attention to the challenges facing U.S. financial markets. I really appreciate the leadership role the senior Senator from New York has taken in the global capital markets competitiveness debate and I really appreciate our working relationship.

The first part of the amendment highlights findings that U.S. capital markets are losing their competitive edge in the face of intensifying global competition in initial public offerings, IPOs, over-the-counter, OTC, derivatives, securitization, and traditional lending. The second half of the amendment expresses the sense of the Senate about what steps should be taken to bolster the competitiveness of this essential sector of the U.S. economy.

According to the Schumer/Bloomberg report entitled Sustaining New York's and the U.S.' Global Financial Services Leadership, ''In looking at several of the critical contested investment banking and sales and trading markets—initial public offering, over-the-counter derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction.''

This is a very alarming trend because IPOs and OTC derivatives contribute to a robust and dynamic capital market which is a tremendously beneficial force for our economy and an empowerment to our citizens. It is critical to ensuring economic growth, job creation, low costs of capital, innovation, entrepreneurship, and a strong tax base in key areas of the country. The U.S. financial sector acts as a catalyst for all other sectors in the U.S. economy. That is why the decline in global initial public offerings in the United States, and the fact that London already enjoys clear leadership in the fast growing OTC derivatives market, are such worrying trends.

The report further states, ''The IPO market also offers the most dramatic illustration of the change in capital raising needs around the world, and the U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega IPOs—those over $1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.''

It further notes: ''London already enjoys clear leadership in the fast-growing and innovative over-the-counter derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasing use derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives market can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as its position as a center for financial innovation.''

One of the common themes we are seeing in terms of movement of business away from the United States to

London and other capital markets are the regulatory burdens and the regulatory regime that we impose here in the United States. I do not think anybody would say that we should simply take down our regulatory position, because we do have one of the strongest markets in the world. But the question is are we over-regulating.

Fortunately, academics, business leaders, and politicians are working together to study this issue. They have identified several specific problems that hinder the competitiveness of the U.S. capital markets and have issued reports outlining possible solutions:

Interim Report of the Committee on Capital Markets Regulation, November 2006; Schumer/Bloomberg report entitled: ''Sustaining New York's and U.S.' Global Financial Services Leadership, January 2007; Commission on the Regulations of U.S. Capital Markets in the 21st Century, March 2007.

I would especially like to commend the senior Senator from New York for his efforts in this project. All three reports add considerably to the understanding of the challenges that American capital markets face and offer solutions that could help American markets, companies, and workers to better compete.

Additionally, on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness where conference delegates discussed ways to keep U.S. capital markets the strongest and most innovative in the world. This problem is well-documented and it is time that we take the necessary steps to restore America's leadership position in the global financial services marketplace.

This amendment states it is the sense of the Senate

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets;

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

This amendment is supported by the American Bankers Association, the Business Roundtable, United States Chamber of Commerce, Financial Services Forum, Investment Company Institute, International Swaps and Derivatives Association, Securities Industry and Financial Markets Association, NASDAQ, and NYSE.

I also thank my colleagues for joining me in supporting this amendment, and I thank the senior Senator from New York for working with me on this amendment

AMENDMENT NO. 922

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 922, offered by the Senator from Oklahoma.

Mr. INOUYE. Mr. President, I wish to speak against this amendment. This amendment will increase the work of the inspector general because of its mandatory nature, but it will not add any additional results.

Secondly, it provides that audits be posted on the Web within 60 days without any safeguards for proprietary information that may be gathered as a result of the audit, and it provides no protections under existing information privacy laws.

Then there is the word ''conference,'' which I think is too broad and has implications for existing and future educational activities, which is the major part of the underlying bill.

For this reason, and many others, I am opposed to it.

I yield back my remaining time.

The PRESIDING OFFICER. Does the Senator from Oklahoma wish to be heard?

Mr. COBURN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 922.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—82

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

NAYS—14

Akaka	Inouye	Lincoln
Byrd	Kennedy	Lugar
Dodd	Kerry	Rockefeller
Feingold	Levin	Stevens
Gregg	Lieberman	

NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 922) was agreed to.

Mr. LEVIN. Madam President, I voted against Senator COBURN's amendment, No. 922, because it will place a difficult burden on grant activities of the National Oceanic and Atmospheric Administration, NOAA. The amendment as drafted has disturbing privacy implications. The inspector general's audits must be posted on the Web within 60 days without any safeguards for proprietary information. Further, the amendment is drafted so broadly that some reasonable uses of grant awards would be jeopardized. Researchers might be restrained from attending peer conferences which are a part of the scientific process. NOAA awards grants throughout Michigan in order to protect and restore the Great Lakes, and I want to ensure that this amendment does not interfere with NOAA's mission in the Great Lakes and our Nation's waters. I support the goal of the amendment to provide for accountability and transparency, and I hope that my concerns with the amendment will be addressed in conference so that I can support the provision in the conference report.

NANOTECHNOLOGY IN THE SCHOOLS

Mr. WYDEN. Madam President, I would like to thank the distinguished Senator from New Mexico, Mr. BINGAMAN, and the distinguished Senator from Tennessee, Mr. ALEXANDER, for their leadership in crafting the America COMPETES Act and managing it on the Senate floor. I would also like to thank Senator INOUYE and Senator KENNEDY for their roles in developing and moving this bill. It is a critical piece of legislation that will help ensure our great Nation remains competitive in the global economy.

I would also like to thank my distinguished colleague from Oregon, Mr. SMITH, the distinguished Senator from Massachusetts, Mr. KERRY, and the distinguished Senator from Arkansas, Mr.

PRYOR, for working with me to draft language to enable high schools and colleges to purchase nanotechnology equipment through grants from the National Science Foundation. And I thank the distinguished Senator from New Jersey, Mr. MENENDEZ, for working with us to add some of that language to his important amendment to this fine bill.

Nanotechnology involves the understanding and control of matter at dimensions of roughly 1 to 100 nanometers—as small as a single molecule. At that scale, unique phenomena enable novel applications. The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made. It will continue to be at the heart of innovation in a wide range of sectors for decades to come.

With the inclusion of the language that we proposed, partnerships between low income school districts, colleges and universities, and businesses will be able to secure funds to purchase classroom versions of scanning electron microscopes and other tools that are fundamental to the study of nanotechnology.

Mr. SMITH. Madam President, I thank my distinguished colleague and the Senators from New Mexico, Tennessee, Massachusetts, Arkansas, and New Jersey.

Nanotechnology will have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand. In order to maximize the benefits of nanotechnology to our citizens, the United States must maintain world leadership in the field.

According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating U.S. students in high schools and colleges, so that our students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

Preparing students for careers in nanotechnology requires they have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and involves training to enable teachers and professors to use the tools in classrooms and laboratories.

Mr. WYDEN. I agree with my colleague. It is well documented that America needs to address the science, technology, engineering and math deficit—this entire bill is a reflection of that understanding. This deficit is possibly greatest in the Nation's poorest school districts. Yet these school districts also offer a reservoir of potential—potential, if properly tapped, that could generate hundreds of thousands of scientists and engineers who can help ensure that America can compete in the global marketplace, and harness the economic promise—and good paying jobs—of emerging fields like nanotechnology.

I have seen some of the nanotechnology equipment that folks will be able to use these funds to purchase. And honestly, it is exciting stuff. I expect that it will help generate the enthusiasm, as well as the knowledge and understanding, necessary to attract and retain America's future nanotechnologists.

So I would urge the Director of the National Science Foundation, as he is implementing this program, to give special attention to grant proposals that include a nanotechnology element.

Mr. SMITH. I agree with my colleague from Oregon and I also hope that the Director will give special attention to grant proposals that include a nanotechnology element. Nanotechnology is not a specific technology, but a descriptive term encompassing a range of fields from biology to computer science, and from medicine to engineering. This legislation will enable high schools and colleges, in partnership with local businesses, to purchase basic tabletop nanotechnology tools for classroom use—not laboratory use for research, but classroom use for education—to help create the next generation of scientists of all kinds, and to ensure that they will have the skills to apply nanotechnology to whatever specific scientific field they enter.

Mr. WYDEN. I would like to make one last point—the 21st Century Nanotechnology Research and Development Act will come up for reauthorization next year. As one of the authors of the act, and as one of the cochairmen of the Congressional Nanotechnology Caucus, I am looking forward to hearing my colleagues' thoughts about how the act might be amended to further promote American competitiveness in the vitally important field of nanotechnology.

AUTHORIZATION FOR DEPARTMENT OF ENERGY BASIC RESEARCH, SECTION 2006

Mr. DOMENICI. Madam President, I wish to commend the managers of the bill for continuing here on the floor the remarkable cooperative effort that characterized the development of this legislation by the three Senate committees. That said, I want to note that I think we need to give further consideration to the funding pattern for basic research within the Department of Energy in Section 2006. We have responded to the Augustine Report's call for increasing our commitment to basic research in the physical sciences by doubling funding over the next decade, but we need to make sure that those funds are distributed over the years in a manner that will maximize the effectiveness of those programs. I suggest that we need to increase and accelerate funding for these basic research programs. I request that the managers agree to work with me to accomplish that as this bill works its way through conference.

Mr. BINGAMAN. I share my colleague's concern. We must ensure that the funding increases for the Office of Science at the Department of Energy are sufficient and that they are allocated to specific years so that there is a nexus between the needs of each of the various research programs and the amounts provided for each fiscal year. I will be pleased to work with my colleagues in conference to refine further these authorizations.

Mr. ALEXANDER. I thank the senior Senator from New Mexico for bringing this matter to our attention. I, too, recognize the significant contributions of the Department of Energy Office of Science to our Nation's commitment to basic research. It is the largest Federal funding source of basic research in the physical sciences. So it is, of course, extremely important that we get the funding right. I will also be pleased to work with my colleagues to make certain we provide optimal support for these programs.

Mr. DOMENICI. I thank my colleagues for their willingness to work with me on this issue, and I am hopeful that the conference report we ultimately consider will have the best funding scenario we can provide for these basic research programs.

AUTHORIZATION OF THE ATP PROGRAM

Mr. LEVIN. Madam President, I had intended to call up amendment No. 969 which sets forth authorization levels for the Advanced Technology Program, ATP, to restore the ATP program to its historic funding levels. The Senate's defeat of the Coburn amendment expresses the will of the Senate to support the ATP program. I am also confident that the chairman and the committee can accomplish in conference what this amendment intended to do.

Again, by defeating the Coburn amendment to repeal the authorization for the Advanced Technology Program, ATP, the Senate has again expressed its support for ATP.

This body understands the importance of this program. In the past the Senate has, on numerous occasions, supported amendments to the budget resolution to provide for ATP. Every time we have had an appropriations vote on this program we have retained funding for ATP.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is one of the key Federal programs available to help U.S. manufacturers remain competitive in a global economy.

I have spoken with the chairman of the Senate Energy Committee and I am confident he will support strong funding for the ATP program in conference.

Mr. BINGAMAN. I will support efforts to authorize this important program which the Senate has so often voted to support, consistent of course with our ability to get a conference report that the Senate can pass.

I thank Senator LEVIN for bringing this matter to the attention of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, if all of the Members are here now, I want to express thanks—I think I speak for the whole Senate—for the work done by Senators BINGAMAN and ALEXANDER. It is a very important piece of legislation. This is the fifth day we have worked on this piece of legislation; this is only the floor days. We spent hours and hours coming up with the idea, having meetings, meeting with individual Senators.

It is a good piece of legislative work. As we know, legislation is the art of compromise. They have made the compromises which improved the legislation. They were assisted by the chair and ranking member of the HELP Committee, KENNEDY and ENZI; Commerce Committee, INOUYE and STEVENS; and, of course, Senator BINGAMAN's housemate from New Mexico, Senator DOMENICI, has been on the floor a lot these past few days. It is good to see him up around, back in his fighting form. He has done very good work as usual.

I also express my appreciation to Senator MCCONNELL for allowing us to move forward. This is a good bipartisan piece of legislation. I said when this legislation started we were going to do something on a bipartisan basis. Recognizing that although there was a little bit of downtime on a few occasions, I made the decision before we went to this bill there would be no procedural cloture votes filed. I thought it was good to let everybody know we can work through these bills if we have to with a little cooperation from everyone.

Thank you very much.

Let me finally say, the House is going to complete the work on the supplemental sometime late tonight. We will get that sometime late tomorrow. We are going to try to have the final passage of this about a quarter to 1 tomorrow. I am assuming it will be final passage: we will have the vote, anyway. Then that will be the last vote for this week.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me join my good friend the majority leader, and say this is a good example of the Senate, a broad bipartisan bill of consequence, with spectacular, widespread participation led by Senator ALEXANDER, Senator DOMENICI, Senator STEVENS, and others on this side; Senator BINGAMAN and others on that side. This is a proud moment for the Senate. I congratulate all of those who spent a couple of years crafting this measure and putting it together so it can enjoy this large vote it is about to receive.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 973

Mr. BINGAMAN. Madam President, we did inadvertently leave one additional amendment off the list that I read describing the managers' package. I ask unanimous consent that amendment No. 973 be agreed to, and the motion to reconsider be laid on the table.

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

The amendment (No. 973) was agreed to, as follows:

(Purpose: To include the Administrator of the Small Business Administration on the President's Council on Innovation and Competitiveness)

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

Mr. BINGAMAN. Madam President, let me say very briefly that I very much appreciate Senator REID's leadership in setting time aside and making this a priority for the Senate, and Senator MCCONNELL as well. And, of course, I acknowledge the great work Senator ALEXANDER has done at every stage in this process. He has done a terrific job, and he has been the persistent impetus for getting this legislation to this point and deserves great credit for it. Senator DOMENICI does as well. He took a very strong leadership role in the last Congress and again in this Congress in getting this done.

Of course, Senator ENSIGN and Senator LIEBERMAN have been real leaders on the issue, and Senator MIKULSKI, Senator INOUYE, Senator STEVENS, Senator HUTCHISON, Senator KENNEDY, and Senator ENZI. All of them have played a major part.

This is multicommittee legislation and multi-Senator legislation. It is bipartisan, as was said. It is a good step for the Senate to be taking. I appreciate everyone's cooperation and help.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, out of respect to our colleagues, I am going to defer my remarks until after the vote except to say—all of the thank-yous, except to say one thing: There are a number of issues before this body that are too big for one party to solve. This has been one of them. But after 2 years of work across party lines, we ended up with 63 cosponsors, 208 pages of legislation. We dealt with 40 amendments in the last 3 days without any cloture. I hope this sets an example for dealing with some of the other large issues we have that are too big for one party to solve.

I thank my colleagues for working with us in this way. I will be more specific about those thanks to the leaders and the other Senators after the vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, fellow Senators, I have been involved in the last 2 years in two major legislative efforts; both of them have been bipartisan, extremely bipartisan. I don't know how far that will carry us, but it certainly is a good feeling. It is different to know that Senators on both sides of the aisle support the effort you are making when you work hard for something like we did for this one.

The brain power of our youth is the salvation of our country. It is the source of innovation and the source of our economic power. It is failing because we are not educating our children properly. That is the heart of the recommendation given to us. It is the heart of what they gave us as their recommendations, the great American leaders who volunteered, and we were able to keep most of it regardless of how difficult the committee jurisdictions are. Three major committees getting together to fix this is pretty good work.

I thank everyone. There are more that I want to thank one on one. I will thank them later. But it has been a great effort. I thoroughly enjoyed it after these many years of being a Senator. The last couple of years have been absolutely terrific when you can get a couple of major bills done with both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—88

Akaka	Baucus	Bennett
Alexander	Bayh	Bingaman

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

NAYS—8

Allard
Coburn
DeMint
Graham
Gregg
Inhofe
Kyl
Thomas

NOT VOTING—4

Biden
Brownback
Johnson
McCain

The bill (S. 761), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BINGAMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Madam President, I speak today in support of the America Competes Act, ACA, a bill designed to increase math and science opportunities for our Nation's youth, an issue of great importance in our increasingly global economy. I have heard from Wisconsinites at the K–12 education level as well as members of my State's higher education community who have voiced support for the ACA and the boost it provides to math and science programming. I am particularly pleased the Senate accepted my amendment to improve education privacy protections in the P–16 database component of this legislation.

For decades, America has dominated the science and technological fields both in the higher education community and the business sector. As the National Academy of Sciences', NAS, report ''Above the Gathering Storm: Energizing and Employing America for Brighter Future'' outlined, the United States is facing some important challenges that need to be addressed if our country wishes to remain the worldwide economic and scientific leader. The report made clear that the science and technology preeminence that we have enjoyed for decades should not be taken for granted and deserves serious attention.

The NAS report also highlights the need for supporting basic and applied research as a foundation for America's continued competitive edge. The America COMPETES Act follows through on these suggestions by boosting funding for competitive basic research through the NSF and other agencies. I have long been a strong supporter of competitive research funding, cultivating young researchers, graduate students and professionals, and creating an overall environment that encourages innovation, so I was glad to see these provisions in the legislation. While this legislation provides a Federal emphasis, this effort is going to have to be a partnership with public and private universities and colleges to be successful. Knowing Wisconsin, I am sure our institutions and higher education and companies will step up to the plate and embrace this partnership.

Keeping America competitive globally is particularly relevant as manufacturing and industrial plants have closed in the United States and been rebuilt in other nations where the cost of hiring technical experts like engineers and chemists are often one-fifth or even one-tenth that in the US. While we need to boost education and employment training for these workers, I am concerned that retraining and major investment in the science and technology arena will not be enough to make a long-term difference without improved trade agreements. I continue to be troubled by the trade agreements into which our country has entered in recent years. Too often, they lack even the most basic labor and environmental standards needed to prevent a race to the bottom, and to ensure that our businesses and workers can compete on an equal footing. The unfortunate result of these flawed agreements has been the flight of jobs overseas and downward pressure on wages and benefits for those jobs that remain. If agreements such as these continue to be the rule, I am afraid that even with significant investment in science and technology our global position will continue to erode.

While trade policy is an important aspect of our country's competitiveness, maintaining and strengthening America's competitiveness is a multidisciplinary effort. I am pleased that the ACA includes funding for various important education programs including teacher professional development and summer learning institutes for K–12 teachers, and expanded access to AP and IB courses for students in high-need schools. Providing training and support to America's teachers is an essential component of strengthening our nation's educational system and ensuring the educational growth of American students. Teacher quality is one of the biggest factors that impacts student achievement and too many students in our nation's most disadvantaged schools are taught by less experienced and less qualified teachers than their counterparts in our more advantaged schools. The programs provided in the ACA move our country in the right direction towards closing the gap in teacher quality and increasing the number of math and science teachers throughout the country.

I am pleased the Senate adopted my amendment to strengthen the education privacy provisions in the title IV section of the bill which funds alignment of education programs. Under this section, States could apply for grants to improve alignment of the K–12 education standards with the skills that are needed for both the workforce and college. States could also use the grants to create P–16 databases which would compile information on students from kindergarten through college for the purposes of improving education policy in the States. While I fully support better alignment between the K–12 and higher education systems, I was concerned that the privacy provisions of the underlying bill were not strong enough to protect this important student data. As we have seen recently with the unauthorized uses of the federal National Student Loan Data System, these data systems are not completely secure and are potentially subject to abuse by those who have access to such data systems.

My amendment adds some commonsense protections that States would have to comply with in order to receive Federal funding to create or improve education databases. States and third parties will only be able to use the data in the P–16 systems to fulfill purposes set out in State and Federal education law and third parties who access the data must sign a data use agreement prohibiting further disclosure or unauthorized uses. States will also have to account for all disclosures of data and make the accounting available to individuals whose data has been disclosed. Additionally, States must maintain adequate electronic security measures to safeguard the confidentiality and integrity of the data. Databases established with these Federal grant dollars would be subject to the protections of the Family Educational and Privacy Rights Act. Finally, the underlying bill requires States to assign students unique identifiers in the State databases and my amendment would prohibit Federal, State, and local agencies from using the unique identifiers for any purposes except those allowed under Federal and State education law, as well as requiring the Secretary of Education to promulgate regulations to govern the use of unique identifiers in order to safeguard individual privacy.

During consideration of the bill I supported several amendments that would impose greater fiscal responsibility, such as Senator DEMINT's amendment opposing earmarks and Senator COBURN's amendment addressing the Advanced Technology Program. I did not support other amendments that, while well-intentioned, could have undermined the principles and purposes of the bill. I opposed Senator COBURN's amendment to sunset the provisions of the ACA and its amendments because of my concerns that this would nullify positive policy changes made by the ACA. I also opposed his

amendment regarding the grant programs of the National Oceanic and Atmospheric Administration. That amendment would have unduly interfered with grant recipients' ability to meet the objectives of their grants by prohibiting participation in conferences that, for example, could further scientific understanding. Grant recipients from all Federal agencies already must comply with regulations that prohibit the misuse of Federal funds on things such as entertainment and alcohol expenses.

I am pleased we were able to work in a bipartisan manner to pass this important legislation. Improving math and science programs for disadvantaged youth and strengthening professional development opportunities for America's teachers are critically important to our Nation's future. The United States has long been known for its leadership in scientific discoveries and achievement, but our country must continue to improve and strengthen our education programs related to math, science, and technology if the United States wants to remain the world's leader on these issues. I believe the America COMPETES Act moves our country in the right direction towards achieving these important goals.

Mr. REID. Madam President, passing S. 761, the America COMPETES Act, is an important first step towards maintaining our country's competitive advantage in the global economy.

This legislation was written with strong bipartisan cooperation and negotiation. Many competing interests and competing views were heard during an open amendment process with Senators free to offer their ideas for improving the legislation. And, in what I hope is a sign of things to come, we were not forced to file cloture to complete action on this bill. Over the past few days, the Senate worked just as it was designed to do.

We would not have achieved this great bipartisan success were it not for the hard work of Senators BINGAMAN and ALEXANDER. While many Senators played important roles in passing this bill, Senators BINGAMAN and ALEXANDER were responsible for raising the awareness of our diminishing ability to compete, and for bringing a much-needed sense of urgency to this issue. I also want to recognize the hard work of a number of my colleagues, Senators INOUYE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, and HUTCHISON, who were also instrumental in crafting and now passing this legislation.

I look forward to working with my colleagues to ensure that we follow through on the commitments and investments we made today in passing the America COMPETES Act. And I am hopeful that we can continue to work together in a bipartisan manner to move this country forward.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, let me speak again about the extraordinary effort that went into this legislation and talk particularly about the staff work that has brought us to this point.

I think everyone involved in this legislation knows this represents many days and many nights of hard work by staff people in our personal offices as well as on committee staff. We have seen a great example of how the staffs of the various committees can come together and produce a good product.

I will reiterate the leadership among Senators for this work. Senator ALEXANDER, of course, deserves tremendous credit. Senator DOMENICI deserves tremendous credit. Senator LIEBERMAN and Senator ENSIGN have both worked very hard on this legislation and deserve great credit as well. I know Senators REID and MCCONNELL acknowledged their good work. We also, of course, could not have done this without the leadership of Senator KENNEDY and Senator ENZI on the HELP Committee, and without the leadership of Senator INOUYE, Senator STEVENS, Senator MIKULSKI, and Senator HUTCHISON. There are several others I am sure I should have on the list as well because this was a combined effort.

The three committees that put this legislation together were the Health, Education, Labor, and Pensions Committee, under the leadership of Senator KENNEDY and Senator ENZI; of course, the Commerce, Science, and Transportation Committee under Senator INOUYE and Senator STEVENS; and the Energy and Natural Resources Committee. The portion of this legislation that came from the Energy and Natural Resources Committee was reported out when Senator DOMENICI was the chairman in the last Congress. I was proud to work with him in doing that. I can recall the effort the three of us made—Senator ALEXANDER, Senator DOMENICI, and myself—to persuade the President to make this a priority. He did make it a priority. Of course, he deserves credit for that as well.

Let me also talk for a minute about individual staff members on both sides of the aisle who worked very hard to make this a success—from the Commerce Committee: Jean Toal-Eisen, Jason Mulvihill, Chan Lieu, Beth Bacon, Jeff Bingham, H.J. Derr, Floyd Deschamps, and Christine Kurth; from the HELP Committee: Missy Rohrbach, Lindsay Hunsicker, Michael Yudin; from my staff: Carmel Martin, David Cleary, Anne Clough, Beth Buehlman, Roberto Rodriguez, and Ilyse Schuman; from the Energy Committee: Bob Simon, staff director Jonathan Epstein, who has been working with me tirelessly on this legislation, Sam Fowler, and, of course, our general counsel, Kathryn Clay, and Melanie Roberts; on Senator ALEXANDER's staff: Matt Sonnesyn and Jack Wells are the two with whom I am most familiar who have worked so hard; from Senator LIEBERMAN's staff: Rachel Stotsky, Craig Robinson, and Colleen Shogan; and from on my staff: My legislative director Trudy Vincent has been extremely involved and helpful in getting this legislation completed. I wish to acknowledge the great work done by Jason Unger and Mark Wetjen on Senator REID's staff and by Libby Jarvis on Senator MCCONNELL's staff.

This is legislation which could not have come together without the good work of all of these people whose names I have mentioned. They can be proud of their success in this venture.

Of course, this is only one hurdle in the process. It seems, in the legislative process, no matter how many hurdles jumped, there is always another ahead. We now have to find a way to reconcile any differences we have with the House on this set of issues. We hope we can do that successfully in the near future and send the bill to the President.

Again, I particularly congratulate Senator ALEXANDER and Senator DOMENICI. I know Senator ALEXANDER has some comments he wants to make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to add the following Senators as cosponsors of S. 761, the America COMPETES Act: Senators SNOWE and HATCH.

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

Mr. ALEXANDER. Madam President, let me say to Senator BINGAMAN, I greatly appreciate working with him. I do not believe there will be a more important piece of legislation to come before Congress this year because it goes right to the heart of something every American understands, which is, How do we keep our jobs? This is the way we do it. We keep our brainpower advantage. We keep our jobs in competition with China and India. There are other factors as well, but what we know is—and we have a broad consensus in the Senate—that most of our remarkable standard of living, a situation where we have 30 percent of all the money in the world produced in this country for about 5 percent of the people, comes from our brainpower advantage, kindergarten through the twelfth grade, a wonderful higher education system, and our research institutes. That is the importance of this legislation.

The second thing about the legislation is that, to a remarkable degree, we rely on the people we ought to rely on in giving the answer to the question, How do we keep our brainpower advantage? Senator BINGAMAN and I, with the encouragement and under the leadership of Senator DOMENICI, who last year was chairman of the Energy Committee, asked the National Academy of Sciences: Please tell us the 10 things we need to do in order to keep our brainpower advantage so we can keep our jobs.

So they asked Norm Augustine, the former head of Lockheed Martin, to chair a distinguished group of about 21, and they gave up their summer 2 years

ago. They included three Nobel laureates, the former head of MIT, and others of that caliber, and they gave us 20—in priority order—things to do. At about that same time, the Council on Competitiveness had finished its work. Senator LIEBERMAN and Senator ENSIGN had introduced their bill.

That legislation, which was the Domenici-Bingaman legislation, after a lot of work with the Bush administration, became the Frist-Reid bill toward the end of last year. Then, when we changed parties in the Senate, the very same bill became the Reid-McConnell bill. So we had worked closely together in a bipartisan way where we were able to overcome differences.

I do not want the 88-to-8 vote to fool anybody. This was not that easy to do. This has been 2 years of work, with lots of different committees, many different ideas. But it has been a successful effort.

As I said, briefly, just before the vote, it is a privilege always to be a Senator. It has especially been a privilege this week because the Senate is acting as the Senate should. We are dealing, first, with one of the biggest issues facing our country. Second, we are recognizing it is one of that handful of big issues that cannot be solved by one party alone. The Democrats could have charged up and down the hill all night long, and they could not have done it. The Republicans could have done the same, and we could not have done it. We could only have done it in the way we did it, and we did.

There are other issues out there like that. I think of immigration, which the majority leader has said we will be moving to soon. There is the question of affordable health insurance for every American. There is the question of energy independence. I hope this is a model for how we can work together and avoid some of the petty bickering we sometimes fall into. I think the American people would appreciate that, and I hope they will appreciate this.

I wish to thank especially the Senators whom Senator BINGAMAN talked about. He and his staff have been a delight to work with. Senator DOMENICI, of course, has been terrific to me as a junior member of his committee last year, allowing me to work on this. But when Senator STEVENS and Senator INOUYE and Senator KENNEDY and Senator ENZI, basically, lent their prestige and sense of urgency to this legislation and stepped back and allowed it to proceed and participated rather than claim some jurisdictional advantage, that is what really helped.

Senator ENSIGN made a tremendous difference within the Republican caucus, and Senator HUTCHISON and Senator BOND, and Senator MIKULSKI on that side. Senator CHAMBLISS and others from the very beginning have worked on this issue. That is why we had 70 Senators on the Domenici-Bingaman bill last year—35 Republicans, 35 Democrats. And that is why we had 63 cosponsors of the Reid-McConnell bill.

Finally, Senator REID allowed this to come forward, and Senator MCCONNELL worked with him in a way that permitted this environment. It is pretty remarkable. We have had nothing like this in the Senate this year. We had no cloture—not one bit of cloture. We had a very complicated bill. We dealt with 40 amendments, and we got it all done within a week—on one of the most important pieces of legislation. That is a significant achievement. We should not forget the role Senator Frist played last year in helping to move things along. So I thank my colleagues for the privilege of being a part of it.

Senator BINGAMAN read the names, I believe, of all of the Democratic staff and Republican staff. I do not think he left anyone out. I want to especially, therefore, say—I hope this is appropriate to do—to Jonathan Epstein and Senator BINGAMAN's staff how much we appreciate all of them. They really have been indispensable to this effort. I also thank Matt Sonnesyn, who has been our lead. He has been indispensable, as well, and David Cleary; and Kathryn Clay on Senator DOMENICI's staff, who has been crucial to the effort. The staff have spent hundreds of hours, literally, in the last 2 years working carefully through the bill.

I might say this, in conclusion—I know Senator DOMENICI has something to say—I took the legislation home over the weekend and reread it, all 208 pages. It is remarkably coherent, well written, and well organized. Maybe this process would be a good model for other legislation.

The House of Representatives is already moving. Congressman GORDON and Congressman Boehlert joined Senator BINGAMAN and me in asking the National Academies for their recommendations 2 years ago. Those recommendations have been introduced in the House. It is my hope that after our legislation goes there, the House will act soon, and we will be able to send this legislation to the President.

Senator DOMENICI took us to the White House last year to talk with the President about this issue. He secured the invitation, and it was not just a Republican Senator or another Republican Senator, it was a Republican senior Senator and a Democratic senior Senator meeting with the President. That is the way we worked on this issue. So we appreciate the President's attention and priority to this issue. It would not have happened without that, either.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will be very brief because so much has been said, I do not think I should repeat it. I think all of the people who deserve to be thanked have been thanked. I thank Senator BINGAMAN for being so gracious to all of those who worked on this legislation. I say to Senator BINGAMAN, you always do, and you made sure the RECORD reflects each of their names, including those of my staff. We all thank you for that act of courtesy.

I just want to say, we all knew when we started we were addressing a very big problem. I am sure each of us from time to time has wondered whether what we were doing was going to have as big an effect as we hoped on our children in their ability to improve their brainpower, as we help teachers who teach them be better teachers of the hard subjects of math and science and the like.

I am sure many times we wondered whether this was the right avenue and approach. But once we got into it, it was apparent we had not been led astray, that the leaders who put it together for us—and there is not a large group of them, but they are very talented, and they are very American—sought nothing but to give us the best recommendations for our country. That was a wonderful group in the Academies. Of course, their chairman, the former CEO of Lockheed Martin, just did a marvelous job.

I am very hopeful, now that we have done this, we will get the money appropriated. I pledge here tonight I will do everything I can—and I hope we will muster more help as we go through appropriations—to see that we give this legislative thrust a chance. If you want a shell, you will get a shell. If you do not want to pay for these programs, you will not help your kids, because there is nothing mysterious about this. There is a huge amount of work that has to be done by people and institutions that have to be paid.

This bill says how we are going to pay for it, but it is an authorizing bill. I told the Senate that, and I proved it, there is nothing we could do in terms of the Budget Act for those who wanted to stop it, because it does not spend money. It authorizes a series of new ideas as the program for the country. The program is immobile without the resources that are stated. As we look at it carefully, we might even see we did not put enough in certain areas. I am certainly going to go to conference and work on the Appropriations Committee with the full idea that we must fully fund this bill for the next 3 or 4 years if we are going to get what we want for our young people and the teachers and parents who so anxiously wait for something good and positive.

This day has been a long time coming. For over a year, we have been working to pass a bill that will give America the brain power needed to compete in the global marketplace.

This is a process that began in the Energy Committee, with a request to the National Academy of Sciences to put together a report that told us what needed to be done to help America compete. That report, ''Rising Above the Gathering Storm,'' led by former Lockheed CEO Norm Augustine, serves as the basis for the legislation we just passed.

Last year, the Energy Committee moved forward with legislation that utilizes the Department of Energy and its national labs to train our teachers and rekindle interest in math and science. We called that bill the PACE—Protecting America's Competitive Edge.

At the end of last session, and again this year, we were able to partner with our leaders, Senator REID and Senator MCCONNELL, and our colleagues on the Commerce and HELP Committees, to put together the comprehensive America COMPETES Act.

Less than 6 percent of high school seniors have plans to study engineering, but 50 percent of our current U.S. science and engineering workforce is approaching retirement age.

By bringing our national labs into the classroom, we can begin to address this problem.

Since the Augustine report emphasizes the need for a renewed focus on basic science and research, this bill authorizes doubling the funding for DOE's Office of Science.

I look forward to working with the House in conference to pass a strong, bipartisan bill that will allow America to rise above the gathering storm and compete once again.

With that, Madam President, once again, I thank Senator BINGAMAN. It has been a pleasure to get another bipartisan bill through with you. If we keep doing this, they are going to be mentioning the Senator from New Mexico so much—mentioning you and then me—they are going to think the whole place is full of Senators from New Mexico. We do not have to worry about that. We will take what we can get and do the best we can with it.

I say to the Senator, thank you, LAMAR, for coming to me and asking: Could I push this with you all? It was a pleasure—and under my chairmanship—to push it with you and for you. It came out very well.

I yield the floor.

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

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

JACK HICKMAN'S RETIREMENT

Mr. REID. Mr. President, prior to this job as Democratic leader, I basically lived on the floor for 6 years. I was here from the time the Senate came into session until we went out every day. During that period of time, I got to know staff up here very well because I basically lived with them.

One of the people whom I certainly have gotten to know over that period of time is a man by the name of Jack Hickman. Since 1996, Jack has worked in the Senate Document Room, has been the executive communications clerk, and is now the morning business editor. When he is here, he sits at the table right in front of me.

Jack is physically a giant of a man, very big. He has a wonderful sense of humor and is very easy to get along with. He loves his alma mater, the University of Wisconsin. One of his sad times was when UNLV beat them once, which was unexpected in a lot of quarters. He follows Wisconsin basketball and all of their sports teams very closely.

Jack has two sons, Paul and Brian. His wife's name is Margaret, and he brags about her all the time.

I want the RECORD to be spread with the fact that it has been an enjoyable experience for me to be able to work with someone of Jack's caliber, to be able to joke with him and make fun of each other in a respectful way on some of our idiosyncracies.

Jack Hickman is going to retire. Tomorrow is his last day here. He and his wife had purchased a place in Florida some time ago. He has been going down there on vacation in our off times. Now he will live there full time.

Jack does, as do all of the Senate personnel, invaluable work for us. He makes sure what we say goes in the right place in the RECORD. He works with the court reporters and the rest of the staff. His work, even though it is not very noteworthy to the public, is essential to the Senate functioning properly.

I will really miss Jack a lot. He is someone with whom I have a real strong comfort level. I look forward, in the years to come, to being able to visit with him again and talk about some of the times we have had. We have spent many hours together on the Senate floor. During those years, I didn't control what we did; I was just here on the floor. We waited for long periods of time for the leader—whether it was a Democratic or Republican leader—to come and take us out at the end of the day. We complained to each other, saying, ''I wonder what they are doing.'' Well, since I got this job, I have a better picture of that. Even though it appears there is nothing going on out here, a lot of times, in the respective leaders' offices, a lot is going on.

Mr. President, I speak about Jack, but in the process I speak of all these people who do so much for us and make us look good.

I wish Jack good luck in his retirement.

RECOGNIZING CHARLES A. SCHOLZ

Mr. DURBIN. Mr. President, today I congratulate my good friend Charles A. Scholz. On April 29, he will be honored by the Mississippi Valley Council, Boy Scouts of America and presented with the 2007 Distinguished Citizen Award. This commendation recognizes the important contributions of American men and women to scouting and their community. Charles A. Scholz is certainly deserving of such an award.

Charlie has spent most of his life in Quincy, IL. At 80, he retains fond memories of his years as a Boy Scout in Quincy. Charlie attended St. Francis Grade School and Quincy Notre Dame High School.

Beginning in July of 1944, he served in the Navy V–12 Program, a unique initiative designed to recruit commissioned officers during World War II and allow young men to pursue college degrees while serving on active duty. Charlie continued his education at Mercer University, ultimately receiving his juris doctorate degree.

After graduation, Charlie returned home to Quincy. On June 10, 1950, he married the late Nancy Wright. Together they raised seven children in Quincy, instilling in each a desire to serve the community. The success achieved by the Scholz children, serves as a testament to Charlie and Nancy's characters, as well as their dedication to the family and their faith.

Charlie has been a successful attorney in Quincy for years; but he is known equally well for his continuing efforts to give back to the community.

For 25 years, Charlie served on the board of directors of the Quincy Free Public Library. During his tenure as president of the library board, volunteers carried out a successful campaign to raise funds for a new library. Charlie also served board of trustees of the former St. Mary's Hospital in Quincy, first as a member and then as the board's president.

Charlie founded the Quincy Notre Dame Foundation to help support his alma mater. He served on the board of governors of the Franciscan Sisters of the Poor Foundation, Inc. and served as a member of the Board of Land of Lincoln Legal Services Foundation. In addition, Charlie was a past member of the Board of directors of the Community Foundation of Quincy.

The late Dr. Martin Luther King, Jr. once said, ''Everyone can be great, because everyone can serve.'' Well, Charlie Scholz has taken that declaration to heart. He lives a life committed to his family, his faith, and his community. I congratulate him on receiving this award and thank him for his years of service.

VIRGINIA TECH TRAGEDY

Mr. CHAMBLISS. Mr. President, I wish to express my heartfelt condolences to the family of 35-year-old Christopher James ''Jamie'' Bishop, one of the victims of the tragic Virginia Tech shooting rampage that occurred this week. He was teaching an introductory German language course in Norris Hall when the shooting occurred.

Jamie Bishop grew up in Pine Mountain and attended the University of Georgia, where he earned a bachelor's

degree in German studies in 1993 and a master's degree in German linguistics in 1998. Additionally, he was a Fulbright Scholar at Christian-Albrechts-University in Kiel, Germany, in 1993 and worked as an academic technology liaison at the University of North Carolina at Chapel Hill.

It is clear that Jamie Bishop touched many lives with his personality, his sense of humor, his numerous talents, his passion for teaching, and his love of scientific art. In fact, those who were close to him have said he talked about ''changing the world with art.'' He has been described as an intelligent, artistic, caring, gentle, and polite individual.

It is difficult to fathom how something like this could happen, and words can't fully describe the grief we all feel as the weight of this tragedy settles over our Nation. My prayer is that, through faith and resolve, our country will emerge from this disaster in unity and strength as together we find healing from this sorrow.

Julianne and I will keep his wife Stefanie Hofer, who is a member of the Virginia Tech faculty, as well as his parents Michael and Jerri Bishop in our thoughts and prayers during this time of sorrow.

HONORING OUR ARMED FORCES

PETTY OFFICER 1ST CLASS JOSEPH ADAM MCSWEEN

Mr. NELSON of Nebraska. Mr. President, I wish to honor U.S. Navy Petty Officer 1st Class Joseph Adam McSween of Oak Harbor, WA.

Petty Officer McSween will be remembered as a loving husband and father, a dedicated friend and sailor, and a strong leader. After graduating from Georgia Christian High School, he received a track scholarship to York College in York, NE, where he would later graduate in 2001 with an associate degree. While there, Petty Officer McSween was recognized as a natural leader and participated in campus leadership activities. He also met and fell in love with his wife Erin Hammitt while they were students together. They later had two daughters: Lily, age 5, and Gwyneth, age 2.

On April 6, 2007, while serving near Kirkuk, Iraq, as a demolition specialist with the Navy Explosive Ordnance Disposal Unit 11, based at Whidbey Island, WA, Petty Officer McSween and two others passed away when a rocket hit their humvee. McSween was 26 years old. He was awarded the Bronze Star ''V'', Combat Distinguished Device, the Purple Heart, and the Combat Action Ribbon at his military service.

Adam was not a Nebraska resident, but he chose to be buried in York, NE. His very close friend, Petty Officer Randy Leppell, U.S. Navy, had this to say at the funeral: ''One thing I remember about Adam, one story he told was that he called back to some crazy little town called York, Nebraska, which I'd never heard of, and he told me he hadn't been to the school for a while. But the admissions officer still remembered his name. He said, 'This is Adam.' The Admissions Officer said 'Adam McSween?' He couldn't believe it. I couldn't believe it. I think it speaks volumes for the people of York.''

Hundreds of people from York and many other areas of Nebraska and surrounding States, people who never even knew a young college student named Adam McSween, came to his funeral and lined the streets, proudly displaying the American Flag as the procession made its way to Adam's final resting place in Greenwood Cemetery in York, NE.

In addition to his wife and two daughters, Petty Officer McSween is survived by his parents Bob and Florence McSween; his two brothers Robert and Kyle; and his sister Angela. I offer my sincere condolences to the family and friends of Petty Officer McSween. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Petty Officer McSween's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

BACKGROUND CHECKS

Mr. LEVIN. Mr. President, the Brady law requires prospective gun purchasers to undergo a criminal background check before they are able to obtain a firearm from a federally licensed firearm dealer. It was created to prevent felons, fugitives, domestic abusers, and other prohibited persons from gaining access to guns. However, there are significant holes in this legislation that permit exploitation by those who wish to avoid criminal background checks and still obtain guns.

In 1993, President Clinton signed the Brady bill into law. This law required a waiting period for handgun sales until records were available to instantly check criminal background of prospective gun purchasers. Once the National Instant Check System, NICS, became operational in 1998, the Justice Department maintained background check records on approved purchases for 6 months in order to ensure that felons and other prohibited buyers were not mistakenly approved. In 2001, the Justice Department shortened this record retention period to 90 days, the actual amount of time it takes to ensure proper audits of NICS.

Under the Bush administration, however, Attorney General John Ashcroft sought to require the records of approved purchasers to be destroyed within 24 hours. In July 2002, the Government Accountability Office, GAO, issued a report on the potential effects of next-day destruction of NICS background check records. It concluded that destroying these records within 24 hours would prevent the Government from auditing the NICS system to ensure its accuracy and ''would have public safety implications.'' The GAO warned that a corrupt dealer could provide the FBI with a different name than that of the actual buyer to obtain approval for the name of the false purchaser and then proceed with the sale to the actual prohibited buyer. Such a scheme would be nearly impossible to detect with background check records destroyed before the ATF could audit the dealer. Citing his concern about the privacy of gun owners, Attorney General Ashcroft ignored the GAO report and the 24-hour record-destruction provision went into effect.

Another loophole in the law is that it applies only to sales by licensed gun dealers, not to private transfers between unlicensed persons. Approximately 40 percent of gun sales are between private persons, such as at gun shows. Only six States require background checks on all firearm sales. According to the ATF, almost one-third of trafficked guns are acquired at gun shows and flea markets. These gatherings present the perfect opportunity for unlicensed sellers to offer countless guns for sale with no questions asked. People who would not pass a background check in a licensed gun store are able to purchase as many guns as they wish at gun shows.

Between the enactment in 1993 and 2005, the Brady Act has prevented approximately 1.4 million convicted felons and other prohibited persons from buying guns from licensed retail dealers. Without NICS records, law enforcement officers do not have the opportunity to retrieve a mistakenly sold gun in order to protect against its use in a crime. I urge my colleagues to pass commonsense gun regulations which would put an end to these gaping holes in our gun laws.

THE STATE OF SMALL BUSINESS MANUFACTURING

Ms. SNOWE. Mr. President, today I commemorate National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have made it one of my top priorities to champion our Nation's small businesses and manufacturers and promote their needs and concerns. Our top job creators deserve nothing less. The fact is, small businesses are the driving force behind our Nation's economic growth, creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. It is essential that we in Congress continue to support small businesses ability to grow and expand so our economy can accelerate forward and create more jobs.

I can tell you, there is no higher priority for me than bolstering the state of our Nation's small manufacturers. In Maine, more than 20,700 manufacturing jobs disappeared between August 2000 and August 2006. We here in

Congress cannot accept any more losses as a foregone conclusion. This vital sector continues to face tremendous challenges—taking on a significant level of domestic costs that foreign competitors do not, including labor costs, fuel costs, and the regulatory and tax burden. Sadly, as a result, many manufacturers are forced to close their doors or outsource abroad.

The reality is, the manufacturing sector, more than any other sector, drives our Nation's economy—with manufacturers responsible for more than 70 percent of private sector research and manufacturing goods making up over 60 percent of U.S. exports. There is no coincidence that this is a value added industry.

I believe that we can and must fight for our Nation's manufacturers especially when you consider the manufacturing industries pay wages that are about one-third higher than average wages. And that is all the more true for small business when they have resources available that have proven their value, including the SBA which has helped to create or retain over 5.3 million jobs since 1999. And just last year, the manufacturing extension partnership's, MEP's, services helped to create and retain over 35,000 jobs and increase revenue by $6.25 billion. We must work hand-in-glove with Small Business Administration, SBA, and MEP to bolster our manufacturing base to ensure not only that resources are available to those who wanted to either maintain, grow, or start small businesses.

That is why I introduced an amendment today to the America COMPETES Act that clarifies the MEP non-Federal cost share language to enable the MEP centers to draw down all of their available funding and further enhance their capability and capacity to work with manufacturers.

This amendment clarifies the intent of Congress when it first enacted the statute authorizing the Manufacturing Extension Partnership Program, now known as the Hollings Manufacturing Partnership Program, to provide Federal assistance to manufacturers in the United States.

A key concept in the program is the requirement that each center obtain 50 percent of its capital and annual operating and maintenance costs from sources other than the Federal Government. The National Institute of Standards and Technology, NIST, officials have, in the past, properly considered cost share requirements to have been met when centers partnered or entered into other agreements with other organizations meeting the needs of American manufacturers.

This amendment clarifies and reemphasizes that such agreements and partnerships, and the money spent by those organizations assisting American manufacturers, clearly are to be considered proper cost share as long as the partnering organization is meeting the programmatic objectives for assistance to be provided to American manufacturers as set forth for the Hollings Manufacturing Partnership Program. By teaming with such organizations, as encouraged by the original statute, the centers can and do leverage their Federal resources and avoid duplicating services necessary for the successful operation of American manufacturers. With the right resources, many more small manufacturers will be eligible to use this program to help grow their business.

We cannot ignore the effect that countries like China are having on our Nation's manufacturers. In order to compete fairly in this increasingly competitive global market we must ensure that currencies are not strategically manipulated. That is why I will continue to work with the President and those in Congress to ensure that our Nation gets tough with China on those important issues. I continue to pressure the Treasury Department and the U.S. Trade Representative to also work toward that goal China to move toward a market-based exchange rate.

The bottom line is, our country's future will be determined by today's small businesses. The faster we strengthen and sustain our Nation's small manufacturers, the more quickly America's economy will grow.

SMALL BUSINESS' VITAL CONTRIBUTION TO THE ECONOMY

Mr. SNOWE. Mr. President, today I offer a few remarks regarding National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our Nation's small businesses and to promote their needs and concerns. Our top job creators deserve nothing less.

This week, I have already discussed how Congress must solve the small business health insurance crisis and bolster the state of our Nation's small manufacturers. Today, I would like to spend a few minutes on the critical role small businesses play in the American economy. In the back of our minds, we in Congress all know how vital small businesses are to economic growth. But when we come to the floor to speak about small businesses issues, we are generally trying to fix a specific problem. We generally gloss over the overall impact small businesses have on driving our Nation's economy.

The Small Business Administration's Office of Advocacy, an independent voice for small businesses within the Federal Government, has published a wide variety of statistics regarding small firms. This data, which shows that small businesses are responsible for 50 percent of nonfarm economic output, or gross domestic product, clearly reflects how vital small businesses are to job creation and the Nation's economy.

One little known fact is that small businesses represent just about every private-sector employer in the United States. According to the Office of Advocacy, which defines a small business as an independent employer with fewer than 500 employees, small firms represent 99.7 percent of all employer firms. In 2005, approximately 25.8 million small businesses, 671,800 of which are estimated to have opened in that year alone, were operational and providing consumers and businesses with goods and services. Of these firms, 5.8 million had employees, and 18.6 million were sole proprietorships. In contrast, there were only approximately 17,000 larger business in operation across the country in 2005.

Not only do small businesses account for just about every employer in the United States, but these firms are also job providers. Small businesses employ fully half of all private-sector workers. They also pay more than 45 percent of U.S. private payroll. Of the 113.4 million nonfarm private-sector workers in 2003, 57.4 million were employed by small firms with fewer than 500 employees. Notably, small businesses with fewer than 100 employees accounted for 41 million of that number.

In addition to employing American workers, small businesses are also at the forefront of creating new jobs. Over the last decade, small businesses have generated 60 to 80 percent of net new jobs annually. What is particularly interesting is that in 2003, the most recent year for which complete data is available, small businesses created 1,990,326 net new jobs. In contrast, large firms with 500 or more employees shed 994,667 jobs. Thus, if it were not for small businesses, the economy would have lost jobs in 2003 instead of creating just about 1 million new employment opportunities for America's workforce.

It is vital to point out that the jobs small businesses are creating reflect the needs of a high-tech, innovative, and global marketplace. Small businesses have led the technological revolution and currently employ 41 percent of high-tech workers, including scientists, engineers, and information technology professionals. Moreover, small businesses are constantly creating new products, producing 13 to 14 times more patents per employee than large firms. In addition, these patents are twice as likely as large-firm patents to be among the one percent most-often cited. Finally, America's small business are competing on a global scale, comprising 97 percent of all identified exporters and producing 28.6 of total exports in 2004.

The fact is small businesses are the driving force behind our Nation's economic growth creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. These are the reasons it is so essential that we in Congress continue to support small businesses' ability to grow and expand so that our economy can accelerate forward and create more jobs. I hope we keep this in

mind when we come to the floor to fight for fewer regulations, a lower tax burden, and more affordable and accessible health insurance for small businesses and their employees.

COMBATTING VIOLENCE WITH JOBS FOR YOUTH

Mr. KENNEDY. Mr. President, a recent op-ed article in the Boston Globe emphasizes the severity of the employment problems facing today's youth and its relationship to the increase in gang and gun-related violence in the Nation's cities.

Easy access to guns and other dangerous weapons and the shameful prevalence of drugs are major contributors to this problem, but so too is the lack of job opportunities available for our youth. We have failed to develop job programs that will help these youths build a future without guns and gangs.

In the Globe piece, William Spring, the distinguished former vice president of the Federal Reserve Bank of Boston and a senior member of the domestic policy staff in the Carter administration, and Andrew Sum of Northeastern's Center for Labor Market Studies, argue that although we face a very real problem with youth unemployment, we can do something constructive about it. The only question is whether we have the will and the wisdom to make the investments necessary to enable our youth to seek, find, and take advantage of the job opportunities that can transform their lives and make our communities safer and stronger.

I believe the article will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

[From the Boston Globe, Apr. 5, 2007]

COMBATTING VIOLENCE WITH JOBS FOR YOUTHS

(By William Spring and Andrew Sum)

During the past few weeks, attention has been focused on the rise in fatal shootings and gang-related activities in Boston. Governor Deval Patrick and Boston Mayor Thomas Menino recently announced joint efforts to combat gang violence, including an expansion in youth summer jobs. Renewed public policy attention to youth labor market problems in Boston and the state is clearly warranted. While the overall number of jobs has increased over the past few years, the labor market for teenagers in both the nation and state has remained extraordinarily weak.

Employment rates for the nation's and state's teens (age 16–19) in 2005 and 2006 were the lowest in the past 50 years. Male high school students and dropouts across the state have found it particularly difficult to find work over the past six years, often increasing their involvement in gang and criminal activities.

To make matters worse, job opportunities for high school youths are distributed unevenly across key demographic and socioeconomic groups. In 2005, white high school youths were twice as likely to work as black youths and 40 percent more likely than Hispanic youths. The need for a concerted set of public policy responses both short-term and long-term is needed.

A variety of favorable educational, social, and labor market outcomes can be generated from an expansion of in-school work opportunities for high school students, especially those from race-ethnic minority and low-income groups.

National research has shown that minority and low-income youths who work in high school are less likely to drop out than their peers who do not work. Students with jobs that offer work-based learning opportunities are more likely to see the relevance of school curriculum to future job performance and remain more committed to their school work.

Teenage women who live in local areas that provide more job opportunities to them are less likely to become pregnant, and male teens are less likely to become involved with the criminal justice system. National, state, and local research also consistently reveals that work in high school facilitates the transition to the labor market upon graduation and increases the annual earnings of youth in their late teens and early 20s.

There are a variety of workforce development strategies that can be pursued to boost employment opportunities for high school students during the regular school year and the summer.

First, the hiring of professional staff to work with students and employers to create work-based learning opportunities, paid internships, and regular job opportunities is important, especially for youth from low-income families and those whose parents do not work. Job brokering services of these career specialists also can broaden the range of jobs by industry and occupation to which high school students can be exposed.

At a minimum, maintaining last year's increased funding for the existing Connecting Activities Program at $7 million can help local Workforce Investment Boards increase the hiring of staff to work with students and employers to improve teen job prospects. The governor and Legislature should jointly support an increase in funding for such connecting activities and demand strong accountability for performance.

Second, employers who provide work-based learning opportunities and wages for students in school-to-career programs should receive tax credits for their hiring and training of high school students. Many employers provide important staff support and in-kind contributions to such programs and should be rewarded for their efforts.

Third, the governor should encourage all state agencies to promote the hiring of high school students during the summer months, and more of the state's mayors and town managers should follow the lead of Menino in promoting the hiring of their high school students by the private sector.

Fourth, the state should adopt a youth apprenticeship program similar to that of the state of Wisconsin's and more aggressively promote apprenticeship training under the existing system in our state. Young workers in Wisconsin can receive youth apprenticeship training in up to 21 occupational fields under the state's system, thereby providing employers with access to young skilled workers in a structured work/training system.

Massachusetts should aim to become a national leader in both the employment and training of its high school students and out-of-school youth. A more successful youth employment and training system can help promote the future growth and quality of our state's resident labor force and help stem high levels of out-migration.

REFORMING THE STUDENT LOAN INDUSTRY

Mr. KENNEDY. Mr. President, a column by Joe Nocera from last Saturday's New York Times contains an excellent analysis of the student loan industry and the recent sale of Sallie Mae. We often hear about the rising cost of college and the debt that so many students shoulder to attend college. As this article emphasizes, the industry reaps enormous profits by forcing students to burden themselves with excessive debt.

The recent sale of Sallie Mae illustrates the problem. The company, the largest player in the industry, was purchased earlier this month by private equity firms and banks for an incredible $25 billion, 50 percent premium over Sallie Mae's stock price.

Financial specialists know how profitable lenders such as Sallie Mae are because of the large Government subsidies these companies receive subsidies of more than a billion dollars last year. As Congress moves forward with reauthorizing the Higher Education Act, we must look closely at this industry and its practices to ensure that America's students are the ones being served, not just the bottom lines of America's lenders.

Mr. Nocera, a Times' business columnist and former editorial director of Fortune magazine, is widely respected and has won numerous awards for excellence in business journalism. I believe his column will be of interest to all of us in Congress, as we consider the reauthorization of the Higher Education Act, and I ask unanimous consent that his article, ''Sallie Mae Offers a Lesson in Cashing In,'' be printed in the RECORD.

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

[From the New York Times, Apr. 21, 2007]

SALLIE MAE OFFERS A LESSON ON CASHING IN

(By Joe Nocera)

Aren't you just fuming about that Sallie Mae deal?

The company, formally known as the SLM Corporation, which has been the subject of recent exposés and investigations, announced this week that it had agreed to be taken private in a deal worth $25 billion. The stock, which has been in a slow decline over the last year, leapt. The market was pleased.

But I'm here to tell you that the deal stinks, though not in the usual ''management and private equity are stealing your company'' kind of way. You're free to disagree, of course, though if you do, you're probably not struggling to put your children through college.

Sallie Mae is the nation's largest student lender; indeed, it dominates the business. It has the biggest share of government-guaranteed loans, originating $16 billion of such loans last year alone. In 2006, it also generated $7.4 billion in ''private'' loans: that is,

loans that aren't guaranteed, but which students need because their tuition, room and board so far exceeds the pathetic $23,000 the government guarantees over the course of an undergraduate degree.

The most popular government-guaranteed loans come with interest rate caps (currently 6.8 percent) but they also have certain undeniable advantages for Sallie Mae and its competitors. They are subsidized by the Department of Education. The government makes the lenders nearly whole, even if the student defaults. And the companies are guaranteed by law a decent rate of return.

In other words, the lender takes no risk. The private loans are even more lucrative because companies can charge whatever interest rate they want—not to mention all kinds of fees. In all, Sallie Mae originated more than 25 percent of the student loans made last year.

But wait. There's more. Sallie Mae buys loans from other education lenders and then securitizes them. It has a loan consolidation business, so students can wrap all their education loans into one big fat Sallie Mae loan. It even has its own collection agency so it can hound delinquent broke graduates into repaying. (Government-guaranteed college loans, by the way, aren't easily discharged if the borrower files for bankruptcy.) Sallie's market power—and its close ties to university financial aid administrators, as we've been learning lately from Jonathan D. Glater, a reporter for The New York Times, and others—have made it immensely profitable. In 2006, the company made over $1 billion.

Thus, you can't blame the private equity guys for drooling over Sallie Mae. They look at the company, and the arena in which it plays, and they see never-ending tuition increases. The need for a college education will only increase in importance. Most cash-short students and middle-class parents will continue to borrow lots of money to pay the $100,000 to $150,000 required to attend a good college. Although the Democrats want to cut the subsidies for government-backed loans, and lower the interest rate caps, the more lucrative private market is going to continue to explode. No wonder the private equity firms of J. C. Flowers & Company and Friedman Fleischer & Lowe were willing to offer a 50 percent premium over Sallie's stock price—and load on $16 billion in new debt. This thing is a gold mine, I tell you.

But there's another, less market-oriented way to look at this. The entire educational-lending racket is built around the business of piling thousands of dollars worth of debt onto a class of Americans who will probably have to struggle to pay it back. ''We ask people who are trying to make something of themselves to mortgage their future, and Sallie Mae profits from that,'' said Elizabeth Warren, a professor at Harvard Law School.

And when those former students have to start paying back the loans, and they don't have a good-paying job, and they start to fall behind, the industry takes full advantage. Meanwhile, many of the practices now under investigation by the New York attorney general, Andrew M. Cuomo, are intended primarily to keep out competition that might bring down the cost of those loans. Last week, Sallie Mae paid $2 million to settle an investigation that Mr. Cuomo's office was undertaking. In other words, Sallie Mae and its competitors are maximizing profits on the backs of college students. Can that really be the right priority for our society?

It wasn't always like this. Sallie Mae was started in 1972, and for most of its existence it was a ''government-sponsored entity'' like Fannie Mae or Freddie Mac. Its primary role was to buy up and securitize government-backed student loans originated by banks and others so that they, in turn, would have the cash to make yet more student loans. The government subsidized such loans to give lenders the incentive to make them, since the interest rates were fairly low, and the margins were thin. The private loan business largely didn't exist.

During the Clinton administration, the government created a new direct-loan program, thus potentially cutting out the industry, and leaving Sallie Mae with the prospect of becoming irrelevant. At the time, Sallie Mae was prevented by law from originating its own loans.

In 1997, Albert L. Lord became the chief executive of Sallie Mae. (He remains the company's chairman.) Despite presiding over a government-sponsored entity, Mr. Lord was an unapologetic capitalist, who decided that Sallie's best bet was to untether itself from the feds and go directly into the loan business.

Under his leadership, Sallie shed its status as a government-sponsored entity and began the process of dominating the industry. It built those controversial ties to financial aid officials. It helped push back the direct loan business, which many people believe offers taxpayers a much better deal. It got into the private loan business. It became the 800–pound gorilla. From 1999 to 2004, Mr. Lord accumulated $235 million, most of it from stock options. He got so rich making student loans that he even led one of the groups trying to buy the Washington Nationals baseball team.

The abuses and problems that have recently come to light have actually been around for years. But it wasn't until a new entrant into the field, MyRichUncle, began running a series of advertisements asking pointed questions about the cozy relationships between financial aid officials and executives at the big educational lenders, that the world took notice. The small company's two founders, Raza Khan and Vishal Garg, both 29, had the radical idea that if they offered lower interest rates and a better deal, students and parents would flock to them. Instead, they discovered that most people simply did whatever the university federal aid officer suggested, and they couldn't get on the list of ''preferred lenders.''

Shut out by what they saw as a cartel, they decided to fight back with a public campaign. That campaign helped set in motion the current investigation by Mr. Cuomo—and earned the MyRichUncle founders the eternal enmity of Sallie Mae and the rest of the industry.

Not that they appear to care. ''We love talking about Sallie Mae,'' Mr. Khan told me with a devious chuckle. Mr. Khan believes that students will be better served if the lending companies start competing on the basis of interest rates and price—and not just on who can cozy up to the universities. It is hard to disagree with him.

What does Sallie Mae say about all of this? You will not be surprised to hear that the company views itself not as the college student's tormentor but as her best friend. I spoke to two Sallie Mae representatives, a senior vice president named Barry Goulding, and Tom Joyce, its vice president for corporate communications, both of whom insisted that Sallie Mae was the dominant player because it offered students and administrators the best level of service, and the best array of products. They insisted that borrowers who exhibited exemplary behavior often got interest rate reductions. (Those who missed a payment weren't so lucky, however.) They said that the so-called preferred-lender list was actually a good thing, and not a way to keep out competition.

''The vast majority of schools go through a competitive bidding process and get the best deals for students,'' Mr. Joyce said.

According to them—and they are right about this—a big part of the problem is that Congress hasn't raised the limit on government-guaranteed loans since the early 1990s, and that fact, rather than the lenders' greed, is what has driven the explosive rise in private loans. Although they complained that any move by Democrats to lower subsidies and interest rates would hurt its business, they denied that this would cause Sallie Mae to promote its private business at the expense of its government-guaranteed business.

And maybe it won't. But even so, the current for-profit student lending industry is still more about shareholders and profits than about the genuine needs of students, who very often don't have enough money in the first 2, or 5, or even 10 years out of college to pay the high interest rates and onerous fees that make the industry so profitable.

There are some things in life that really ought to be about more than making money. Surely, student loans should be on that list. Sallie Mae was once an institution where profits took a back seat to performing a public good. That, alas, is no longer the case.

Lest you doubt me, listen to Mr. Lord himself. On Thursday, The Washington Post published an interview in which he bluntly declared that his decision to take the company private stemmed from his frustration with ''the politicians'' whose decisions were hurting Sallie's share price. These are the same politicians, of course, who passed the laws that made Sallie's business possible. But never mind.

''I didn't see our share price rebounding anytime soon and I said, 'This is silly,' '' Mr. Lord told the paper. Mr. Lord added that when the buyout is complete and he leaves the company, he'll walk away with a $135 million payout.

Are you mad yet?

THE VISIT OF PRIME MINISTER SHINZO ABE

Mr. OBAMA. Mr. President, today I extend my welcome to Prime Minister Shinzo Abe of Japan, who is making his first trip to the United States as Prime Minister this week.

The U.S. Japan alliance has been one of the great successes of the postwar era, and Japan's remarkable achievements and constructive role in world affairs over the past 60 years are a great testament to the Japanese people. As the world's two wealthiest democracies, the U.S. and Japan, have a shared interest in promoting security and prosperity in Asia and around the world—shared interests that rest on a bedrock of shared values: in democracy, the rule of law, human rights, and free markets.

As one of America's closest allies, Japan today plays a vital role in working with the United States in maintaining regional security and stability, promoting prosperity, and meeting the new security challenges of the 21st century.

Japan's role in the Six Party Talks—supporting efforts to persuade North Korea to abandon its nuclear weapons program and return to the nonproliferation treaty and IAE safeguards—has been essential. And beyond North Korea, Japan today is playing a leading role in the architecture of the Asia-Pacific region, including participating in peace keeping operations, and

in building stable and enduring structures for cooperative regional security.

In the face of such threats as North Korea's nuclear and missile programs, Japan, in partnership with the United States, has also sought to reinvigorate its security profile in the region. Japan's efforts to develop a more capable Self-Defense Forces, as well as the Prime Minister's elevation of the Japan Defense Agency to a Ministry, are, in my view, both to be welcomed as signs of a ''normal'' Japan, able and willing to play a leading and responsible role in the region.

The U.S.-Japan alliance must remain at the core of efforts to revitalize Japan's role in ensuing stability and security in the region. One key aspect of this effort is the realignment of forces currently in Japan, making certain that America's ability to respond to threats in the region is not diminished.

Japan has shown that it is not only playing a responsible leadership role in its own region, but globally as well.

The occasion of the Prime Minister's visit provides an opportunity for the people of the United States to express our deep appreciation to Japan for its contributions to our efforts to combat al-Qaeda and other international terrorist organizations. In Afghanistan, Japan has donated over $1 billion in development funds to rebuild vital infrastructure precisely the sort of effort to transform the environment in Afghanistan that will be key to defeating al-Qaeda and the Taliban. And Japan has provided critical support—often unseen—in multilateral efforts to thwart the growth of terrorist organizations in Southeast Asia.

Japan has also proved to be an invaluable partner in providing humanitarian response and relief in the Southeast Asia. Japan joined with the United States in responding to the tragic December 2005 tsunami, and has worked with others across the region to develop an effective tsunami early warning system.

And Japan has worked with the United States and others in the international community to develop the infrastructure and institutions we need in order to face new transnational challenges like the threat of avian influenza. Also, although Japan's foreign assistance level declined earlier in the decade, as part of the 2005 G8 global development discussions, Japan announced it would increase foreign aid by $10 billion in aggregate over the next 5 years, and double its assistance to Africa over the next 3 years.

With newspaper headlines that remind us on a daily basis of the risk the planet faces from climate change, we must also recognize the critical leadership role in the international community that Japan has played on environmental issues and climate change. The Kyoto Protocol, which was negotiated in Japan's ancient capital of Kyoto in 1997, has now been ratified by over 160 nations.

Japan has also played a key role in forging the Asia-Pacific Partnership on Clean Development and Climate, through which the U.S., Japan, and others in the region seek to marshal the scientific and technical expertise needed to develop cleaner and more efficient technologies and bring about a carbon-neutral Asia-Pacific region without sacrificing economic growth.

As the world's second-largest economy, Japan is a vital source of growth and dynamism for the rest of the world. In this regard, the reemergence of Japan from its ''lost decade'' of virtually no economic growth is a most welcome development.

There is nonetheless still more Japan can do at home to improve the structure of its economy, from removing regulations that stifle business competition and innovation to further develop Tokyo as a global financial market. And the Japanese economy is still not open enough to imports in key sectors or to foreign direct investment. The United States has an interest in seeing Japan address these challenges so that the Japanese economy can continue to play a leading role in sustaining global economic growth.

Although not without its challenges—as is natural in any normal bilateral relationship—the United States and Japan today have a strong and deep relationship and the basis for close cooperation and partnership which will allow us to work together to meet the challenges of the decades ahead.

But I would be remiss in my duties as a friend of Japan if I did not note that for Japan to be able to play a leading role in Asia and be perceived by its neighbors as a ''normal'' nation it must deal forthrightly with its history. It is important for Japan to face these issue fully, openly, and honestly. A Japan that is mindful of its past can and should play a leading role in Asia's future.

So let me, in turn, close with some thoughts on the future of the U.S.-Japan relationship.

First, I believe that it is important for Americans, so used to a close partnership with Japan, to embrace the complex realities of a Japan that is a ''normal nation''—one that has its own identity, vision, and goals. Such a Japan should be welcomed by the United States as a true partner and friend, even while understanding that it may mean that there will be differences on certain issues.

Given the new regional realities, United States can no longer take managing the U.S.-Japan alliance for granted.

Second, although the U.S.-Japan relationship remains the centerpiece of both U.S. and Japanese policy in the Asia-Pacific region, in recent years the Bush administration has let its attention to this critical relationship drift as it has been distracted by other issues.

The alliance demands, and is deserving of, close political cooperation and coordination at every level, reflecting the key role Japan plays as an anchor of U.S. economic and security interests in the region and across the globe.

Third, recognizing the important role that Japan now plays around the globe—on peacekeeping, economic development, global warming and new transnational threats—I believe the time has long since passed for Japan to have a role commensurate with its responsibilities, including in the U.N. Security Council.

The visit of Prime Minister Abe provides us an opportunity to rededicate ourselves to the U.S.-Japan partnership, with the same spirit that has governed our relations for over 60 years. America benefits greatly from a close and productive partnership with a Japan that is confident about its future and willing and able to play a leading role in creating a peaceful and prosperous Asia.

STATE-BASED HEALTH CARE REFORM ACT

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of over 45 million people in the United States, and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the No. 1 issue that I hear about in Wisconsin, and it is the No. 1 issue for many Americans. Nevertheless, the issue has been largely ignored in the Halls of Congress. We sit idle, locked in a stalemate, refusing to give this life-threatening problem its due attention. We need a way to break that deadlock, and that is why I have introduced a bill with the Senator from South Carolina, LINDSEY GRAHAM, that will do just that—the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our Nation, Americans suffer from medical conditions that cause them pain and even change they way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs.

When illness strikes families, the last thing they should have to think about is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. Forty-seven percent of the uninsured avoided seeking care in 2003 due to the cost. Thirty-five percent needed care but did not get it. Thirty-seven percent did not fill a prescription because of cost. The uninsured are seven times more likely to seek care in an emergency room. They are less likely to receive preventative care because they cannot afford to see the doctor, and they are more likely to die as a result. Each year, at least 18,000 people die prematurely in this country because of uninsurance. If the uninsured had access to continuous health coverage, a reduction in mortality of 5 percent to 15 percent could be achieved.

The United States is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hard-working family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer subpar benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the No. 1 issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. These people used to think government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide states with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided the states meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. I have long said that a single-payer health care system is what I prefer for our country. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

This bipartisan legislation harnesses the talent and ingenuity of Americans to come up with new solutions. This approach takes advantage of America's greatest resources—the mind power and creativity of the American people—to move our country toward the goal of a working health care system with universal coverage. With help from the Federal Government, States will be able to try new ways of covering all their residents, and our political logjam around health care will begin to loosen.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go. We need to consider all of these as we address our broken health care system.

Under our proposal, States can be creative in the state resources they use to expand health care coverage. For example, a state can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This task force will be responsible for choosing viable state projects and ensuring that the projects are effective. The task force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good relationship between the State and Federal Governments.

The task force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and state buy-in. Other than these requirements, the states largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill doesn't avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

One of the offsets in the bill was proposed by the Congressional Budget Office: an increase in the flat rebate paid by drug manufacturers for Medicaid prescription drugs. Currently, Medicaid recoups a portion of its drug spending through a rebate paid by the manufacturer. The savings mechanism would set a flat rebate, and provide funding for the States' health care reform projects. Another offset in the bill, also proposed by the Congressional Budget Office, is reduced subsidies for Medicare Part D prescription drug benefits for the highest income seniors. This would impact only single retirees earning more than $80,000 per year and married retirees earning more than $160,000—less than 5 percent of all Medicare beneficiaries.

Additional funding for the bill comes from the President's fiscal year 2007 budget proposal to extend the authority of the Federal Communications Commission to auction the radio spectrum and the authority of Customs and Border Protection to collect multiple different conveyance and passenger user fees through fiscal year 2016. My bill proposes similar extensions of these established authorities. Also, my bill proposes to both simplify and reduce the Federal subsidy of airline passenger screening costs by replacing the current variable fee, which is capped at $5 per one-way trip, with a flat $5 fee. This proposal is similar to one in the president's fiscal year 2007 budget and

would decrease Federal subsidies to about 30 percent of passenger security costs, without reducing aviation security spending.

We can say that it is time to move toward universal coverage, but it is empty rhetoric without a feasible plan. I believe that this is the way to make universal coverage work in this country. Universal coverage doesn't mean that we have to copy a system already in place in another country. We can harness our Nation's creativity and entrepreneurial spirit to design a system that is uniquely American. Universal coverage doesn't have to be defined by what's been attempted in the past. What universal coverage does mean is providing a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' It is long past time for Congress to heed these words and end this terrible inequality. I urge my colleagues to support the State-Based Health Care Reform Act.

COMMEMORATING GREEN MOUNTAIN NATIONAL FOREST

Mr. LEAHY. Mr. President, 75 years ago today, President Herbert Hoover signed a proclamation officially establishing the Green Mountain National Forest in Vermont.

This was the result of significant effort on the part of the State of Vermont and several of the State's leading conservationists and legislators of the time. While a number of Vermonters had proposed a national forest in the State just after the turn of the 20th century, it took a sustained effort over the next three decades for this vision to become a reality.

In 1925, the Vermont General Assembly passed the enabling act to allow the Forest Service to purchase land in Vermont. Many would argue just 2 years later that the devastating impact of the 1927 flood showed the need for sound forest management practices in the Green Mountains. It was fitting that the initial land purchases for the southern half of Vermont's national forest were from the estate of Marshall J. Hapgood, who, years earlier, had advocated for a National Forest in the Green Mountains. Hapgood was a practitioner of scientific forestry on his own lands and saw the value of a sustainable timber resource and watershed protection.

From that initial Hapgood acquisition of just over 1,000 acres, the Green Mountain National Forest has grown to more than 400,000 acres today, and it includes in the northern half of the forest many of the lands conserved by another conservation pioneer, Joseph Battell.

The Green Mountain National Forest today is fulfilling the vision of those early forestland stewards by protecting watersheds, providing forest products, forest management demonstration and recreational opportunities. The Green Mountain forest hosts segments of the Long and Appalachian Trails, alpine ski areas, several wilderness areas and two national recreation areas, one of which is now named in honor of our late colleague, Robert T. Stafford.

As one of Vermont's Senators, I am proud to have been able to play a role in the growth of the national forest in my State, in both land area and with its facilities. I am also grateful to the dedicated, professional staff of the Green Mountain National Forest who recently completed the new land and resource management plan for the forest and who were particularly helpful to the congressional delegation during our recent wilderness deliberations.

As we celebrate its 75th anniversary, we are also proud that the Green Mountain National Forest will be providing the 2007 Capitol christmas tree for the National Mall, and the companion trees for many of our public buildings in Washington a tangible example of how the Green Mountain National Forest is being shared by all Americans.

ADDITIONAL STATEMENTS

RECOGNITION OF DR. MARY STRANAHAN

• Mr. BAUCUS. Mr. President, today I wish to recognize Dr. Mary Stranahan. Dr. Stranahan is a retired medical doctor and an active philanthropist who lives in Arlee, MT. Arlee is a small town in western Montana located on the Flathead Indian Reservation in Lake County. Arlee is a place of incredible physical beauty, like so many places in Montana. But amid the beauty are poverty and economic challenges. Lake County ranks as one of the poorest counties in Montana. In her years as a practicing family physician in Lake County and on the reservation, Mary saw first-hand the relationship between limited economic opportunity and family health.

Since retiring from medicine, Dr. Stranahan has become immersed in the survival and success of local agriculture and mainstreet businesses. She knows agriculture and small business play a vital role in healthy rural communities. Over the years, Dr. Stranahan has, as a concerned individual, been a core donor for innumerable charities and non-profits in Montana.

But this year Dr. Stranahan is taking her philanthropic commitment to a whole new level in chartering the Montana Good Works Foundation. This new Montana foundation will work to focus Dr. Stranahan's grants and donations on social justice, rural community development, and sustainable business development in Montana.

In one of the Montana Good Works Foundation's first gifts, Dr. Stranahan has shown extraordinary leadership by giving $1.42 million to the Montana Community Development Corporation. This gift kicks off MCDC's campaign to grow its loan fund for Montana businesses to $15 million and it empowers MCDC to expand its business coaching services.

Dr. Stranahan has further committed to help Montana Community Development Corporation recruit more philanthropists to this important effort to build entrepreneurship in Montana.

I commend Dr. Stranahan for her great leadership in rural philanthropy. The Big Sky Institute reports that rural States like Montana are on the short end of a great disparity in foundation grant-making. The Big Sky Institute found that, adjusting for population, foundation grants to rural States are less than a fifth of the national average. After adjusting for population, foundation grants to rural States are less than a tenth of the amount received in the State of New York.

Last May, I spoke to the annual conference of the Council on Foundations in Pittsburgh, PA. I challenged foundations to double their grant-making to rural States within 5 years. And I am working with leaders in the nonprofit and foundations communities to convene a rural philanthropy conference in Missoula this August. I am proud of the progress we are making in rural philanthropy. And I look forward to working together with Montana philanthropists like Dr. Stranahan to keep the ball rolling.

I applaud Dr. Stranahan for the vision and the scope of her philanthropy. In particular, I commend her commitment to building rural entrepreneurs as a core philanthropic strategy. Dr. Stranahan is one of the new Montana leaders who are showing the world that Montana truly deserves its designation as the Treasure State.

I recognize and commend Dr. Mary Stranahan for her substantial efforts on behalf of Montana's communities and Montana's future.•

HONORING THE LIFE OF FRED OCHI

• Mr. CRAPO. Mr. President, I note the passing of a most distinguished and

talented Idaho artist and businessman, Fred I. Ochi, on February 18, 2007. Fred lived in my hometown of Idaho Falls and was best known throughout Idaho and the West for his beautiful paintings; barns were one of the trademark subjects of his Japanese-influenced art. Although known for his art work, Fred's life reflected a penchant for perseverance, business, and appreciation of the importance of art to communities.

Fred, a Japanese American, was born in California in 1913. After losing his mother at the young age of eight, Fred and his brother spent 3 years in Japan living with their grandparents. He returned to California where he studied art and became a theatre manager in the San Francisco Bay area in the 1930s. He found a public place for his artwork back then—movie marquees of the 17 theatres he managed. Due to the war, Fred was evacuated from California in 1942 and moved to southeastern Idaho, where he managed marquees for theatres there. Fred was an unfortunate victim of one of the darker periods in Idaho history; he had to be escorted by Idaho National Guard troops when people organized a protest against the theatres based on Fred's ethnicity.

Fred continued his life's work in Idaho Falls. He settled there in 1943 and spent the rest of his life working there, raising his children with his wife Yoshiko. The man who completed 10,000 watercolors over the course of his lifetime opened a commercial art and sign shop, and was a founding member of the Idaho Falls Art Guild. In Idaho Falls, he served as a longtime member of the Chamber of Commerce and the Kiwanis Club. Fred left an indelible mark on arts in Idaho. He served as president of the Idaho Art Association and earned the 1998 Governors Award for Excellence in Art. During Idaho's State Centennial, Fred was named one of the ''100 Citizens Who Made a Difference for the State.''

Fred was generous with his talent, sharing it with students of all ages throughout Idaho and western Wyoming. Fred's ready smile and sense of humor was well-known: his business cards read ''Smiling Irishman, Fred O'Shay.'' My sister Christine knew Fred well. Knowing of her interest in art, Fred would invite her to watch him work at his studio, the ''log hut.'' She remembers his painting style as fast and powerful; he used many different brushes with big brush strokes. It was intentional and bright, like his personality.

Fellow Idaho Falls artist Gloria Miller Allen observed:

> I will always remember him in old white dress shirts slightly spattered with paint, and with his glasses spattered as well. I can still see him in his red kimono selling paintings down by the river. Idaho Falls will miss this good man.

Fred's legacy lives on in his 5 children, 11 grandchildren and 2 great-grandchildren. He will be sorely missed, and I offer his family my condolences and our gratitude for sharing Fred and his art and legacy with us all.●

MESSAGE FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 362. An act to authorize science scholarships for educating mathematics and science teachers, and for other purposes.

H.R. 363. An act to authorize programs for support of the early career development of science and engineering researchers, and for other purposes.

H.R. 518. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 362. An act to authorize science scholarships for educating mathematics and science teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 363. An act to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 518. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1613. A communication from the Deputy Director for Regulations, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Design and Construction Requirements to Reduce Internal Corrosion in Gas Transmission Pipelines'' (RIN2137–AE09) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revision of Requirements for Authorization of Use of International Standards'' (RIN2137–AE01) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (18)'' ((RIN2120–AA63)(Amdt. No. 467)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (127)'' ((RIN2120–AA65)(Amdt. No. 3212)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (8)'' ((RIN2120–AA65)(Amdt. No. 3211)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (85)'' ((RIN2120–AA65)(Amdt. No. 3210)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (11)'' ((RIN2120–AA65)(Amdt. No. 3209)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (22)'' ((RIN2120–AA65)(Amdt. No. 3208)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation 501–D Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. 2001–NE–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt

and Whitney PW4077D, PW4084D, PW4090, and PW4090–3 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2006–NE–05)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–026)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Beech Models 45, A45, and D45 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–33)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–235)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–61)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–173)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Microturbo Saphir 20 Models 095 Auxiliary Power Units'' ((RIN2120–AA64) (Docket No. 2006–NE–21)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80C2 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2006–NE–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB–BK 117 C–2 Helicopters'' ((RIN2120–AA64) (Docket No. 2006–SW–28)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Teledyne Continental Motors GTSIO–520 Series Reciprocating Engines'' ((RIN2120–AA64) (Docket No. 2005–NE–05)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–157)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–216)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Aircraft Engines CF34–3A1/–3B/–3B1 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2007–NE–06)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Glasfugel Models H 301 'Libelle,' H 301B 'Libelle,' Standard 'Libelle,' and Standard Libelle-201B Sailplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–28)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. 98–ANE–47)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–78)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mooney Airplane Company, Inc., Models M20M and M20R Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–51)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Models M.S. 760, M.S. 760 A, and M.S. 760 B Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–74)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–38)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–096)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–16)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Huslia, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–13)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Low Altitude Reporting Point; AK'' ((RIN2120–AA66) (Docket No. 06–AAL–17)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Norton Sound Low Offshore Airspace Area; AK'' ((RIN2120–AA66) (Docket No. 06–AAL–10)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Potosi, MO'' ((RIN2120–AA66) (Docket No. 06–ACE–14)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Adak, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–12)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace; Broomfield, CO'' ((RIN2120–AA66) (Docket No. 06–AWP–10)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wellington Municipal Airport, KS'' ((RIN2120–AA66) (Docket No. 06–ACE–44)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kaiser/Lake Ozark MO'' ((RIN2120–AA66) (Docket No. 06–ACE–6)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Willow, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–02)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK'' ((RIN2120–AA66) (Docket No. 06–AAL–9)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Elko, NV'' ((RIN2120–AA66) (Docket No. 06–AWP–11)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Provo, UT'' ((RIN2120–AA66) (Docket No. 06–AWP–5)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kalispell, MT'' ((RIN2120–AA66) (Docket No. 05–ANM–15)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Pinedale, WY'' ((RIN2120–AA66) (Docket No. 05–ANM–17)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Eagle, CO'' ((RIN2120–AA66) (Docket No. 06–ANM–2)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mooresville, NC'' ((RIN2120–AA66) (Docket No. 06–ASO–8)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E2 Surface Area; Elko, NV'' ((RIN2120–AA66) (Docket No. 06–AWP–12)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Amendment of Class E Airspace; Leesburg, FL'' ((RIN2120–AA66) (Docket No. 06–ASO–3)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, MI'' ((RIN2120–AA66) (Docket No. 06–AGL–01)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Inspection Authorization Two-Year Renewal'' ((RIN2120–AI83) (Docket No. FAA–2007–27108)) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1663. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Incorporation of EuroSID II Dummy Into 49 CFR Part 572'' (RIN2127–AI89) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1664. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Incorporation of SID–II's Side Impact Crash Test Dummy Into Part 572'' (RIN2127–AJ16) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1665. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (ID No. 032107B) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1666. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 032807A) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1667. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007'' (RIN0648–AT87) received on April 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1668. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Definition, Emergency Episode, and Monitoring Regulations'' (FRL No. 8300–5) received on April 18, 2007; to the Committee on Environment and Public Works.

EC–1669. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Revisions to the State of Hawaii Operating Permit Program'' (FRL No. 8303–5) received on April 18, 2007; to the Committee on Environment and Public Works.

EC–1670. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL No. 8122–8) received on April 23 , 2007; to the Committee on Environment and Public Works.

EC–1671. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Administrative Revisions to Plant-Incorporated Protectant Tolerance Exemptions'' (FRL No. 7742–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1672. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Peopixonazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8121–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1673. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Agreements and Superfund State Contracts for Superfund Response Actions'' (FRL No. 8306–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1674. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration and New Source Review'' (FRL No. 8305–1) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1675. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State Operating Permit Programs; Maryland; Revisions to the Acid Rain Regulations'' (FRL No. 8304–8) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1676. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the 'Major Emitting Facility' Definition'' ((RIN2060–AN77)(FRL No. 8301–4)) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Extension of Temporary Exhaust Emission Test Procedure Option for All Terrain Vehicles'' (FRL No. 8305–8) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1678. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Promulgation of Air Quality Implementation Plans; Ohio; Approval of Revision to Rescind Portions of the Ohio Transportation Conformity Regulations'' (FRL No. 8305–3) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1679. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products'' (FRL No. 8304–2) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning'' (FRL No. 8303–6) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1681. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Illinois Portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area'' (FRL No. 8304–1) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1682. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units'' ((RIN2060–AN97)(FRL No. 8304–8)) received on April 23, 2007; to the Committee on Environment and Public Works.

EC–1683. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2007'' (Rev. Rul. 2007–29) received on April 20, 2007; to the Committee on Finance.

EC–1684. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: S Corporation Shareholders Attempt to Transfer the Incidence of Taxation on S Corporation Income by Donating S Corporation Stock to a Tax Exempt Organization While Retaining the Economic Benefits Associated with the Stock'' (Notice 2004–30) received on April 20, 2007; to the Committee on Finance.

EC–1685. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Distressed Asset/Debt Tax Shelters'' (UIL No. 9300.99–05) received on April 20, 2007; to the Committee on Finance.

EC–1686. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, the Board's 2007 Annual Report; to the Committee on Finance.

EC–1687. A communication from the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds, transmitting, pursuant to law, the 2007 Annual Report of the Boards; to the Committee on Finance.

EC–1688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: National Median Gross Income Figures for 2007'' (Rev. Proc. 2007–31) received on April 24, 2007; to the Committee on Finance.

EC–1689. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2007–32) received on April 24, 2007; to the Committee on Finance.

EC–1690. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 relative to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1691. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (PA–147–FOR) received on April 25, 2007; to the Committee on Energy and Natural Resources.

EC–1692. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports for the period from February 28, 2007 to April 24, 2007 relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–1693. A communication from the Secretary of Labor, transmitting, the report of proposed legislation entitled ''Workforce Investment Act Amendments of 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–1694. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Allowances and Differentials'' (RIN3206–AL07) received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1695. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–37, ''Class Exclusion Standards Temporary Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1696. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–35, ''Retail Service Station Clarification Temporary Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1697. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–36, ''Quality Teacher Incentive Clarification Temporary Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1698. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–34, ''Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1699. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–33, ''Nonprofit Organizations Oversight Improvement Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1700. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–38, ''Public Education Reform Amendment Act of 2007'' received on April 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1701. A communication from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Relief from Fingerprinting and Criminal History Records Check for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials or Other Property'' (AI04) received on April 17, 2007; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–71. A joint resolution adopted by the House of Representatives of the Legislature of the State of Maine memorializing the President 'and Congress to fulfill the intent to fund sixty percent of the costs of special education and to end unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-third Legislaure of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

Whereas, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

Whereas, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400. et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40 percent of the average per-pupil extenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assit the states; and

Whereas, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educatirg a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirement: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 60 percent of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honrable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–72. A resolution adopted by the Senate of the Legislature of the State of Michigan urging the Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 20

Whereas, in response to the need for heightened security measures following the 9–11 attacks, Congress enacted the Real ID Act in 2005. This legislation require the states to dramatically redesign their respective driver's licenses. Digital photos, proof of legal status, and centralized database capabilities will be required. The act and the Western Hemisphere Travel Initiative also greatly alter the documentation required from American citizens seeking reentry into this country; and

Whereas, as the deadlines for full compliance with the requirements of the Real ID Act approach, there remains a significant level of confusion over how the states can meet target dates and develop the necessary policies and technology. With the size and scope of the task of redesigning driver's licenses and increasing identification procedures in all 50 states, the current uncertainties are complicating our ability to make our homeland more secure; and

Whereas, as with any undertaking of this magnitude, there are major costs involved. At this point, however, there seems to be no comprehensive estimate of the overall economic impact of complying with the Real ID Act and the Western Hemisphere Travel Initiative; and

Whereas, the multiple issues involved in following the provisions of the Real ID Act and the Western Hemisphere Travel Initiative are vitally important in Michigan. With some of the world's busiest international crossing points, especially at the Detroit/Windsor border, Michigan has a strong stake in this transition proceeding smoothly and with all the information needed to do so: Now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Homeland Security, the Office of the President of the United States; the United States Secretary of State; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; the members of the Michigan congressional delegation; and the Michigan Secretary of State.

POM–73. A resolution adopted by the Senate of the Legislature of the State of Michigan memorializing the Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state driver's license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 21

Whereas, in response to the need for heightened security measures following the 9–11 attacks, Congress enacted the Real ID Act in 2005. This legislation requires the states to dramatically redesign their respective driver's licenses. Digital photos, proof of legal status, and centralized database capabilities will be required; and

Whereas, another component of recent federal legislation, the Western Hemisphere Travel Initiative, also greatly alters the documentation required from American citizens seeking reentry into this country. By January 1, 2008, for example, United Sates citizens may be required to show passports when they drive across the border from Canada; and

Whereas, with the new requirements of the Real ID Act, state driver's licenses would closely mirror passports not only in the way they are used by travelers, but also in providing a higher level of identification. There is an opportunity in this transition to explore the possibility of combining the secure technology of a passport into the driver's license and realizing significant savings without compromising the security that is the goal of the federal legislation; and

Whereas, with some of the busiest international crossing points in the world, Michigan is well-suited for a pilot project to develop a dual driver's license/passport. With $70 billion worth of commercial traffic and nearly 3 million visitors crossing the Michigan/Canadian border each year, including thousands crossing for their jobs each day, Michigan has an unsurpassed stake in how the Western Hemisphere Travel Initiative is implemented; and

Whereas, Michigan's Secretary of State is in strong support of the concept of exploring a dual purpose state driver's license/personal identification card. The impact of such a project here could reap widespread benefits for our entire country: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Department of State and the Department of Homeland Security to work with the Michigan Secretary of State to develop a pilot program in Michigan for a dual purpose state driver's license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Homeland Security, the Office of the President of the United States; the United States Secretary of State; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; the members of the Michigan congressional delegation; and the Michigan Secretary of State.

POM–74. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging the Florida Legislature to require Florida schools to provide information to 11- and 12-year old girls and their parents about the Human Papillomavirus, the vaccine against HPV, and Cervical Cancer that results from HPV; to the Committee on Health, Education, Labor, and Pensions.

POM–75. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging Congress to fully fund the local mandates included in the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

POM–76. A resolution adopted by the Board of County Commissioners of Miami-Dade County in the State of Florida urging the Florida Legislature to provide for creation of the Magic City Children's Zone Pilot Project; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007'' (Rept. No. 110–56).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 116. A resolution designating May 2007 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. Res. 125. A resolution designating May 18, 2007, as ''Endangered Species Day'', and

encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. Res. 146. A resolution designating June 20, 2007, as ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

S. Res. 162. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Colonel Travis D. Balch, 3742, to be Brigadier General.

Army nomination of Col. Stephen L. Jones, 5583, to be Brigadier General.

Air Force nomination of Col. Thomas J. Masiello, 8449, to be Brigadier General.

Air Force nomination of Brig. Gen. Thaddeus J. Martin, 2444, to be Major General.

Army nomination of Brig. Gen. William C. Kirkland, 4541, to be Major General.

Army nomination of Col. Gregory E. Couch, 8914, to be Brigadier General.

Navy nomination of Rear Adm. Jeffrey L. Fowler, 7245, to be Vice Admiral.

Army nomination of Lt. Gen. Martin E. Dempsey, 8511, to be Lieutenant General.

Army nominations beginning with Brigadier General Mari K. Eder and ending with Colonel James T. Walton, which nominations were received bythe Senate and appeared in the Congressional Record on March 22, 2007.

Marine Corps nomination of Maj. Gen. George J. Trautman III, 0849, to be Lieutenant General.

Navy nomination of Rear Adm. Harold D. Starling II, 4248, to be Vice Admiral.

Army nomination of Maj. Gen. William G. Webster, Jr., 9468, to be Lieutenant General.

Army nomination of Col. Mark J. MacCarley, 2185, to be Brigadier General.

Army nomination of Col. Daniel J. Nelan, 2853, to be Brigadier General.

Navy nomination of Capt. Michael A. Giorgione, 3106, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Thomas M. Angelo and ending with Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Thomas I. Anderson and ending with Mussaret A. Zuberi, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2007.

Air Force nomination of David J. Carrell, 8142, to be Colonel.

Air Force nomination of James G. Wolf, 6912, to be Lieutenant Colonel.

Air Force nomination of Craig L. Allen, 9804, to be Lieutenant Colonel.

Air Force nominations beginning with Brian L. Evans and ending with Duncan D. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Air Force nominations beginning with Robert W. Beadle and ending with Brent S. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 29, 2007.

Air Force nomination of Noana Issargrill, 4686, to be Major.

Army nomination of Melissa W. Jones, 9625, to be Lieutenant Colonel

Army nomination of Barbara J. King, 3425, to be Lieutenant Colonel.

Army nominations beginning with James F. Beck and ending with Kevin S. Mckiernan, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Army nominations beginning with Daniel L. Hurst and ending with George T. Talbot, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Army nominations beginning with Franklin M. Crane and ending with Gary T. Kirchoff, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Mark W. Crumpton and ending with D060629, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Thomas Brooks and ending with Deborah C. Warren, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nominations beginning with Damon T. Arnold and ending with Gijsbertus F. Vanstaveren, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nomination of D060461, to be Lieutenant Colonel.

Army nomination of Bernadine F. Peletzfox, 0166, to be Major.

Army nomination of D060470, to be Major.

Army nomination of Josef Rivero, 5036, to be Major.

Army nomination of Stephen J. Velez, 5317, to be Major.

Army nominations beginning with Kirk O. Austin and ending with Lee W. Smithson, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2007.

Army nominations beginning with Craig E. Bennett and ending with Darlene M. Shealy, which nominations were received by the Senate and appeared in the Congressional Record on April 16, 2007.

Marine Corps nomination of Charles E. Parham, Jr., 7703, to be Lieutenant Colonel.

Marine Corps nominations beginning with Eduardo A. Abisellan and ending with Joseph J. Zarba, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007. (minus 1 nominee: Kevin M. Gonzalez)

Marine Corps nominations beginning with Aaron D. Abdullah and ending with Scott W. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Marine Corps nomination of Jason K. Fettig, 7799, to be Major.

Marine Corps nomination of Michael J. Colburn, 2511, to be Colonel.

Navy nomination of Brian D. Petersen, 1675, to be Captain.

Navy nomination of Stanley R. Richardson, 8043, to be Captain.

Navy nominations beginning with Benjamin Amdur and ending with David M. Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nominations beginning with Kirsten R. Martin and endingwith Richard V. Timme, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

Coast Guard nominations beginning with Brooke E. Grant and ending with Maria A. Ruttig, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington.

John Roberts Hackman, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1213. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

By Mr. AKAKA:

S. 1215. A bill to amend title 38, United States Code, to extend and improve certain authorities of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. SALAZAR, Mr. SCHUMER, Mr. KENNEDY, Mr. DURBIN, and Mr. BROWN):

S. 1217. A bill to enhance the safety of elementary schools, secondary schools, and institutions of higher learning; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 1218. A bill to provide quality, affordable health care for all Americans; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1220. A bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2007 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Finance.

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 1224. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. SMITH, and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD):

S. Res. 171. A resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. WEBB):

S. Res. 172. A resolution commemorating the 400th Anniversary of the settlement of Jamestown; considered and agreed to.

ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 358

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. BOND, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 430, supra.

S. 573

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 579

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 648, a bill to amend title 10,

United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 651

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 761, supra.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BOND) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1181

At the request of Mr. OBAMA, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 146

At the request of Mr. ALEXANDER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 146, a resolution designating June 20, 2007, as ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

AMENDMENT NO. 941

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 941 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

AMENDMENT NO. 942

At the request of Mr. KOHL, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 942 proposed to S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 942 proposed to S. 761, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 1204. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2007, important legislation that promotes awareness and prevention of Shaken Baby Syndrome, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System (NCANDS) almost 900,000 children were victims of abuse and neglect in 2005. More than four children die every single day as a result of abusive maltreatment in this country. Babies are particularly vulnerable; in 2005, children aged 12 months or younger accounted for nearly 42 percent of all child abuse and neglect fatalities and children under age 3 accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under-reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the Upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many States educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2007, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need.

Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia from New York, Hannah from California, Sarah from New York, Kierra from Nevada, Miranda from Pennsylvania, Taylor from Illinois, Cassandra from Arizona, Gabriela from Florida, Amber from New York, Bennett from Missouri, Jamison from Florida, Maggie from Texas, Dalton from Indiana, Stephen from Texas, Kaden from Washington, Joseph from Texas, Dawson from Pennsylvania, Macie from Minnesota, Jake from Maine, Benjamin from Michigan, Chloe from New Mexico, Madison of Oklahoma, Peanut from Texas, Nykkole from Minnesota, Gianna from Rhode Island, Brynn from Washington, Rachael from Texas, Jack from Maryland, Ryan from Virginia, David from California, Reagan from Virginia, Skipper from New York, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

I ask unanimous consent that a list of groups supporting this resolution be printed in the RECORD.

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

GROUPS SUPPORTING THE SHAKEN BABY SYNDROME PREVENTION ACT OF 2007

American Association of Neurological Surgeons; American Professional Society on the Abuse of Children; American Psychological Association; The Arc of the United States; Association of Maternal and Child Health Programs; Association of University Centers on Disabilities; Brain Injury Association of America; Center for Child Protection and Family Support; Child Welfare League of America; Children's Defense Fund; Children's Healthcare is a Legal Duty; Congress of Neurological Surgeons; The Connecticut Children's Trust Fund; Council for Exceptional Children; Cynthia Gibbs Foundation; Division for Early Childhood of the Council for Exceptional Children; Easter Seals; Epilepsy Foundation; Fight Crime: Invest in Kids; and The G.E.M. Child Protection Foundation.

Hannah Rose Foundation; IDEA Infant Toddler Coordinators Association; Kierra Harrison Foundation; Lifetime Family Resource Center, Inc.; Massachusetts Citizens for Children; The Multidisciplinary Pediatric Education and Evaluation Consortium; National Association of Child Care Resource & Referral Agencies; National Association of Children's Hospitals; National Association of State Head Injury Administrators; National Center for Learning Disabilities; National Center on Shaken Baby Syndrome; National Child Abuse Coalition; National Family Partnership; National Respite Coalition; National Shaken Baby Coalition; National Shaken Baby Syndrome Nursing Network; Parents Anonymous; Pennsylvania Shaken Baby Syndrome Prevention and Awareness Program; Prevent Child Abuse America; Shaken Baby Association; Shaken Baby Prevention, Inc.; Shaking Kills: Instead Parents Please Educate and Remember Initiative (SKIPPER); United Cerebral Palsy; and Upstate New York Shaken Baby Syndrome Prevention and Awareness Program.

By Mr. SMITH (for himself and Mr. HARKIN):

S. 1205. A bill to require a pilot program on assisting veterans' service organizations and other veterans' groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SMITH. Mr. President, I rise today to introduce the Heroes Helping Heroes Demonstration Program of 2007, along with my distinguished colleague from Iowa, Senator HARKIN. I ask unanimous consent that the text of this bill be printed in the RECORD.

Our intention is to expand the use of peer-support approaches to assist the reintegration of America's veterans as they return from active duty to their homes and communities. We hope that this legislation will demonstrate the effectiveness of peer-support approaches and ease the burden of the social, economic, medical and psychological struggles our veterans face.

Deployed soldiers face extreme stress and at times devastating injuries. Left untreated, this stress can have devastating impact on soldiers and their families. Army researchers have found that alcohol misuse went from 13 percent among soldiers to 21 percent one year after returning from Iraq and Afghanistan. It also has been found that soldiers with anger and aggression issues increase from 11 percent to 22 percent after deployment. Furthermore, the best studies to date have shown that up to one-third of our current war veterans are coping with a serious mental health problem, most notably Post Traumatic Stress Disorder (PTSD).

In addition to these personal struggles, returning soldiers also face serious social and economic challenges. Data from the U.S. Bureau of Labor Statistics indicates that unemployment among soldiers returning to civilian life is 15 percent—three times the national average. Those soldiers planning to divorce their spouse rose from nine percent to 15 percent after time spent in the combat zone. Unfortunately, as more troops are deployed, deployments are extended and breaks between deployments become shorter these problems will only become more prevalent.

At present, the Department of Defense and the Department of Veterans Affairs are struggling to meet the needs of returning veterans. Situations like those recently uncovered at Walter Reed Hospital demonstrate a health care system stretched to its limits. Furthermore, it would require significant additional resources to build up traditional service organizations and approaches to be sufficient to deal with these serious problems.

I have risen on this floor many times to speak about the need to adequately address the mental health and physical health needs of our citizens. However, there has never been a case when the responsibility and duty of this body and our country has been clearer than the duty to aid our veterans who have sacrificed their bodies, minds and lives for this country.

Fortunately, ''peer-support'' approaches offer a low cost and effective adjunct to traditional services by allowing the heroes of our country to help each other. Veteran peer-support offers two things that no kind of professionalized service can ever hope to: the support of someone who has had the same kinds of experiences and truly understands what the veteran is going through; and the potential of a large pool of experienced volunteers who can assist and support returning veterans at very little cost.

The effectiveness of these approaches has been documented in a variety of domains. Specifically, for mental health disorders like PTSD and depression, peer-support programs have shown that participation yields improvement in psychiatric symptoms and decreased hospitalizations, the development of larger social support networks, enhanced self-esteem and social functioning, as well as lower services costs. The Substance Abuse and Mental Health Service Administration (SAMHSA), and even the President's New Freedom Commission on Mental Health, have recognized peer-support approaches as an emerging best practice that is helping people recover from traumatic events.

Although the peer-support approach is promising, the need for this type of assistance is growing and far exceeds the services that are available. A report from the National Symposium for the Needs of Young Veterans hosted by AMVETS recognized this need in Voices for Action: A Focus on the Changing Needs of America's Veterans.

The legislation that I am introducing today requires the Veterans Administration to create a pilot project. This project would demonstrate and assess the feasibility of funding community based veterans' organizations and groups to create and expand peer-support programs for veterans. It also authorizes $13.5 million over three years for this program. These funds will be used to support the development or expansion of peer-support programs in up to 20 non-profit organizations that support the reintegration of veterans on a local and national level.

The use of peer-support approaches is supported by veterans, veterans' organizations and mental health professionals. I ask for unanimous consent to include in the record the following letters from the Iraq and Afghanistan Veterans of America, Disabled American Veterans, the National Coalition for Homeless Veterans, Vets4Vets and the American Psychological Association.

I am pleased that Senator HARKIN has joined me in this effort. Our legislation is an important step to expand and improve the support available to our veterans and their transition back to community life. We hope that this bill will continue to focus attention on the needs of our veterans who have given so much to their country.

Mr. President, I yield the floor.

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

S. 1205

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

SECTION 1. PILOT PROGRAM ON ASSISTING VETERANS ORGANIZATIONS IN FACILITATING COMMUNITY REINTEGRATION OF VETERANS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to demonstrate and assess the feasibility and advisability of delivering community reintegration support and services to veterans by assisting veterans organizations in developing and promoting peer support programs for veterans.

(2) DESIGNATION.—The pilot program required by paragraph (1) shall be known as the ''Heroes Helping Heroes Program''.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on October 1, 2007.

(c) SELECTION OF PILOT PROGRAM PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall select not more than 20 eligible entities to participate in the pilot program.

(2) APPLICATION.—Each eligible entity seeking to participate in the pilot program shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall require.

(3) SELECTION.—The Secretary shall select participants in the pilot program from among the applicants under paragraph (1) that the Secretary determines—

(A)(i) have existing peer support programs that can be expanded or enhanced, and resources, for the delivery of community reintegration support and services to veterans (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; or

(ii) have the capacity, including the skill and resources necessary, to develop and maintain new peer support programs for the delivery of community reintegration support and services (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; and

(B) have a plan to continue such peer support programs after the pilot program ends.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to pilot program participants to develop and promote peer support programs that deliver community reintegration support and services for veterans.

(2) AMOUNT.—The Secretary shall ensure that the average amount of the grant awarded under paragraph (1) to a pilot program participant is not more than $300,000 and not less than $100,000 per fiscal year.

(3) MATCHING FUNDS.—A recipient of a grant under paragraph (1) shall contribute towards the development and promotion of peer support programs that deliver community reintegration support and services to veterans an amount equal to not less than ten percent of the grant awarded to such recipient.

(4) DURATION.—The duration of any grant awarded under paragraph (1) may not exceed three years.

(e) USE OF FUNDS.—A grant awarded to a pilot program participant pursuant to subsection (d) shall be used by the pilot program participant for costs and expenses connected with the development and promotion of peer support programs that deliver community reintegration support and services to veterans, including costs and expenses of the following:

(1) Program staff or a coordinator of volunteers, but not more than 50 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(2) Consultation services, but not more than 20 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(3) Program operations, including costs and expenses relating to the following:

(A) Advertising and recruiting.

(B) Printing.

(C) Training of volunteers, veterans, and staff.

(D) Incentives, such as food and awards.

(E) Overhead expenses, but not more than ten percent of such grant award may be used for such purposes.

(f) TECHNICAL ASSISTANCE.—In addition to the award of grants under subsection (d), the Secretary shall provide technical assistance to pilot program participants to assist them in developing and promoting peer support programs that deliver community reintegration support and services to veterans.

(g) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a veterans service organization;

(B) a not-for-profit organization—

(i) the primary mission of which is to assist veterans;

(ii) that has been in continuous operation for at least 12 months; and

(iii) is not a veterans service organization; or

(C) a partnership between an organization described in subparagraph (A) or (B) and an organization that is not described in subparagraph (A) or (B).

(2) PILOT PROGRAM PARTICIPANT.—The term ''pilot program participant'' means an eligible entity that is selected by the Secretary, in accordance with subsection (c), to participate in the pilot program under this section.

(3) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs to carry out this section, $4,500,000 for each of fiscal years 2008, 2009, and 2010.

IRAQ AND AFGHANISTAN VETERANS OF AMERICA,
April 10, 2007.

Hon. GORDON SMITH,
404 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GORDON SMITH: Only a veteran can truly understand the story of another veteran. When a servicemember returns home from a combat zone they are subjected to a myriad of transitional issues; finding a new job, reconnecting with family, and mostly important, learning about the person they have become. We must find creative ways to reach out and connect these returning heroes with people who understand their story.

The Heroes Helping Heroes Program is a Demonstration Project which seeks to aid existing veterans' service organizations and other non-profit organizations that currently work with veterans in the development and promotion of peer support programs across America. Iraq and Afghanistan Veterans of America (IAVA) strongly endorses the Heroes Helping Heroes Program as a creative attempt to connect returning veterans with other veterans.

This program will bolster existing local veterans support organizations by offering grants, allowing them to expand services at the fraction of the cost of starting new programs. Heroes Helping Heroes will help fulfill the government's duty to assist our service men and women who fulfilled their solemn duty to serve.

Sincerely,

PAUL RIECKHOFF,
Executive Director.

VETS4VETS,
Tucson, AZ, April 4, 2007.

TO WHOM IT MAY CONCERN: Vets4Vets is proud to endorse Senator Gordon Smith's bill setting up a pilot program to encourage peer support programs for Iraq-era veterans.

Vets4Vets is a non-partisan peer support program, staffed almost exclusively by Iraq-era veterans and dedicated to helping Iraq and Afghanistan era veterans feel good about themselves and heal from any negative aspects of service and war. In our weekend workshops, one-on-ones, and local groups, Vets4Vets allows veterans to take equal and uninterrupted turns sharing their experiences and expressing their feelings in a truly confidential setting. To further promote healing Vets4Vets encourages service men and women to take part in positive community action of their choosing that empowers them to reach out to other veterans.

Over 200 Iraq-era veterans have taken part in one or more of our nine weekend workshops in the last year in various parts of the country. Almost all of them have been combat veterans. Many of them are now actively reaching out to their peers to set up local peer support groups. There are already groups meeting in a half dozen or so cities around the country.

As would be expected from the existing body of research on peer support programs, these veterans universally enjoyed the program and report significant improvement in their lives.

We urge Members of Congress to support this bill and the peer support programs for Iraq-era veterans which it will encourage.

Sincerely,

ABEL MORENO,
Former Sergeant 82nd Airborne with tours in Iraq and Afghanistan; Vets4Vets Media and Local Outreach Coordinator.

JASON RIDOLFI,
Former Sergeant, USMCR with two tours in Iraq; Vets4Vets Internet Outreach Coordinator.

NATIONAL COALITION FOR HOMELESS VETERANS,
Washington, DC, April 11, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The National Coalition for Homeless Veterans (NCHV) writes to express our support for your bill, which would establish a demonstration project entitled ''Heroes Helping Heroes Program.'' The project would provide expanded peer support services for veterans through veteran service organizations and other non-profit community-based organizations that serve veterans.

Established in 1990, NCHV is a nonprofit organization with the mission of ending homelessness among veterans by shaping public policy, promoting collaboration, and building the capacity of service providers. NCHV's membership of over 250 community based organizations (CBOs) in 48 states and the District of Columbia provides housing and supportive services to homeless veterans and their families.

The Department of Veterans Affairs (VA) reports an estimated 400,000 veterans experience homelessness at some time during a year, and 200,000 are homeless on any given night. With the VA reaching only 25 percent of the homeless veteran population and CBOs 30 percent of those in need, a substantial number of homeless veterans undoubtedly do not receive much needed services. Moreover, because some areas of our country have no community based organizations or VA facilities nearby, other programs that serve veterans are needed.

Findings from a survey conducted by NCHV in November 2005 suggest the homeless veteran population in America may be experiencing significant changes. In addition to those who are aging and need permanent supportive housing, the percentage of women veterans seeking services is growing. Moreover, combat veterans of Operation Iraqi Freedom, Operation Enduring Freedom and the Global War on Terror are returning home and suffering from war related conditions that may put them at risk for homelessness. These men and women are beginning to trickle into the Nation's community-based homeless veteran service provider organizations and need a variety of services—from mental health programs and peer support to housing, employment training and job placement assistance. The Heroes Helping Heroes program will serve as a starting point to help these returning heroes address their many needs.

NCHV supports your efforts and leadership on behalf of our nation's veterans. Thank you for providing an opportunity to help them successfully reintegrate back into civilian life.

Sincerely,

CHERYL BEVERSDORF,
President and CEO.

DISABLED AMERICAN VETERANS,
March 28, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Disabled American Veterans (DAV), I am writing with regards to the legislation that would create the ''Heroes Helping Heroes Program.''

As you know, active duty service members sometimes have difficulty making the transition back to civilian life. This is particularly true for our injured service members and service members who served in combat. For some severely-disabled veterans of Operations Iraqi and Enduring Freedom, the success of becoming a productive member of society will be measured by their ability to live independently and achieve the highest quality of life possible.

Your legislation seeks to help veterans reintegrate into their communities by authorizing the Department of Veterans Affairs to create a pilot program to assist in the development and capitalization of peer support programs. While DAV does not have a resolution from our membership to actively support this legislation, its purpose appears beneficial and we would not be opposed to the favorable consideration of this bill.

The DAV sincerely appreciates your efforts and commitment to improve the lives of our nation's sick and disabled veterans, their dependents and survivors.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
April 4, 2007.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND HARKIN: On behalf of the American Psychological Association (APA) and our 148,000 members and affiliates; I am writing to thank you for your leadership in legislative efforts to promote the reintegration of America's veterans as they return from active duty to their homes and communities.

Deployed soldiers face unique risks and experience stress and at-times devastating injuries. Left untreated, the attendant mental health problems can severely restrict veterans' lives and their ability to reconnect to family, work, and social relationships. In their most tragic forms, such problems can also lead to marital dissolution, the abuse of alcohol and other drugs, and suicide. At present, the Department of Defense (DoD) and the Department of Veterans Affairs (VA) are striving to meet the mental health treatment. needs of returning veterans. It is imperative that we redouble our efforts to aid our veterans who served in Iraq and Afghanistan and are suffering from post-traumatic stress disorder and other mental health problems.

Your proposed bill, which would establish a demonstration project entitled ''the Heroes Helping Heroes Program,'' would provide expanded peer support services for veterans through veterans service organizations and other non-profit community-based organizations that serve veterans. Through peer support programs, veterans help one another to cope with the trauma of combat experience, the mental anguish that comes from debilitating physical injury, and the difficulties of readjusting to a civilian mindset and the rhythms of daily life. Such programs are highly effective in providing needed support to veterans, as we know from the veterans readjustment counseling centers currently run by the VA.

In closing, I thank you once again for your efforts and leadership on behalf of our nation's veterans.

Sincerely,

NORMAN B. ANDERSON, Ph.D.,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I am pleased to join with the distinguished Senator from Oregon, Senator SMITH, to introduce the Heroes Helping Heroes Act, to expand the availability of peer support programs for veterans.

As our military personnel return from combat, they face daunting challenges in transitioning back to civilian life. They have to deal with family issues arising from their long absence from home. They have to find new employment. They also have to cope with separation from their close friends. After spending many months if not years with the men and women in their unit—sharing intense wartime experiences and looking out for each other—they may not find that same close support when they return.

In addition, many members of our Armed Forces have endured tremendous stress during combat, which can trigger severe mental health issues after they have returned home. Research shows that one in three veterans of the war in Iraq, and one in nine veterans of the war in Afghanistan, are coping with a serious mental health problem, including depression, substance abuse, and/or post-traumatic stress disorder (PTSD). Untreated and under-treated stress exposure for soldiers results in a higher incidence of suicide, higher divorce rates, and higher rates of drug or alcohol abuse. Additionally, there have been almost 25,000 non-fatal American casualties. Such injuries often have serious impacts on the ability of transitioning veterans to reintegrate into their home and community life.

Currently, VA facilities are overwhelmed by the sheer number of veterans who need assistance. The Government Accountability Office (GAO) reported that many VA medical facilities are unprepared to care for the mental health needs of the number of veterans who will need services. Peer support approaches offer a low-cost and effective supplement to traditional services by allowing veterans to help each other. In peer support programs, transitioning veterans can talk to someone who had similar experiences and understands what they are going through. Veteran peer counselors who are trained to provide support and refer for services when necessary can provide outreach to other veterans and assist in a smooth transition back to civilian life.

The Heroes Helping Heroes program will allow veterans' service organizations to develop or expand peer support programs. Veterans' service organizations and other non-profits that serve veterans are well-equipped to provide such peer support programs. Given that the VA is stretched to capacity, these organizations are able to run such programs in addition to mental health services provided by professional counselors.

The Substance Abuse and Mental Health Service Administration (SAMSHA) and the President's New Freedom Commission on Mental Health have recognized peer support approaches as an emerging best practice in helping people to recover from traumatic events. Research has found that peer support programs are effective in alleviating PTSD symptoms and depression, reducing the likelihood of hospitalization, and increasing social support.

When members of our Armed Forces come home from war, this does not necessarily mean that the war is over for them. Many continue to carry physical and psychological wounds and scars. We have a profound moral contract to care for those who have fought for our country and sacrificed so much. One additional way to make good on that contract in a cost-effective way is to expand the availability peer support programs nationwide. To that end, I urge my colleagues to join with Senator SMITH and me in sponsoring the Heroes Helping Heroes Act.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Ms. LANDRIEU):

S. 1206. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 to clarify the age discrimination rules applicable to the pension plan maintained by the Young Woman's Christian Association Retirement Fund; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women's Christian Association's Retirement Fund.

The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users.

Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure.

Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is partially a defined benefit plan, and partially a defined contribution plan.

Recently, some employers have transformed their traditional defined benefit pension plans into various types of ''hybrid'' plans, and in the process, some have reduced the rate at which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established in 1924.

The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local

YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of a lawsuit could cause local YWCAs to end their participation in this plan.

This legislation merely delineates many of the unique characteristics of the YWCA pension plan and clarifies what age discrimination standard applies to the plan with respect to any future legal claim. This bill protects participants from being treated differently on the basis of age, while eliminating the potential crippling legal threat that currently exists.

Legislation was enacted in 2004—Public Law 108–476—to clarify the legal status of the YMCA pension plan, a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is time to protect the pension plan serving our YWCAs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1206

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Young Women's Christian Association Pension Clarification Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Young Women's Christian Association Pension Plan is a multiple employer plan (subject to the requirements of section 210 of the Employee Retirement Income Security Act of 1974) which is maintained by a corporation created by State law prior to the enactment of the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967 and whose primary purpose is the maintenance of retirement programs.

(2) No applicable plan amendment, as defined in clause (v) of section 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(v)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 982)) and clause (v) of section 4(i)(10)(B) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(v)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 986)), or any applicable plan amendment causing a participant's accrued benefit to be less than the amount described in clause (iii) of such section 204(b)(5)(B) or clause (iii) of such section 4(i)(10)(B), has ever been made to the Young Women's Christian Association Pension Plan.

(3) Under the terms of the Young Women's Christian Association Pension Plan, as in effect as of June 29, 2005, all pension benefits of all participants under the plan are immediately nonforfeitable.

(4) As of April 25, 2007, the Young Women's Christian Association Pension Plan provides—

(A) for periods including June 29, 2005, and ending on or before December 31, 2007, a credit to the account of each participant equal to 40 percent of the pay credit provided to such participant and interest credits determined for each plan year at the average of the annual rates of interest on 10-year Treasury securities during a designated period in the preceding plan year, and

(B) for periods beginning on or after January 1, 2008, interest credits which satisfy the requirements of section 204(b)(5)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(5)(B)(i)) (added by section 701(a) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 981)) and section 4(i)(10)(B))(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)) (added by section 701(c) of the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 989)).

(b) PURPOSE.—The purpose of this Act is to clarify the age discrimination rules under section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 and section 4(i)(1) of the Age Discrimination in Employment Act of 1967, as they relate to periods prior to June 29, 2005, during which violations of such rules are alleged to have occurred in civil actions commenced on or after April 25, 2007.

SEC. 3. CLARIFICATION OF AGE DISCRIMINATION RULES.

(a) IN GENERAL.—In the case of any civil action which—

(1) is commenced on or after April 25, 2007, and

(2) alleges a violation of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)) or section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)) occurring before June 29, 2005, with respect to any benefit provided under the Young Women's Christian Association Pension Plan,

such sections 204(b)(1)(H) and 4(i)(1) shall be applied as if paragraph (5) of section 204(b) of the Employee Retirement Income Security Act of 1974 (as added by section 701(a)(1) of the Pension Protection Act of 2006 (29 U.S.C. 1054(b)(5); 120 Stat. 981) and paragraph (10) of section 4(i) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10); 120 Stat. 998) applied to any period in which such alleged violation occurred.

(b) YOUNG WOMEN'S CHRISTIAN ASSOCIATION PENSION PLAN.—For purposes of this Act, the term ''Young Women's Christian Association Pension Plan'' means the defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) established on January 1, 1926, and maintained by the Young Women's Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

By Ms. LANDRIEU:

S. 1207. A bill to amend the Internal Revenue Code of 1986 to increase and extend the energy efficient commercial buildings deduction; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled Giving Reductions to Energy Efficient New Buildings, the GREEN Buildings Act. This bill will extend the energy efficient building tax deduction from December 31, 2008 until December 31, 2013. This bill will also increase the tax deduction from $1.80 to $2.25 per square foot.

Our Nation is diligently searching to find the long-term solutions to global warming and, how to reduce our carbon foot print. As Congress continues to search for these solutions, we must continue to provide incentives to those who have the knowledge and resources to make an impact now. Congress understands the impact 'green buildings' have on reducing our Nation's energy consumption and carbon emissions. That is why in the Energy Policy Act of 2005 we created a tax deduction for energy efficient buildings. Unfortunately, that deduction will expire on December 31, 2008. Congress must not allow this deduction to expire. Building energy efficient buildings is one of the key things being done right now to reduce carbon dioxide emissions as well as reduce our Nation's energy consumption.

Commercial buildings are a substantial part of our Nation's energy consumption and can be a key to reducing demand for electricity. These buildings are responsible for 40 percent of total U.S. energy consumption, they use 70 percent of the nation's electricity and they are accountable for 40 percent of the U.S. carbon dioxide emissions. They are a major piece to enabling our Nation's energy independence and to solving the global warming puzzle and Congress must not overlook them or leave them out.

The average life-span of a commercial building is 75 years. We must use our resources, to build energy-efficient buildings today and make these buildings truly ready for the future. One way to do so is to provide incentives to those who are willing to step up to the plate and accept the challenge.

Another benefit from building energy efficient or green buildings is that they also improve our health. Americans spend about 90 percent of their time indoors. The concentration of indoor pollutants is sometimes 10 to 100 times more than outdoor pollutants increasing the frequency of illnesses and ailments.

Researchers have proven that employees who are exposed to more sunlight are more productive workers. They have proven that by changing the carpets on the floor and paint on the walls workers have less respiratory ailments. These are simple things that can be done to increase employees' health and their productivity and our nation's overall success.

Our Nation is doing a good job of researching and developing new technologies to reduce our dependence on foreign energy and to combat global warming, and Congress has helped move these technologies along by providing incentives in the way of tax deductions. Unfortunately, many of these incentives have an expiration date that expires too soon to provide the help it is intended to provide. Congress needs to keep these incentives intact and provide stability so companies and investors can be assured of their investment. In turn, maintaining these incentives will advance our Nation's energy independence and reduce our carbon dioxide emissions—two very important goals. I urge my fellow Senators to support this sensible and much needed tax incentive. We don't have another 75 years to wait.

By Mr. DORGAN:

S. 1208. A bill to provide additional security and privacy protection for social security account numbers; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation called the ''Social Security Account Number Protection Act'' that would restrict the ability of companies to sell or purchase Social Security numbers.

Let me describe why this legislation is so necessary.

On February 15, 2005, Georgia-based data warehouser ChoicePoint disclosed that it had compromised the private customer data of 145,000 individuals. Criminals posing as legitimate small business people had purchased files on about 145,000 people, some of whom were later defrauded.

One of the critical pieces of information that ChoicePoint sold to these criminals was Social Security numbers. That's Social Security numbers of 145,000 people in all 50 states.

Here is a statistic that I found incredible: Choice Point has 17,000 business ''customers'' for such information. Can you imagine your Social Security number potentially being sold to 117,000 businesses? And that's just one of the companies that was selling databases that included Social Security numbers at the time.

I bet that most Americans were surprised to find out that it was perfectly legal for companies to sell their Social Security numbers to tens of thousands of other companies. If you took a national survey and asked Americans this question: ''Do you think that private companies should have the ability to purchase and sell your Social Security number?'' I assure you that the answer would overwhelmingly be ''no.''

In the 109th Congress, when the Senate Commerce Committee marked up S. 1408, the ID Theft Protection Act, I offered an amendment that very simply said that it should be illegal to sell or purchase Social Security numbers.

This as a commonsense amendment, and it passed unanimously. The ID Theft Protection Act was reported by the Commerce Committee in December 2005, but the bill did not make it to the Senate floor.

But the problem of ID theft has not gone away. In its most recent survey, the Better Business Bureau estimated that approximately 8.9 million Americans were victims of identity theft in 2006. The total U.S. annual identity fraud cost is an estimated $52.6 billion per year.

We will shortly be marking up another ID theft bill in the 110th Congress, through the Commerce Committee. The bill the Commerce Committee is considering now does not have provisions restricting the sale or purchase of Social Security numbers, and I intend to offset an amendment to fix that, with the language that I am introducing as standalone legislation today.

I should note that the FTC issued a report on ID theft just this month, which emphasized the importance of protecting Social Security numbers.

The FTC report said the following about Social Security numbers: ''Consumer information is the currency of identity theft, and perhaps the most valuable piece of information for the thief is the SSN. The SSN and a name can be used in many cases to open an account and obtain credit or other benefits in the victim's name.''

In fact elsewhere in the report, the FTC underscored that Social Security numbers are ''the most valuable commodity for an identity thief.''

One of the FTC's top recommendations was that federal agencies should reduce the unnecessary use of Social Security numbers.

And it's clear that the FTC heard from many Americans who were unhappy with the widespread overuse of Social Security numbers. Indeed, the FTC report notes that one of the main concerns that Americans have in protecting their identity is ''the overuse of Social Security numbers as identifiers.''

It stands to reason that the more that Social Security numbers are sold from one business to another for marketing and other commercial purposes, the greater the chance that the numbers will be lost, misplaced, stolen, leaked, or otherwise fall into the wrong hands.

Now, I'll be the first to recognize that there are some instances where the use of Social security numbers is appropriate. So my amendment has a number of reasonable exceptions to the prohibition on the sale of Social Security numbers, for purposes such as national security, public health, law enforcement, administration of federal or state tax laws, credit reporting agencies, prevention and investigation of ID theft, and tracking of missing and abducted children.

What's more, my bill allows an ''opt-in'' clause. That is, it allows individuals, if they so choose, to agree in writing to have their Social Security number sold or purchased by others—provided the individual provides his affirmative consent, and the individual is not obligated to provide the Social Security number as a condition for conducting a transaction.

I think these are reasonable exemptions.

I should add that in the 109th Congress, Senators SPECTER and LEAHY also introduced S. 1332, a bill that similarly restricts the sale of Social Security numbers.

So this is a bipartisan concept, and I hope that my legislation will have bipartisan support when it reaches the floor of the U.S. Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1208

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Account Number Protection Act''.

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF UNNECESSARY SOLICITATION OF SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Unless there is a specific use of a social security account number for which no other identifier reasonably can be used, a covered entity may not solicit a social security account number from an individual except for the following purposes:

(A) For use in an identification, verification, accuracy, or identity proofing process.

(B) For any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)).

(C) To comply with the requirement of Federal, State, or local law.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the solicitation of a social security account number—

(A) for the purpose of obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.),

(B) by a consumer reporting agency for the purpose of authenticating or obtaining appropriate proof of a consumer's identity, as required under that Act;

(C) for any purpose permitted under section 502(e) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)); or

(D) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of an individual's identity;

(E) to identity or locate missing or abducted children, witnesses, criminals, fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs;

(F) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, provided that the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes.

(b) PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY NUMBERS ON EMPLOYEE IDENTIFICATION CARDS, ETC.—

(1) IN GENERAL.—A covered entity may not display an individual's security account number (or any derivative of such number) on any card or tag that is commonly provided to employees (or to their family members), faculty, staff, or students for purposes of identification.

(2) DRIVER'S LICENSES.—A State may not display the social security account number of an individual on driver's licenses issued by that State.

(c) PROHIBITION OF PRISONER ACCESS TO SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual who is confined in a jail, prison, or other penal institution or correctional facility, serving

community service as a term of probation or parole, or serving a sentence through a work-furlough program.''.

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(A) prisoners employed as described in clause (x) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by paragraph (1), on the date of enactment of this Act: and

(B) contracts described in such clause in effect on such date,

the amendment made by paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(d) PROHIBITION OF SALE AND DISPLAY OF SOCIAL SECURITY NUMBERS TO THE GENERAL PUBLIC.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to sell, purchase, or provide a social security account number, to the general public or display to the general public social security account numbers; or

(B) to obtain or use any individual's social security account number for the purpose of locating or identifying such individual with the intent to physically injure or harm such individual or using the identity of such individual for any illegal purpose.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), and subject to paragraph (3), a social security account number may be sold, provided, displayed, or obtained by any person—

(A) to the extent necessary for law enforcement or national security purposes;

(B) to the extent necessary for public health purposes;

(C) to the extent necessary in emergency situations to protect the health or safety of 1 or more individuals;

(D) to the extent that the sale or display is required, authorized, or permitted under any law of the United States or of any State (or political subdivision thereof);

(E) for any purposes allowed under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e));

(F) to the extent necessary for verifying the accuracy of information submitted by an individual to a covered entity, its agents, contractors, or employees or for the purpose of authenticating or obtaining appropriate proof of the individual's identity;

(G) to the extent necessary to identify or locate missing or abducted children, witnesses to an ongoing or potential civil or criminal lawsuit, criminals, criminal suspects, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, missing heirs, and for similar legal, medical, or family related purposes, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(H) to the extent necessary to prevent, detect, or investigate fraud, unauthorized transactions, or other financial liability or to facilitate the enforcement of an obligation of, or collection of a debt from, a consumer, if the person selling, providing, displaying, or obtaining the social security account number does not do so for marketing purposes;

(I) to the extent the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business; or

(J) to the extent necessary for research (other than market research) conducted by an agency or instrumentality of the United States or of a State or political subdivision thereof (or an agent of such an agency or instrumentality) for the purpose of advancing the public good, on the condition that the researcher provides adequate assurances that—

(i) the social security account numbers will not be used to harass, target, or publicly reveal information concerning any identifiable individuals;

(ii) information about identifiable individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

(iii) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about identifiable individuals, including procedures to ensure that the social security account numbers will be encrypted or otherwise appropriately secured from unauthorized disclosure; or

(K) to the extent that the transmission of the social security account number is incidental to the sale or provision of a document lawfully obtained from—

(i) the Federal Government or a State or local government, that the document has been made available to the general public; or

(ii) the document has been made available to the general public via widely distributed media.

(2) LIMITATION.—Paragraph (1)(K) does not apply to information obtained from publicly available sources or from Federal, State, or local government records if that information is combined with information obtained from non-public sources.

(3) CONSENSUAL SALE.—Notwithstanding paragraph (1), a social security account number assigned to an individual may be sold, provided, or displayed to the general public by any person to the extent consistent with such individual's voluntary and affirmative written consent to the sale, provision, or display of the social security account number only if—

(A) the terms of the consent and the right to refuse consent are presented to the individual in a clear, conspicuous, and understandable manner;

(B) the individual is placed under no obligation to provide consent to any such sale or display; and

(C) the terms of the consent authorize the individual to limit the sale, provision, or display to purposes directly associated with the transaction with respect to which the consent is sought.

SEC. 3. ENFORCEMENT.

(a) ENFORCEMENT BY COMMISSION.—Except as provided in subsection (c), this Act shall be enforced by the Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced exclusively under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611) by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), insured State branches of foreign banks by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation by the Director of the Office of Thrift Supervision;

(2) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration Board with respect to any Federal credit union;

(3) the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to—

(A) a broker or dealer subject to that Act;

(B) an investment company subject to the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

(C) an investment advisor subject to the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.); and

(4) State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled.

(d) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (c) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (c), each of the agencies referred to in that subsection may exercise, for the purpose of 2enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(e) OTHER AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(f) COMPLIANCE WITH GRAMM-LEACH-BLILEY ACT.—

(1) NOTICE.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and gives notice in compliance with the notification requirements established for such covered entities under title V of that Act is deemed to be in compliance with section 3 of this Act.

(2) SAFEGUARDS.—Any covered entity that is subject to the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.), and fulfills the information protection requirements established for such entities under title V of the Act and under section 607(a) of the Fair Credit Reporting Act (15 U.S.C. 1681e(a)) to protect sensitive personal information shall be deemed to be in compliance with section 2 of this Act.

SEC. 4. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Except as provided in section 3(c), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate state or district court of the United States to enforce the provisions of this Act, to obtain damages, restitution, or other compensation on behalf of such residents, or to obtain such further and other relief as the court may deem appropriate, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a covered entity that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission (or other appropriate Federal regulator under section 3) of any civil action under subsection (a) at least

60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission (or other appropriate Federal regulator under section 8) may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the covered entity operates; or

(B) the covered entity was authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a covered entity in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission (or other appropriate Federal agency under section 3) has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

SEC. 5. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) SOCIAL SECURITY ACCOUNT NUMBER.—The term ''social security account number'' means a social security account number that contains more than 5 digits of the full 9-digit number assigned by the Social Security Administration but does not include social security account numbers to the extent that they are included in a publicly available information source, such as news reports, books, periodicals, or directories or Federal, State, or local government records.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1209. A bill to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleague Senator BOXER in introducing the Channel Islands National Park Management Act of 2007.

This legislation seeks to clarify the future use and management of the park, and specifically protects Santa Rosa Island for the use of the public.

The taxpayers paid approximately $30 million to acquire Santa Rosa Island in 1986 to restore its native ecology and provide public access.

Unfortunately, late last year during conference negotiations a provision was slipped into the fiscal year 2007 Defense Authorization bill seeking to overturn a court-approved settlement agreement which requires the phasing out of private hunting on Santa Rosa Island.

Under a binding court settlement in the late 1990s, non-native deer and elk must be removed from Santa Rosa Island over a phased, 4-year period beginning in 2008.

Today, from mid-August through mid-November, a large portion of the island is closed to the public so that the island's prior owners can run a trophy hunting operation targeting the deer and elk on the island.

Under the settlement, this hunting operation was to end in 2011 allowing the island to be completely open to the public year round.

Now, under last year's provision, the prior owners will seek to continue charging $16,000 or more for their privately operated hunting trips.

Even though the Government purchased the island from them for $30 million in taxpayer money, the prior owners would seek to keep essentially everything they had before—and that's simply not in the public interest.

Some may be interested in learning a little history and background on this gem of an island: Santa Rosa Island is approximately 53,000 acres and lies about 50 miles west of Ventura Harbor. It is the second largest of the five islands making up the Channel Islands National Park. It is extremely rugged and pristine, with terrain ranging from grassy hills to steep, wind-carved canyons to white sandy beaches. Craggy, steep cliffs overlook rocky tide pools along its coast. Wildflowers cover many parts of the island during the spring and summer. It is ecologically sensitive and includes several endemic plants and species. For example, it is the only place in the world to see the island fox and spotted skunk in their natural habitat. A variety of shore birds—like the snowy plover—and sea mammals—such as seals and sea lions—breed on its beaches. It is seen by many scientists as one of the nation's most unique places. In addition to being the home of rare flora and fauna, it is an archaeological and paleontological treasure, with some sites dating back 11,000 years or to the Pleistocene-era. In fact, in 1994, the world's most complete skeleton of a pygmy mammoth was excavated on the island. It offers incredible recreational opportunities for the public, including hiking, camping, kayaking, fishing, sea sports, and wildlife watching.

The limitation of public access to the island to accommodate privately run hunting trips would be a tragedy. This is the public's land. It's a national park, and the public should be able to visit it and enjoy its breath-taking beauty and remoteness.

I also want to address one issue the provision in last year's Defense Authorization bill purportedly seeks to address: enhancing hunting opportunities for disabled veterans.

While no one opposes providing hunting opportunities for our veterans, it is clear that it is neither a practical nor viable option to use Santa Rosa Island as a hunting reserve for injured and disabled veterans.

This view is now supported by the Paralyzed Veterans of America, PVA, an organization which previously expressed support for the provision overturning the settlement.

Notably, in July 2006, the PVA reached the conclusion following an investigative visit to Santa Rosa that the ''numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide.''

Furthermore, it should be pointed out that in California today, there are already 9 military installations that permit hunting—five that can accommodate disabled servicemembers.

Two of these military installations, Camp Pendleton and Vandenberg Air Force Base, are relatively close to the Channel Islands National Park, and allow disabled veterans to hunt a variety of animals, including deer, waterfowl, quail, feral pigs, small game, and coyote.

Altogether there are over 100 U.S. military installations where hunting is permitted, over 70 of which are currently accessible to disabled servicemembers and veterans.

Naturally, the Park Service is firmly opposed to the provision seeking to overturn the settlement. But it is also important to note that neither the Department of Defense nor the Veterans Administration asked for the language.

Consequently, I strongly believe that the Park Service should continue managing this National Park for the benefit of the general public. To allow any less would be a waste of taxpayer dollars and wrongly limit the public's access to this national treasure.

I strongly believe that we must do everything to protect the island for the public and oppose any measures that could continue to restrict access to the island.

This legislation we are introducing today would safeguard the island in just this manner. I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed legislation be printed in the RECORD.

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

S. 1209

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Channel Islands National Park Management Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

(2) the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

(3) Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

(4) Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

(5) under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

(6) there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources.

SEC. 3. MANAGEMENT OF SANTA ROSA ISLAND, CHANNEL ISLANDS NATIONAL PARK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall manage Santa Rosa Island, Channel Islands National Park (referred to in this section as the ''Park'')—

(1) in accordance with—

(A) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) title II of Public Law 96–199 (16 U.S.C. 410ff et seq.); and

(C) any other laws generally applicable to units of the National Park System; and

(2) in a manner that ensures that—

(A) the natural, scenic and cultural resources of Santa Rosa Island are protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience.

(b) CONFORMING AMENDMENT.—Section 1077(c) of Public Law 109–364 (120 Stat. 2406) is repealed.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. FEINGOLD, and Mr. DURBIN):

S. 1210. A bill to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing with Senator GRASSLEY, as well as Senators KOHL, FEINGOLD and DURBIN as original cosponsors, the Drug Endangered Children Act of 2007. This bill would take an important grant program for drug-endangered children that Congress authorized in the USA PATRIOT Reauthorization Act, and extend it for two additional years.

In particular, the USA PATRIOT Reauthorization Act authorized $20 million in Federal grants for fiscal years 2006 and 2007 to States to assist in the treatment of children who have been endangered by living at a home where methamphetamine has been manufactured or distributed. But unless we pass new legislation, that authorization will not continue beyond the current fiscal year.

A companion bill was introduced earlier this year by California Congressman DENNIS A. CORDOZA, with bipartisan support in the House.

The White House's Office of National Drug Control Policy, or ONDCP, has documented that innocent children are sometimes found in homes and other environments, hotels, automobiles, apartments, etc., where methamphetamine and other illegal substances are produced.

According to the El Paso Intelligence Center (EPIC) National Clandestine Laboratory Seizure System, there were 1,660 children affected by or injured or killed at methamphetamine labs during 2005.

These children who live at or visit drug-production sites or are present during drug production face a variety of health and safety risks, including: inhalation, absorption, or ingestion of toxic chemicals, drugs, or contaminated foods that may result in nausea, chest pain, eye and tissue irritation, chemical burns, and death; fires and explosions; abuse and neglect, and hazardous lifestyles, presence of booby traps, firearms, code violations, and poor ventilation.

Where children are involved, drug lab seizures must go beyond the normal response from law enforcement, fire and HAZMAT organizations. Additional agencies and officials often must be called in to assist, including emergency medical personnel, social services, and physicians.

Recognizing this need, the ONDCP several years ago announced a national Drug Endangered Children (DEC) initiative to assist with coordination between existing State programs and create a standardized training program to extend DEC to states where such a program does not yet exist.

As a result of this initiative, several states developed DEC programs, to coordinate the efforts of law enforcement, medical services, and child welfare workers, to ensure that children found in these environments receive appropriate attention and care.

These DEC programs began to develop interagency protocols to support drug-endangered children, addressing issues such as: staff training, including safety and cross training; roles and responsibilities of agencies involved; appropriate reporting, cross-reporting, and information sharing; safety procedures for children, families, and responding personnel; interviewing procedures; evidence collection and preservation procedures, and medical care procedures.

Protocols were designed to identify and provide guidance on the variety of issues that responding agencies needed to address in these situations, such as taking children into protective custody and arranging for child protective services, immediately testing the children for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short- and long-term care.

Unfortunately, the ONDCP's initiative, which had been funded in part through a DOJ award of $2.124 million under the Community Oriented Policing Services (COPS) Methamphetamine Initiative of 2003, was not continued thereafter.

The USA PATRIOT Reauthorization Act that we passed in 2005, establishing a specific grant program for this purpose, recognized the need to continue this initiative. Unfortunately, this grant program that we authorized was never funded. In fiscal year 2006, the program that we authorized was appropriated no funds at all.

In fiscal year 2007, the House of Representatives voted to include $5 million for this important program as part of its CJS Appropriations bill. But unfortunately, the 109th Congress adjourned without passing most of its FY2007 appropriations bills, and the Continuing Resolution we passed to keep the government running did not fund this provision either.

So the bill that I introduce today would give the Congress another chance to revive this important initiative. And it can't come too soon for places like Merced, California, where three-quarters of all foster care cases are reported to be methamphetamine-related.

I urge my colleagues to adopt this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1210

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Endangered Children Act of 2007''.

SEC. 2. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c)) is amended by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Drug Endangered Children Act (DEC) of 2007. As U.S. Senators representing States that have been among the hardest hit by the scourge of meth, we have witnessed first hand how this horrible drug has devastated individual lives and families. We have seen the havoc wreaked on the environment as well as the child welfare system and we have listened to the horror stories of those caught in the grips of addiction.

Last year we worked together in a bipartisan effort to pass the Combat

Meth Act, which was eventually included in the USA PATRIOT Act Reauthorization. The result has been a dramatic decrease in the number of clandestine meth lab seizures. While this is certainly welcome news, particularly for our first responders and local law enforcement community, last year there were over 6,400 clandestine meth lab incidents throughout the country. In my home State, we saw a 73 percent decrease in the number of meth lab incidents compared to the previous year yet there were still over 300 incidents last year alone. Clearly, the Combat Meth Act has made progress against locally produced meth, but further action is needed to fully combat this epidemic.

In spite of our success and ongoing efforts to reduce the dangers from ''mom and pop'' meth labs, new and more disturbing instances of meth production, trafficking, and abuse are becoming more prevalent throughout the country. In the State of Missouri, police recently made seven meth-related arrests in just as many hours in the tiny, quiet town of Ozark. The house where these arrests were made belonged to a 45-year-old grandmother, who was baby sitting her infant grandson while his mother was away at school. Upon her arrest she admitted to using meth, but denied she was a dealer. However, while police searched the house, six more individuals were picked up on meth-related charges. When it was all said and done, three children under the age of 3 watched as the police arrested their parent or grandparent for selling or possessing this dangerous drug.

Sadly, this was not an unusual incident. Since 2002, more than 12,000 children throughout the country have been affected, injured, or killed at meth lab sites and thousands more have been sent to foster homes or were victims of meth-related abuse in the home. In Iowa, the Department of Health reports that over 1,000 children over the past 4 years were classified as victims of abuse, and that nearly half of child abuse cases have been meth-related.

Due to the shocking number of children that were being victimized by meth in one form or another, I joined my colleagues in supporting the ''Drug Endangered Children Act of 2005.'' This bill which passed into law as part of the USA PATRIOT Act Reauthorization, established a national grant program to support state Drug Endangered Children programs and to assist local law enforcement, medical services, and child welfare workers to ensure that victimized children would receive proper attention and treatment after living in these terrible environments. I'm pleased to report that since we implemented this grant program, a large number of communities throughout the nation have formed multi-disciplinary alliances for the benefit of drug-exposed children. There are 16 communities throughout Iowa that have taken advantage of these grants and more are in the process of planning and setting up programs.

The Drug Endangered Children Act of 2007 would re-authorize this important grant program for an additional 2 years and assist States in coordinating law enforcement, medical services, and child welfare efforts, to ensure that children found in such environments receive appropriate attention and care. I am pleased to join with my colleague again as we work together to renew this wonderful and worthwhile program. I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1211. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I join with Senator GRASSLEY in introducing the Saving Kids from Dangerous Drugs Act of 2007. This bill would increase the criminal penalties that apply when criminals market their illegal drugs to our children, using appalling techniques like the recently reported sales on our streets of candy-flavored methamphetamine.

In particular, the bill would: double the maximum penalties applicable to drug crimes if a criminal defendant manufactures, offers, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under the age of 21; if the violation is a repeat offense, the maximum sentence would be tripled; and a mandatory minimum prison sentence of at least a year would apply in every case involving illegal drugs that targets its marketing at minors.

The growing problem of marketing illegal drugs to minors was highlighted in a recent USA Today article, entitled ''Flavored Meth Use on the Rise,'' which stated, ''Reports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.''

Normally, methamphetamine—a highly addictive stimulant—is a brownish, bitter-tasting crystalline powder. But drug dealers, recognizing that this may not be appealing to children or teenagers, have reacted by reaching a new low: they are using candy and soda flavors to market their meth.

Soda flavors. Strawberry methamphetamine that they market as ''Strawberry Quick.'' Reddish methamphetamine marketed as an energy drink like ''Red Bull.'' Even ''chocolate quick.''

Scott Burns, Deputy Drug Czar at the White House Office of National Drug Control Policy, warns that this development may negatively affect the gains we have recently made in getting the word out to our young people about how horrible this drug is.

According to the National Survey on Drug Use and Health, the number of people 12 and older who used methamphetamine for the first time in the previous year decreased from 318,000 people in 2004 to 192,000 people in 2005. That's the good news.

But Deputy Drug Czar Burns warns that with drug dealers having a tougher time selling their product, especially to young people, ''they have to come up with some sort of gimmick.'' And that gimmick, he warns, is the use of flavored methamphetamine.

In my own State of California, San Francisco police since late January have arrested teens with quantities of meth designed to taste like chocolate. The Haight-Asbury clinic also confirms chocolate-flavored methamphetamine being used on the streets.

Dr. Alex Stalcup, a nationally renowned drug counselor, reports seeing teenage patients at the New Leaf Treatment Center suffering the ill effects of flavored methamphetamine since the first of this year.

One of Dr. Stalcup's patients was unaware that the substance was meth at all, and said he was told that it was a solidified form of the energy drink Red Bull. Dr. Stalcup warns that this new form of the drug also may be more likely to lead to an overdose, by users who may not be aware of, or who may underestimate, a candy-flavored drug's impact.

Perhaps the first report of this problem emerged in late January, when a Carson City, Nevada police informant purchased 2 grams of a strawberry-flavored methamphetamine from an alleged member of the Lima Street gang. Officers later served a search warrant on his home and found more. Police bulletins warned this ''new type of meth will be more attractive to a younger crowd and may surface in schools.''

Additional reports also came in. On February 13, a police officer in Greene County, MO, seized a bag of ''strawberry meth'' from a female passenger in a car stopped in a rural area of Greene County, MO. And in Idaho, the Administrator of the Governor's Office of Drug Control Policy warned of how drug dealers were producing ''strawberry quick'' and ''chocolate quick'' forms of meth, to attract young buyers and spawn a new generation of drug buyers.

The Idaho Press-Tribune even reported that at Valentine's Day, drug dealers compressed the flavored form of the drug into heart-shapes, colored it bright pink, and wrapped it in shiny paper.

Based on intelligence gathered by Drug Enforcement Administration agents from informants, users, police and drug counselors, flavored crystals are now available in California, Nevada, Washington, Idaho, Texas, New Mexico, Missouri and Minnesota.

The bill I offer today would address this problem, by enacting penalties to discourage colored and flavored drugs and the marketing of drugs to minors.

Under current law, there is already an enhanced penalty if someone distributes illegal drugs to a minor. The maximum sentence is doubled, and tripled for a repeat offense, and there is a minimum of at least a year in prison. But the enhancement applies only if there is an actual distribution to a minor. Even possession with intent to distribute doesn't qualify. And current law doesn't address flavored drugs or marketing illegal drugs in ways appealing to kids.

The bill I introduce would fix that. If someone manufactures, creates, distributes, or possesses with intent to distribute an illegal drug that is flavored, colored, packaged or altered in a way designed to make it more appealing to someone under age 21, they would face this same enhanced penalty.

This bill will send a strong and clear message to the drug dealers—if you flavor up your drugs or alter them in a way that makes it more appealing to our children, there will be a very heavy price to pay.

Flavored meth is designed to get people to try it a few times. It's all about hooking young people. And that is truly tragic. Listen to what one former addict wrote after hearing about this new development:

> They do need to worry about our children because I happen to know quite a few 10 and 12 year olds on up that are already using it and selling it out there. So whoever thinks it's not a threat to our children—WRONG WRONG WRONG! It's more and more dangerous out there when people cannot handle it and they develop a chemical imbalance and lose their mind to where they don't even know who they are anymore. I happen to know a very, very young pretty girl I've met, and she will never come back to who she was. She's gone. She is crazy and is gonna end up hurt then dead one of these days. I pray for this girl all the time . . .

Estimates now place the number of habitual meth users worldwide at 26 million worldwide—more than the combined total for heroin and cocaine. It is extraordinarily addictive. We must act to preserve the gains we have made, and keep kids from getting cruelly tricked into an addiction they may never break.

These new penalties will make dealers think twice before flavoring up their drugs, and punish them appropriately if they don't. I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1211

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saving Kids from Dangerous Drugs Act of 2007''.

SEC. 2. SENTENCING ENHANCEMENTS FOR MARKETING CONTROLLED SUBSTANCES TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in the section heading, by adding at the end the following: ''; MARKETING TO MINORS'';

(2) in subsection (a), by inserting after ''twenty-one years of age'' the following: '', or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,''; and

(3) in subsection (b), by inserting after ''twenty-one years of age'' the following: '', or who manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged, or otherwise altered in a way that is designed to make that controlled substance more appealing to a person under twenty-one years of age, or who attempts or conspires to do so,''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague today, Senator FEINSTEIN, in introducing the Saving Kids from Dangerous Drugs Act of 2007. I believe we have a moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This important legislation comes in response to the recent warnings issued by the Drug Enforcement Administration and the Office of National Drug Control Policy of candy-flavored meth and other illegal drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children and minors. As co-chairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you can keep a child drug-free until they turn 20, chances are very slim that they will ever try or become addicted. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and now grandparent, this is extremely worrisome.

Last year, we worked to pass the Combat Meth Act into law. Since that time, the number of clandestine meth lab seizures have dropped dramatically across the country. By placing the essential ingredient pseudoephedrine behind the counter, we have lifted a heavy burden from the shoulders of our local law enforcement and made our communities a safer place to live and raise a family. In my home State of Iowa alone, the number of seizures fell a remarkable 73 percent since the sale of pseudoephearine was restricted. But as anyone can tell you, we have a long way to go.

Despite our best efforts and recent success, meth continues to wreak havoc on families and communities across the country. While local ''mom and pop'' meth labs are being dismantled everywhere, drug dealers continue to look for new ways to market their poison. This legislation is intended to protect our young people by expanding existing penalties for those marketing their poison to kids.

Currently Federal law enhances Federal penalties for selling drugs to anyone under the age of 21. When a violation occurs, the Federal penalties are doubled—tripled for a repeat offense—and a mandatory minimum of at least 1 year also applies. However, only the dealer who directly sells drugs to someone under 21 is subject to a double sentence.

The Saving Kids from Dangerous Drugs Act would expand the circumstances under which these enhanced penalties apply. Under our bill, the enhanced penalties that already exist would also apply to anyone who ''manufactures, creates, distributes, or possesses with intent to distribute a controlled substance that is flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 21 years of age, or who attempts or conspires to do so.''

The fight against meth and other dangerous drugs is and will continue to be an ongoing struggle. We must adapt and change our tactics just as the dealers, distributors, and pushers have changed theirs. We must do all we can to protect the most vulnerable among us and send a clear message to those wishing to prey on our youth.

I ask that my colleagues join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

By Ms. MIKULSKI (for herself, Ms. STABENOW, Mr. INOUYE, Ms. CANTWELL, and Mrs. MURRAY):

S. 1212. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSI. Mr. President, acknowledging the social workers' presence on Capitol Hill this week for their Annual Leadership Meeting Lobby Day, I rise today to introduce the ''Clinical Social Work Medicare Equity Act of 2007.'' I am proud to sponsor this legislation that will ensure clinical social workers receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers are not paid for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental

health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever receive treatment. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

As a former social worker, I understand the role social workers play in the overall care of patients and seniors. This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2007 is strongly supported by the National Association of Social Workers. I also want to thank Senators STABENOW and INOUYE for their co-sponsorship of this bill. I look forward to working with my colleagues to enact this important legislation.

I ask unanimous consent that a letter of support be printed in the RECORD.

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

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
Washington, DC, April 25, 2007.

Senator BARBARA MIKULSKI,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services. NASW strongly supports the Clinical Social Work Medicare Equity Act of 2007, which will improve mental health care to nursing home residents and end the unfair treatment of clinical social workers under the Medicare Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs).

The Balanced Budget Act of 1997 authorized the creation of the PPS, under which the cost of a variety of routine services provided to SNF patients is bundled into a single amount. Prior to adoption of the PPS, a separate Medicare claim was filed by providers for individual services rendered to a patient. However, Congress recognized that some services, such as mental health and anesthesia, are provided on an individual as-needed basis rather than as part of the bundle of services. Thus, the following types of providers were excluded from the PPS: physicians, clinical psychologists, certified nurse-midwives, and certified registered nurse anesthetists. Unfortunately, due to an oversight during the drafting process, clinical social workers were not listed among the PPS excluded providers.

In 1996, the DHHS Inspector General issued a report entitled ''Mental Health Services in Nursing Facilities,'' which described the types of mental health services provided in nursing facilities and identified their potential vulnerabilities. One critical finding of the report was that 70 percent of respondents stated that permitting clinical social workers and clinical psychologists to bill Medicare independently had a beneficial effect on the provision of mental health services in SNFs. Your legislation will improve care for SNF residents by restoring Medicare payments for specialized clinical social work services rendered to SNF patients.

Your tireless efforts on behalf of consumers of mental health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your strong interest in and commitment to these important issues as demonstrated by your sponsorship of the Clinical Social Work Medicare Equity Act. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,

ELIZABETH J. CLARK,
Executive Director.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1214. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Finance.

Mr. KERRY. Mr. President, this week we are celebrating National Small Business Week to recognize the contributions made by small businesses, which are the engine of our economic growth. During 2005, more than 25 billion small businesses in the United States contributed $918 billion to the economy.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compac Computer, Datastream, Evergreen Solar, Intel Corporations, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Today, Senator SNOWE and I are introducing the Invest in Small Business Act of 2007, to encourage private investment in small businesses by making changes to the existing partial exclusion for gain from certain small business stock.

We are at an integral juncture in developing technology to address global climate change. I believe that small business will repeat the role it played at the vanguard of the computer revolution by leading the Nation in developing the technologies to substantially reduce carbon emissions. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in small businesses.

Back in 1993, I worked with Senator Bumpers to provide a partial exclusion for gain from the sale of small business stock. This provision would provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for five years. Since the enactment of this provision, the capital gains rate has been lowered twice without any changes to the exclusion. Due to the lower capital rates, this provision no longer provides a strong incentive for investment in small businesses.

The Invest in Small Business Act makes several changes to the existing provision. This legislation increases the exclusion amount from 50 percent

to 75 percent and decreases the holding period from five years to four years. This bill would allow corporations to benefit from the provision as long as they own less than 25 percent of the small business corporation stock.

Currently, the exclusion is treated as a preference item for calculating the alternative minimum tax (AMT). The Invest in Small Business Act of 2007 would repeal the exclusion as an AMT preference item. Under current law, the nonexcluded amount of gain is taxed at 28 percent. This legislation would tax the nonexcluded portion at the lower capital gains rate of 15 or 5 percent.

The Invest in Small Business Act of 2007 will provide an effective tax rate of 3.75 percent for the gain from the sale of certain small businesses. This lower capital gains rate will encourage investment in small businesses. In addition, the changes made by the Invest in Small Business Act of 2007 will make more taxpayers eligible for this provision.

As we celebrate the success of entrepreneurs this week, it is an appropriate time to encourage new investment. The Invest in Small Business Act of 2007 strengthens an existing tax incentive to provide an appropriate incentive to encourage innovation and entrepreneurship.

I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD

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

S. 1214

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Invest in Small Business Act of 2007''.

SEC. 2. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Paragraph (1) of section 1202(a) of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

''(1) IN GENERAL.—Gross income shall not include 75 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.''.

(2) EMPOWERMENT ZONE BUSINESSES.—Subparagraph (A) of section 1202(a)(2) of such Code is amended—

(A) by striking ''60 percent'' and inserting ''100 percent'', and

(B) by striking ''50 percent'' and inserting ''75 percent''.

(3) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

''(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

''(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

''(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term '25-percent controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 25 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

''(ii) section 1563(a)(4) shall not apply.''.

(4) CONFORMING AMENDMENTS.—Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking ''5 years'' and inserting ''4 years''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) collectibles gain, over''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking ''section 1(h)(11)(B)'' and inserting ''section 1(h)(10)(B)''.

(iii) The following sections of such Code are each amended by striking ''section 1(h)(11)'' and inserting ''section 1(h)(10)'':

(I) Section 301(f)(4).

(II) Section 306(a)(1)(D).

(III) Section 584(c).

(IV) Section702(a)(5).

(V) Section 854(a).

(VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking ''1(h)(11)'' and inserting ''1(h)(10)''.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$100,000,000''.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2007, each of the $100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $100.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2007.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE DECEMBER 31, 2007.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

(A) made after December 31, 2007,

(B) of stock issued before such date,

(C) by a taxpayer other than a corporation.

SUMMARY OF THE INVEST IN SMALL BUSINESS ACT OF 2007

The Omnibus Budget Reconciliation Act of 1993 included a provision to encourage investment in small businesses. This provision created section 1202 of the tax code which provides a 50 percent exclusion for the gain from the sale of certain small business stock held for more than five years. The amount of gain eligible for the exclusion is limited to the greater of 10 times the taxpayer's basis in the stock, or $10 million gain from stock in that small business corporation. This provision is limited to individual investments and not the investments of a corporation. At the date of the issuance of the stock, the gross assets of the corporation cannot exceed $50 million. At least 80 percent of the assets of the corporation are used for the active conduct of business. For purposes of calculating the alternative minimum tax (AMT), seven percent of the excluded amount is added back into the AMT calculation. The nonexcluded portion of section 1202 gain is taxed at the lesser of ordinary income rates or 28 percent, instead of the lower capital gains rates for individuals. Since the enactment of this provision, the capital gains rate has been lowered twice. No corresponding changes were made to section 1202.

The Invest in Small Business Act of 2007 makes the following changes to section 1202 to encourage more investment in small businesses.

Increases the exclusion from 50 percent to 75 percent.

Decreases the holding period from five to four years.

Repeals the capital gains exclusions as an AMT preference.

Taxes the nonexcluded portion of section 1202 gains at the regular capital gains rate, which is currently 15 percent or 5 percent for individual taxpayers.

Allows corporations the benefits of section 1202, but to be eligible, a corporation cannot hold more than 25 percent of the stock of a qualified small business.

Provides a 100 percent exclusion for gain from the sale of small business stock of corporations located in an empowerment zone.

Increases the asset limitation from $50 million to $100 million.

Below are calculations based on $100 of gain calculated under current law and under the Invest in Small Business Act of 2007. Under the present law, calculations for the remaining $50 would be taxed at 28 percent and result in a tax of $14 for a regular taxpayer and $14.98 of tax for an AMT taxpayer. (This calculation is based on a taxpayer paying the 28 percent AMT rate.)

PRESENT LAW

Regular Tax Calculation:	
Gain	$100
Exclusion	−50
Regular Tax Rate	× 0.28
Total Regular Tax	$14
AMT Tax Calculation	
Excluded amount	$50
AMT preference rate	× .07
AMT preference	3.5
AMT taxable income (regular income plus preference)	53.5
AMT rate	× 0.28
Total AMT	$14.98

INVEST IN SMALL BUSINESS ACT OF 2007

There is only one calculation under this legislation for individual taxpayers because section 1202 gain is no longer a preference item under the AMT. The total amount of tax on $100 of gain is $3.75 and this represents an effective tax rate of 3.75 percent. Under the changes made by the Invest in Small Business Act of 2007, the tax on capital gains

of the sale of qualified small business stock is 3.75 percent, instead of 14 percent for individual taxpayers. Corporate taxpayers would have an effective tax rate of 8.75 percent instead of 35 percent.

Tax Calculation Individual Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	× 0.15
Total Tax	$3.75
Tax Calculation Corporate Taxpayer:	
Gain	$100
Excluded Amount	−75
Capital Gains Tax Rate	× 0.35
Total Tax	$8.75

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1216. A bill to allow certain nationals of Mexico entering the State of New Mexico on a temporary basis to travel up to 100 miles from the international border between the State of New Mexico and Mexico, and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today with Senator BINGAMAN to introduce a bill of importance to the economic development of our Southwest border States, the Laser Visa Extension Act of 2007.

The United States and Mexico have had special travel rules for Mexican nationals who visit our country for short periods of time since 1953. These visitors can come into our country with a document known as a ''laser visa'' or ''border crossing card'', which is an alternative to a passport and must be obtained from the U.S. government. In the 1990s, the rule was that anyone who held such a document could travel up to 25 miles from the Mexico/U.S. border.

In 1999, Arizona and the Border Trade Alliance mounted a successful campaign to extend the mileage limit in Arizona to 75 miles because there is no large town within 25 miles of the Arizona/Mexico border, so Arizona wasn't getting the economic benefits of these travelers.

Similarly, there is no large town within 25 miles of the New Mexico/Mexico border, so my constituents do not get the economic benefits of laser visa travelers. This disparity needs to be corrected. Moreover, all four Southwest border States should see the same benefits of laser visa travelers.

Therefore, the bill I am introducing today extends the distance laser visa holders can travel into the United States to 100 miles, regardless of which State they are in. Such an extension will allow more towns in all four of our Southwest border States to reap the economic benefits of short-term visitors to our country who hold a travel document issued by our Federal Government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1216

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Laser Visa Extension Act of 2007''.

SEC. 2. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and the State of New Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters the State of New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(b) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and the State of New Mexico if the Secretary determines that the national was previously admitted into the United States as a nonimmigrant and violated the terms and conditions of the national's nonimmigrant status.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, and Mr. LIEBERMAN):

S. 1219. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the ''Taxpayer Protection and Assistance Act of 2007'' with Senators SMITH, AKAKA, DURBIN, KERRY, and LIEBERMAN. My colleagues may recall that similar legislation, S. 832, was introduced last Congress and ultimately reported out of the Finance Committee last year but unfortunately it never made it to the floor of the Senate. This Congress, the House has already passed taxpayer rights legislation which makes me optimistic that many of these long overdue reforms may finally become law.

This Act is a combination of a variety of well-vetted provisions that will ensure that our Nation's taxpayers are better able to prepare and file their tax returns each year in a fashion that is fair, reasonable and affordable. As long as we continue to require taxpayers to determine their own tax liability, Congress has a responsibility to ensure that we do not leave taxpayers vulnerable to abuses from those masquerading as tax professionals. The current environment is bad for everyone including the majority of tax return preparers who provide professional and much needed services to taxpayers in their communities. I encourage all of my colleagues to work with us to pass this legislation before the next filing season begins.

The first section of the Taxpayer Protection and Assistance Act would create a $10 million matching grant program for lower income tax preparation clinics much like the program we currently have in place for tax controversies. I have seen first hand the impact free tax preparation clinics can have on taxpayers and their communities, as we are fortunate to have one of the best State-wide programs in the Nation in New Mexico. Tax Help New Mexico, which has been in operation for many years, helped over 20,000 New Mexicans prepare and file their returns last year, resulting in over $20 million in refunds—all without refund anticipation loans. This program has turned into one of the best delivery mechanisms for public assistance I have seen in the State and has been fortunate enough to receive additional funding from the Annie E. Casey Foundation and the McCune Foundation. In order to continue to grow, though, we need to do our part in Congress and give them matching funding so they can continue their outreach into new communities in need of assistance.

The second set of provisions contained in this legislation would ensure that when taxpayers hire someone to help them with their tax returns they can be sure that the person is competent and professional. The first part of the bill makes sure that an enrolled agent, a tax professional licensed to practice before the IRS, shall have the exclusive right to describe him or herself as an ''enrolled agent,'' ''EA,'' or ''E.A.'' In New Mexico, enrolled agents play an important role in helping taxpayers with problems with the IRS and with preparing their returns. Enrolled agents have earned the right to use their credentials. Furthermore, we should protect the credentials of those who have taken the rigorous exams and have experience in tax preparation rather than allow others to confuse the public into thinking they too have the same credentials.

The next part of the bill requires the Secretary of the Treasury to determine what standards need to be met in order for a person to prepare tax returns commercially. Like all other tax professionals, this will require people who make a living preparing tax returns to pass a minimum competency exam and take brush up courses each year to keep up to date with changes in tax law. The majority of tax return preparers already meet these standards, including many who have received credentials from the State or from a nationally recognized association of accountants or tax return preparers. We provide specific authority to the Secretary to determine whether people who have already taken a written proficiency exam as part of some other tax return credentialing will need to take the new exam. The Secretary will be

able to exercise these authorizations only after thorough review of the specific examination and only for those examinations subsequently determined to be comparable. In that light, we urge the Secretary to exercise his authority in this area in a manner consistent with the goal of protecting taxpayers through ensuring the competency of enrolled preparers. The Treasury Department will also be required to operate a public awareness campaign so that taxpayers will know that they need to check to be sure that someone preparing their tax returns for a fee is qualified.

The fourth set of provisions would directly address the problems with refund anticipation loans (RALs)—a problem throughout the country, but one that is particularly troublesome in New Mexico. First, this bill requires refund loan facilitators to register with the Treasury Department. Refund loan facilitators are those people who solicit, process, or otherwise facilitate the making of a refund anticipation loan in relation to a tax return being electronically filed. The legislation also requires these refund loan facilitators to properly disclose to taxpayers that they do not have to get a RAL in order to file their return electronically, as well as clearly disclose what all the costs involved with the loan. Finally, the refund loan facilitators must disclose to taxpayers when the loans would allow their refunds to be offset by the amount of the loan. Much like the public awareness campaign for advertising the credentials required for preparing Federal tax returns, the Act requires the Treasury Department to operate a program to educate the public on the real costs of RALs as compared to other forms of credit. This program will be funded, at least in part, by amounts collected from penalties imposed on refund loan facilitators who have broken the law.

The next section of the bill is an issue that my colleague from Hawaii, Senator AKAKA, has been actively working on for the last several years. This provision would authorize the Treasury Department to award grants to financial institutions or charitable groups that help low income taxpayers set up accounts at a bank or credit union. Because many taxpayers do not have checking or savings accounts, their refunds from IRS cannot be electronically wired to them. The alternative is to have the check mailed to the taxpayer or to have the refund immediately loaned to the taxpayer in the form of a RAL. Of course, getting people to set up a checking or savings account for purposes of receiving their tax refund will also have the benefits of getting many of these people to start saving for the first time.

Finally, we have added two new provisions to clarify existing law. The first clarifies that the National Taxpayer Advocate has the authority to issue taxpayer assistance orders in cases involving closing agreements and compromises. The other clarifies that the Secretary of the Treasury has the authority to take into account a taxpayers specific facts and circumstances when evaluating an offer in compromise. Both of these provisions are the result of bipartisan negotiations and are an improvement to our tax system.

I hope my colleagues will join with me and the cosponsors of this bill to pass this important legislation. Our voluntary tax system is dependent on taxpayers being able to receive the best advice and assistance possible. We have a responsibility to our Nation's taxpayers to make sure that they do receive such advice and assistance. This bill goes a long way toward that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1219

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Protection and Assistance Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. LOW-INCOME TAXPAYER CLINICS.

(a) GRANTS FOR RETURN PREPARATION CLINICS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

''SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RETURN PREPARATION CLINIC.—

''(A) IN GENERAL.—The term 'qualified return preparation clinic' means a clinic which—

''(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

''(ii) operates programs which assist low-income taxpayers, including individuals for whom English is a second language, in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

''(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

''(2) CLINIC.—The term 'clinic' includes—

''(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

''(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

''(c) SPECIAL RULES AND LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

''(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (7) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

''Sec. 7526A. Return preparation clinics for low-income taxpayers.''.

(b) GRANTS FOR TAXPAYER REPRESENTATION AND ASSISTANCE CLINICS.—

(1) INCREASE IN AUTHORIZED GRANTS.—Section 7526(c)(1) (relating to aggregate limitation) is amended by striking ''$6,000,000'' and inserting ''$10,000,000''.

(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—

(A) IN GENERAL.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

''(6) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the overhead expenses of any clinic or of any institution sponsoring such clinic.''.

(B) CONFORMING AMENDMENTS.—Section 7526(c)(5) is amended—

(i) by inserting ''qualified'' before ''low-income'', and

(ii) by striking the last sentence.

(3) PROMOTION OF CLINICS.—Section 7526(c), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

''(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

SEC. 3. CLARIFICATION OF ENROLLED AGENT CREDENTIALS.

Section 330 of title 31, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by inserting after subsection (a) the following new subsection:

''(b) Any enrolled agents properly licensed to practice as required under rules promulgated under subsection (a) shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.''.

SEC. 4. REGULATION OF FEDERAL TAX RETURN PREPARERS.

(a) AUTHORIZATION.—Section 330(a)(1) of title 31, United States Code, is amended by inserting ''(including compensated preparers of Federal tax returns, documents, and other submissions)'' after ''representatives''.

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations under section 330 of title 31, United States Code—

(A) to regulate those compensated preparers not otherwise regulated under regulations promulgated under such section on the date of the enactment of this Act, and

(B) to carry out the provisions of, and amendments made by, this section.

(2) EXAMINATION.—

(A) IN GENERAL.—In promulgating the regulations under paragraph (1), the Secretary shall develop (or approve) and administer an eligibility examination designed to test—

(i) the technical knowledge and competency of each preparer described in paragraph (1)(A)—

(I) to prepare Federal tax returns, including individual and business income tax returns, and

(II) to properly claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986 with respect to such individual returns, and

(ii) the knowledge of each such preparer regarding such ethical standards for the preparation of such returns as determined appropriate by the Secretary.

(B) STATE LICENSING OR REGISTRATION PROGRAMS.—The Secretary is authorized to accept an individual as meeting the eligibility examination requirement of this section if, in lieu of the eligibility examination under this section, the individual passed—

(i) a State licensing or State registration program eligibility examination that is comparable to the eligibility examination established by the Secretary, or

(ii) an eligibility examination administered by an existing organization for tax return preparers that is comparable to the eligibility examination established by the Secretary if such test was administered prior to the issuance of the regulations under this section.

(3) CONTINUING ELIGIBILITY.—

(A) IN GENERAL.—The regulations under paragraph (1) shall require a renewal of eligibility every 3 years and shall set forth the manner in which a preparer described in paragraph (1)(A) must renew such eligibility.

(B) CONTINUING EDUCATION REQUIREMENTS.—As part of the renewal of eligibility, such regulations shall require that each such preparer show evidence of completion of such continuing education requirements as specified by the Secretary.

(C) NONMONETARY SANCTIONS.—The regulations under paragraph (1) shall provide for the suspension or termination of such eligibility in the event of any failure to comply with the requirements for such eligibility.

(4) PENALTY FOR UNAUTHORIZED PREPARATION OF RETURNS, ETC.—In promulgating the regulations under paragraph (1), the Secretary shall impose a penalty of $1,000 for each Federal tax return, document, or other submission prepared by a preparer described in paragraph (1)(A) who is not in compliance with the requirements of paragraph (2) or (3) or who is suspended or disbarred from practice before the Department of the Treasury under such regulations. Such penalty shall be in addition to any other penalty which may be imposed.

(c) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Section 330 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

''(1) IN GENERAL.—There shall be in the Internal Revenue Service an Office of Professional Responsibility the functions of which shall be as prescribed by the Secretary of the Treasury, including the carrying out of the purposes of this section.

''(2) DIRECTOR.—

''(A) IN GENERAL.—The Office of Professional Responsibility shall be under the supervision and direction of an official known as the 'Director, Office of Professional Responsibility'. The Director, Office of Professional Responsibility, shall report directly to the Commissioner of Internal Revenue and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, or, if the Secretary of the Treasury so determines, at a rate fixed under section 9503 of such title.

''(B) APPOINTMENT.—The Director, Office of Professional Responsibility, shall be appointed by the Secretary of the Treasury without regard to the provisions of title 5 relating to appointments in the competitive service or the Senior Executive Service.

''(3) HEARING.—Any hearing on an action initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section shall be conducted in accordance with sections 556 and 557 of title 5 by 1 or more administrative law judges appointed by the Secretary of the Treasury under section 3105 of title 5.

''(4) COORDINATION WITH STATE SANCTION PROGRAMS.—In carrying out the purposes of this section, the Director, Office of Professional Responsibility shall coordinate with appropriate State officials in order to collect information regarding representatives, employers, firms and other entities which have been disciplined or suspended under State or local rules.

''(5) INFORMATION ON SANCTIONS TO BE AVAILABLE TO THE PUBLIC.—

''(A) SANCTIONS INITIATED BY ACTION.—When an action is initiated by the Director, Office of Professional Responsibility, to impose a sanction under regulations promulgated under this section, the pleadings, and the record of the proceeding and hearing shall be open to the public (subject to restrictions imposed under subparagraph (C)).

''(B) SANCTION NOT INITIATED BY ACTION.—When a sanction under regulations promulgated under this section (other than a private reprimand) is imposed without initiation of an action, the Director, Office of Professional Responsibility, shall make available to the public information identifying the representative, employer, firm, or other entity sanctioned, as well as information about the conduct which gave rise to the sanction (subject to restrictions imposed under subparagraph (C)).

''(C) RESTRICTIONS ON RELEASE OF INFORMATION.—Information about clients of the representative, employer, firm, or other entity and medical information with respect to the representative shall not be released to the public or discussed in an open hearing, except to the extent necessary to understand the nature, scope, and impact of the conduct giving rise to the sanction or proposed sanction. Disagreements regarding the application of this subparagraph shall be resolved by the administrative law judge or, when a sanction is imposed without initiation of an action, by the Director, Office of Professional Responsibility.

''(6) FEES.—Any fees imposed under regulations promulgated under this section shall be available without fiscal year limitation to the Office of Professional Responsibility for the purpose of reimbursement of the costs of administering and enforcing the requirements of such regulations.''.

(d) BAN ON AUDIT INSURANCE.—Section 330 of title 31, United States Code, as amended by subsection (c), is amended by adding at the end the following new subsection:

''(f) BAN ON AUDIT INSURANCE.—No person admitted to practice before the Department of the Treasury may directly or indirectly offer or provide insurance to cover professional fees and other expenses incurred in responding to or defending an audit by the Internal Revenue Service.''.

(e) PENALTIES.—

(1) INCREASE IN CERTAIN PENALTIES.—Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) are each amended by striking ''a penalty of $50'' and all that follows and inserting ''a penalty equal to—

''(1) $1,000, or

''(2) in the case of 3 or more such failures in a calendar year, $500 for each such failure.

The preceding sentence shall not apply with respect to any failure if such failure is due to reasonable cause and not due to willful neglect.''.

(2) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Office of Professional Responsibility for each fiscal year for the administration of the public awareness campaign described in subsection (g) an amount equal to the penalties collected during the preceding fiscal year under sections 6694 and 6695 of the Internal Revenue Code of 1986 and under the regulations promulgated under section 330 of title 31, United States Code (by reason of subsection (b)(1)).

(3) REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Section 7803(d)(2)(A) is amended—

(A) by striking ''and'' at the end of clause (iii),

(B) by striking the period at the end of clause (iv) and inserting '', and'', and

(C) by adding at the end the following new clause:

''(v) a summary of the penalties assessed and collected during the reporting period under sections 6694 and 6695 and under the regulations promulgated under section 330 of title 31, United States Code, and a review of the procedures by which violations are identified and penalties are assessed under those sections,''.

(f) COORDINATION WITH SECTION 6060(a).—The Secretary of the Treasury shall coordinate the requirements under the regulations promulgated under section 330 of title 31, United States Code, with the return requirements of section 6060 of the Internal Revenue Code of 1986.

(g) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising—

(1) to encourage taxpayers to use for Federal tax matters only professionals who establish their competency under the regulations promulgated under section 330 of title 31, United States Code, and

(2) to inform the public of the requirements that any compensated preparer of tax returns, documents, and submissions subject to the requirements under the regulations promulgated under such section must sign the return, document, or submission prepared for a fee and display notice of such preparer's compliance under such regulations.

(h) ADDITIONAL FUNDS AVAILABLE FOR COMPLIANCE ACTIVITIES.—The Secretary of the Treasury may use any specifically appropriated funds for earned income tax credit compliance to improve and expand enforcement of the regulations promulgated under section 330 of title 31, United States Code.

(i) ADDITIONAL CERTIFICATION ON DOCUMENTS OTHER THAN RETURNS.—The Secretary of the Treasury shall require that each document or other submission filed with the Internal Revenue Service (other than a return signed by the taxpayer) shall be signed under penalty of perjury and the identifying number of any paid preparer who prepared such

document (if any) under rules similar to the rules under section 6109(a)(4).

SEC. 5. CONTRACT AUTHORITY FOR EXAMINATIONS OF PREPARERS.

The Secretary of the Treasury is authorized to contract for the development or administration, or both, of any examinations under the regulations promulgated under section 330 of title 31, United States Code.

SEC. 6. REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.

(a) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting at the end the following new section:

"SEC. 7529. REFUND ANTICIPATION LOAN FACILITATORS.

''(a) REGISTRATION.—Each refund loan facilitator shall register with the Secretary on an annual basis. As a part of such registration, each refund loan facilitator shall provide the Secretary with the name, address, and taxpayer identification number of such facilitator, and the fee schedule of such facilitator for the year of such registration.

''(b) DISCLOSURE.—Each refund loan facilitator shall disclose to a taxpayer both orally and on a separate written form at the time such taxpayer applies for a refund anticipation loan the following information:

''(1) NATURE OF THE TRANSACTION.—The refund loan facilitator shall disclose—

''(A) that the taxpayer is applying for a loan that is based upon the taxpayer's anticipated income tax refund,

''(B) the expected time within which the loan will be paid to the taxpayer if such loan is approved,

''(C) the time frame in which income tax refunds are typically paid based upon the different filing options available to the taxpayer,

''(D) that there is no guarantee that a refund will be paid in full or received within a specified time period and that the taxpayer is responsible for the repayment of the loan even if the refund is not paid in full or has been delayed,

''(E) if the refund loan facilitator has an agreement with another refund loan facilitator (or any lender working in conjunction with another refund loan facilitator) to offset outstanding liabilities for previous refund anticipation loans provided by such other refund loan facilitator, that any refund paid to the taxpayer may be so offset and the implication of any such offset,

''(F) that the taxpayer may file an electronic return without applying for a refund anticipation loan and the fee for filing such an electronic return, and

''(G) that the loan may have substantial fees and interest charges that may exceed those of other sources of credit and the taxpayer should carefully consider—

''(i) whether such a loan is appropriate for the taxpayer, and

''(ii) other sources of credit.

''(2) FEES AND INTEREST.—The refund loan facilitator shall disclose all refund anticipation loan fees with respect to the refund anticipation loan. Such disclosure shall include—

''(A) a copy of the fee schedule of the refund loan facilitator,

''(B) the typical fees and interest rates (using annual percentage rates as defined by section 107 of the Truth in Lending Act (15 U.S.C. 1606)) for several typical amounts of such loans and of other types of consumer credit,

''(C) typical fees and interest charges if a refund is not paid or delayed, and

''(D) the amount of a fee (if any) that will be charged if the loan is not approved.

''(3) OTHER INFORMATION.—The refund loan facilitator shall disclose any other information required to be disclosed by the Secretary.

''(c) FINES AND SANCTIONS.—

''(1) IN GENERAL.—The Secretary may impose a monetary penalty on any refund loan facilitator who—

''(A) fails to register under subsection (a), or

''(B) fails to disclose any information required under subsection (b).

''(2) MAXIMUM MONETARY PENALTY.—Any monetary penalty imposed under paragraph (1) shall not exceed—

''(A) in the case of a failure to register, the gross income derived from all refund anticipation loans made during the period the refund loan facilitator was not registered, and

''(B) in the case of a failure to disclose information, the gross income derived from all refund anticipation loans with respect to which such failure applied.

''(3) REASONABLE CAUSE EXCEPTIONS.—No penalty may be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.

''(d) DEFINITIONS.—For purposes of this section—

''(1) REFUND LOAN FACILITATOR.—

''(A) IN GENERAL.—The term 'refund loan facilitator' means any electronic return originator who—

''(i) solicits for, processes, receives, or accepts delivery of an application for a refund anticipation loan, or

''(ii) facilitates the making of a refund anticipation loan in any other manner.

''(B) ELECTRONIC RETURN ORIGINATOR.—For purposes of subparagraph (A), the term 'electronic return originator' means a person who originates the electronic submission of income tax returns for another person.

''(2) REFUND ANTICIPATION LOAN.—The term 'refund anticipation loan' means any loan of money or any other thing of value to a taxpayer in connection with the taxpayer's anticipated receipt of a Federal tax refund. Such term includes a loan secured by the tax refund or an arrangement to repay a loan from the tax refund.

''(3) REFUND ANTICIPATION LOAN FEES.—The term 'refund anticipation loan fees' means the fees, charges, interest, and other consideration charged or imposed by the lender or facilitator for the making of a refund anticipation loan.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as necessary to implement the requirements of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 7529. Refund anticipation loan facilitators.''.

(b) DISCLOSURE OF PENALTY.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

''(10) DISCLOSURE OF PENALTIES ON REFUND ANTICIPATION LOAN FACILITATORS.—The Secretary may disclose the name and employer (including the employer's address) of any person with respect to whom a penalty has been imposed under section 7529 and the amount of any such penalty.''.

(c) USE OF PENALTIES.—Unless specifically appropriated otherwise, there is authorized to be appropriated and is appropriated to the Internal Revenue Service for each fiscal year for the administration of the public awareness campaign described in subsection (d) an amount equal to the penalties collected during the preceding fiscal year under section 7529 of the Internal Revenue Code of 1986.

(d) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury or the Secretary's delegate shall conduct a public information and consumer education campaign, utilizing paid advertising, to educate the public on making sound financial decisions with respect to refund anticipation loans (as defined under section 7529 of the Internal Revenue Code of 1986), including the need to compare—

(1) the rates and fees of such loans with the rates and fees of conventional loans; and

(2) the amount of money received under the loan after taking into consideration such costs and fees with the total amount of the refund.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(f) TERMINATION OF DEBT INDICATOR PROGRAM.—The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 9958 and may not implement any similar program.

SEC. 7. TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury is authorized to award demonstration project grants (including multi-year grants) to eligible entities which partner with volunteer and low-income preparation organizations to provide tax preparation services and assistance in connection with establishing an account in a federally insured depository institution for individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An entity is eligible to receive a grant under this section if such an entity is—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(B) a federally insured depository institution,

(C) an agency of a State or local government,

(D) a community development financial institution,

(E) an Indian tribal organization,

(F) an Alaska Native Corporation,

(G) a Native Hawaiian organization,

(H) a labor organization, or

(I) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(2) DEFINITIONS.—For purposes of this section—

(A) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(B) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' means any organization that has been certified as such pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(C) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(D) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(i) serves and represents the interests of Native Hawaiians, and

(ii) has as a primary and stated purpose the provision of services to Native Hawaiians.

(E) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(i) in which employees participate,

(ii) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and

(iii) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary of the Treasury in such form and containing such information as the Secretary may require.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(e) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this section, the Secretary of the Treasury shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Treasury, for the grant program described in this section, $10,000,000, or such additional amounts as deemed necessary, to remain available until expended.

(g) REGULATIONS.—The Secretary of the Treasury is authorized to promulgate regulations to implement and administer the grant program under this section.

(h) STUDY ON DELIVERY OF TAX REFUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall conduct a study on the payment of tax refunds through Treasury debit cards or other electronic means to assist individuals that do not have access to financial accounts or institutions.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to Congress containing the result of the study conducted under subsection (a).

SEC. 8. CLARIFICATION OF TAXPAYER ASSISTANCE ORDER AUTHORITY.

(a) IN GENERAL.—Section 7811(b)(2) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) chapter 74 (relating to closing agreements and compromises),''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to orders issued after the date of the enactment of this Act.

SEC. 9. CLARIFICATION OF STANDARDS FOR EVALUATION OF COMPROMISE OFFERS.

Section 7122(d)(1) is amended—

(1) by inserting ''based on doubt as to liability, doubt as to collectibility, or equitable consideration'' after ''dispute'', and

(2) by inserting at the end the following new paragraph:

''(4) EQUITABLE CONSIDERATION.—In prescribing guidelines under paragraph (1), the Secretary shall compromise a liability to promote effective tax administration when it is inequitable to collect any unpaid tax (or any portion thereof, including penalties and interest) based on all of the facts and circumstances, including—

''(A) whether the taxpayer acted reasonably, responsibly, and in good faith under the circumstances, such as, by taking reasonable actions to avoid or mitigate the tax liability or delayed resolution of such liability,

''(B) whether the taxpayer is a victim of a bad act by a third party or any other unexpected event that significantly contributed to the tax liability or delayed resolution of such liability,

''(C) whether the taxpayer has a recent history of compliance with tax filing and payment obligations (before and after the situation that led to the current tax liability) or has a reasonable explanation for previous noncompliance,

''(D) whether any Internal Revenue Service processing errors, systemic or employee-related, led to or significantly contributed to the tax liability,

''(E) whether the Internal Revenue Service action or inaction has unreasonably delayed resolution of the tax liability, and

''(F) any other fact or circumstance that would lead a reasonable person to conclude that a compromise would be fair, equitable, and in the best interest of tax administration.''.

By Mr. KERRY:

S. 1221. A bill to provide for the enactment of comprehensive health care reform; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, this week thousands of business owners, union members, faith leaders, physicians, nurses, and patients will come together in Washington and in each of the 50 States to demand immediate action to fix our Nation's growing health insurance crisis. The Robert Wood Johnson Foundation's fifth annual Cover the Uninsured Week will once again call attention to the 45 million of our neighbors, co-workers and friends—including 11 million children under age 21—who live without any health care coverage. Unable to afford doctor's visits and prescription drugs, they live day to day in fear that a child will get sick or suffer an accident. No family in this great Nation should have to live in such fear.

Understandably, the focus of Cover the Uninsured Week this year is on the great opportunity presenting this Congress to expand coverage to millions of America's uninsured children through the reauthorization and expansion of the successful, bipartisan State Children's Health Insurance Program. This is the number one domestic budget priority for me and for the new Democratic Congress.

In a given year, uninsured kids are only half as likely to receive any medical care. That neglect leads to chronic disease. Uninsured kids also cost us productivity when parents must choose between working and caring for a sick child without the help of a doctor. Kids in public insurance programs perform 68 percent better in school, and insuring all of them would reduce avoidable hospitalizations by 22 percent.

But while kids are undoubtedly our first priority, we must take care not to lose sight of our ultimate objective: Ensuring that every single man, woman, and child in America has affordable and meaningful health insurance coverage. The fact is that denying health insurance is not just immoral, it's ultimately more costly than insuring them. In the long run, this is an obvious choice.

But we do not have time to wait for the long run. Our businesses, families, and health care providers need relief immediately from the insecurity, inefficiency, and inequity bred by a system which insures too few at too high a cost.

Therefore, I am introducing today the ''Countdown to Coverage Act of 2007.'' It's simple: The Countdown to Coverage Act requires Congress to pass legislation by the end of the 111th session that will ensure all Americans have quality, affordable health care coverage. If Congress fails to act, members will become responsible for 100 percent of the cost of their own plan through FEHBP.

Senators and Congressmen give ourselves the very best health care coverage, and it's American taxpayers who foot the bill. Now, Congress needs to step up and pass universal health care coverage by 2011—or pay the price and pick up the cost of our own health care ourselves. 45 million people—11 million kids—without health insurance is unacceptable in the richest country in the world. Every American deserves the kind of quality care that Senators and Congressmen give themselves, and this bill sets a deadline for members of Congress to take real action.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1221

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countdown to Coverage Act of 2007''.

SEC. 2. COMPREHENSIVE HEALTH CARE REFORM.

(a) IN GENERAL.—If a provision of law that ensures accessible, affordable, and meaningful health insurance for all Americans is not enacted before the adjournment, sine die, of the 111th Congress, as determined by Institute of Medicine, there shall be no Government contribution under section 8906 of title 5, United States Code, for any Member of Congress and any Member of Congress shall pay 100 percent of all premiums for any health benefits plan under chapter 89 of that title.

(b) NOTIFICATION.—The Institute of Medicine shall submit timely notice to the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives of—

(1) the determination that a provision of law has not been enacted before the adjournment, sine die, of the 111th Congress, as described under subsection (a); and

(2) the dates and adjustments that are required to take effect under this Act.

(c) ADJUSTMENTS.—After receiving notice under subsection (b), the Office of Personnel Management, the Secretary of the Senate, and the Chief Administrative Officer of the House of Representatives shall make such

adjustments as may be necessary on the first day of the first applicable pay period beginning on or after the date of that notice.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. 1222. A bill to stop mortgage transactions which operate to promote fraud, risk, abuse, and under-development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, I rise today to reintroduce legislation to protect American consumers and homeowners from fraudulent and abusive mortgage lending practices. Mortgage fraud and abuse are growing problems in this country, problems that are depriving thousands of Americans of their dream of homeownership and often their hard-earned life savings. These problems are also costing the mortgage industry hundreds of millions of dollars each year and making the housing market, which is critical to our economy and the stability of our neighborhoods, more vulnerable.

Although the data in this area is limited, mortgage fraud, which takes a variety of forms from inflated appraisals to the use of straw buyers, is a growing problem. In September of 2002, the FBI had 436 mortgage fraud investigations. Currently, they have more than 1,036—an increase of 137 percent in less than 5 years. And of the 1,036 current cases, more than half have expected losses of more than $1 million. This is due largely to the housing boom which has driven up housing prices across the country. Nearly $2.37 trillion in mortgage loans were made during 2006, and the number may be even higher this year.

But mortgage fraud is not just about dollars and statistics; it's about real people, real homes, and real lives. I first introduced this legislation last year after my hometown Chicago Tribune featured a series of articles about mortgage fraud in Illinois, which, along with Georgia, South Carolina, Florida, Missouri, Michigan, California, Nevada, Colorado and Utah, is among the FBI's top-ten mortgage fraud ''hot spots.''

The Tribune stories highlighted the plight of the good folks on May Street in Chicago, who saw a block's worth of homes go boarded up in the span of a just few years, as swindlers racked up hundreds of thousands of dollars in bad loans. The shells of houses were left behind as sad reminders of broken dreams. The Tribune highlighted the plight of 75-year-old Ruth Williams, who had to spend her personal funds to clear the title to her home after fraudsters secured $400,000 in loans on three buildings they didn't own. A recent Tribune investigation turned up a 91-year-old woman defrauded into signing away her brick Chicago home, her sole asset, leaving her with nothing.

Law enforcement, consumer groups and many in the mortgage industry are working extremely hard to combat fraud and abusive lending practices. I applaud their good work. Now, Congress should come to the table and do its part, and I'm pleased to introduce legislation today with my good friend Senator DURBIN to address this important issue.

The STOP FRAUD Act, which was first introduced in February 2006, is aimed at stopping mortgage transactions which operate to promote fraud, risk, abuse and underdevelopment. This year, the bill includes new provisions to protect the legal rights of borrowers with particularly risky subprime loans. The Act provides the first Federal definition of mortgage fraud and authorizes stiff criminal penalties against fraudulent actors. STOP FRAUD requires a wide range of mortgage professionals to report suspected fraudulent activity, and gives these same professionals safe harbor from liability when they report suspicious incidents. It also authorizes several grant programs to help State and local law enforcement fight fraud, provide the mortgage industry with updates on fraud trends, and further support the Departments of Treasury, Justice and Housing and Urban Development's fraud-fighting efforts.

At a time when many homeowners are concerned about losing their home to foreclosure, and policymakers are worried about fraudulent, deceptive, and even just plain confusing lending practices that are roiling communities across the country, STOP FRAUD provides $25 million for housing counseling. The Department of Housing and Urban Development will contract with public or private organization to provide information, advice, counseling, and technical assistance to tenants, homeowners, and other consumers with respect to mortgage fraud and other activities that are likely to increase the risk of foreclosure.

The Act also protects the legal rights of borrowers with risky, subprime loans. The greatest growth in the mortgage lending market is in subprime loans and some have estimated that more than 2 million homeowners with subprime mortgages are at risk of losing their homes. If a borrower receives a subprime mortgage with any one of several high-risk characteristics, the Act protects the rights of borrowers to challenge lending practices in foreclosure proceedings. The high-risk characteristics targeted by this Act include loans for which the borrower does not have the ability to repay at the maximum rate of interest, loans whose true long-term costs are not clearly disclosed to the borrower, stated-income and no-documentation loans, and loans with unreasonable prepayment penalties.

Many States are actively trying to prevent a wave of expected foreclosures as housing prices stop rising while adjustable rates on many risk loans start rising. STOP FRAUD instructs the Government Accountability Office to evaluate the various State initiatives and report to Congress on lending practices and regulations related to mortgage fraud and deception, predatory lending, and homeownership preservation efforts.

We cannot sit on the sidelines while increasing numbers of American families face the risk of losing their homes. There is excellent work being done by the Banking Committees in the House and Senate to tackle some of the thorniest and most challenging problems affecting the mortgage industry today. I look forward to working with my colleagues on comprehensive legislation to protect consumers and strengthen the housing market. The STOP FRAUD Act is just the beginning of an important Federal response. It is a tough, cost-effective, and balanced way to address the serious problem of mortgage fraud in our country and to provide additional protections for vulnerable borrowers. I urge my colleagues to join me in this important effort.

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. CARPER, and Mr. PRYOR):

S. 1223. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about the First Response Broadcasters Act, legislation I am introducing today along with Senators STEVENS, CARPER and PRYOR.

As my State suffered the devastating impact of Hurricanes Katrina and Rita and the levee breaks that followed, we learned that one of the most vital relief supplies is information. In providing it, all of our local media—newspapers, broadcasters and web sites included—did amazing work to keep the people of my State informed, even when displaced thousands of miles away. But with phone lines down and streets too flooded to move around, the sound of a local radio or television station was for many of my constituents the only voice in those first few dark nights after the hurricanes. Our local broadcasters provided life-saving information and comfort when both were needed the most. Many of them worked through unimaginable technical and emotional obstacles, staying on the air as their facilities and staff homes were destroyed, and loved ones remained missing.

With the entire industry dependent on public airwaves, broadcasters have a duty to serve the public in times of crisis. As local radio and television stations stand up, as so many did, to put commercial interests aside to serve the public interest, the federal government

should be ready to stand with them. This is not a new partnership.

Under laws going back to 1951, radio and television stations are today required to participate in the national Emergency Alert System (EAS), and many stations have protected, government-funded circuits connecting them to emergency command centers. This legislation would directly connect more stations nationwide to this network by authorizing $6.5 million to FEMA to set up Primary Entry Point radio stations in another twenty five states and U.S. territories. Currently there are thirty-two stations and two under development in Alabama and Mississippi.

A Primary Entry Point (PEP) station is a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power. For example, WWL Radio in New Orleans was the only PEP station in the Gulf Coast after Katrina and it provided radio broadcasts for two weeks after the storm until commercial power was restored. FEMA commissioned recommendations from the Primary Entry Point Advisory Committee, a non-profit group they set up to oversee the stations, and just needs the additional funds to build the additional facilities. Included in the findings of the legislation is a comprehensive list of the states that are currently without PEP stations and which would benefit from this provision. There are also States which have PEP stations, but because of geographic limitations, require an additional station to fully cover the State. This bill would provide those two additional stations in Kansas and Florida.

But what good is this successful emergency information chain if the last link fails? By technical necessity, this last link is right in the disaster's path. Simply put, the transmitter needs to be in the same area as the people in need of warning. Despite our Federal investments in the emergency system and entry point stations, there were several Gulf Coast broadcasters after the hurricanes that could not stay on the air simply because the government took their fuel away. They were told they weren't on the list.''

This legislation puts these broadcasters on the list, where they belong. To protect vital broadcast infrastructure and encourage more broadcasters to deploy disaster-resistant telecommunications equipment, this bill would also create a 3-year pilot program managed by the Federal Emergency Management Agency to provide annual matching grants to qualified First Response Broadcasters for the protection and reinforcement of critical-to-air facilities and infrastructure. The program would receive $10 million per year to fund matching program grants, and grants could also be used for projects to enhance essential disaster-related public information services.

As the program encourages both disaster preparedness and community coordination, increased scoring would be granted to applications from broadcasters who form cooperative proposals with other broadcasters in the area or those who submit plans in conjunction with local or State governments. Priority scoring would also be given to applicants in disaster-prone areas and also based on the public service merits of the broadcasters disaster programming plan.

No disaster warning, evacuation plan or emergency instruction matters if it can't get to the people who need it. This is why the Federal Communications Commission and a presidential advisory panel have each recommended we take steps to keep these lifesaving broadcasts on the air.

In particular, this bill would require that the Federal Emergency Management Agency and other Federal response agencies, in coordination with State and local authorities and the National Guard, honor press access guidelines and credentials set by the local governing authority in the declared disaster area. For example, if the City of New Orleans issued press credentials before the disaster and the city decided to continue honoring them post-disaster, FEMA officials operating in the area would be required to honor those credentials as well. The local entity, at its own discretion, would be able to request that this credentialing authority be passed instead to federal or state officials.

Along these same lines, the bill would also direct the Federal Emergency Management Agency to coordinate with local and State agencies to allow access, where practicable and not impeding recovery or endangering public safety, into the disaster area for personnel and equipment essential to restoring or maintaining critical-to-air broadcast infrastructure. The priority policies and procedures for this coordination would be similar to those practiced for restoring public utilities, and would include access for refueling generators and re-supplying critical facilities.

For all journalists working to tell the story-newspapers and web sites included-the First Response Broadcasters Act makes sure that the local officials, who know local reporters best, decide where the journalists can go, not some Washington bureaucrat who just stepped off the plane.

In closing, I would like to submit for the record the stories of a few incredible broadcasters who through recent disasters have demonstrated exactly the type of response this bill is intended to encourage. I would also like to submit for the record a list of organizations which have already endorsed this legislation-including the state broadcasting associations from every one of the 50 states and the District of Columbia.

Broadcasters have a duty to the American people to spread the word in times of crisis. No one else can do it. They are already a key part of our national emergency response plan, and have been for more than 50 years. This bill merely reinforces this fact and secures the logical extension of commitments already made by Federal government. We have a responsibility to make sure the tools are protected to make the system work.

Broadcasters are first responders—and with this bill today, we will strengthen our essential partnership with them for the benefit of all Americans. I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation, the broadcaster stories, and a list of the organizations already supporting this bill be printed in the RECORD.

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

S. 1223

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''First Response Broadcasters Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the periods before, during, and after major disasters that occurred not long before the date of enactment of this Act (including Hurricane Katrina, Hurricane Rita, and the terrorist attacks of September 11, 2001), local media organizations (including newspapers, public and private broadcasters, and online publications) provided a valuable public service by transmitting and publishing disaster-related information, guidance, and assistance;

(2) local broadcasters, public and private, provided a particularly valuable public service by transmitting evacuation instructions, warnings of impending threats, timely response status updates, and other essential information related to such major disasters to listeners and viewers to whom other forms of media were often unavailable or inaccessible;

(3) an inability to access a disaster area may impede the ability of local media organizations to provide such public services;

(4) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled ''Hurricane Katrina: A Nation Still Unprepared'', dated May 2006, ''It is essential that the news media receive accurate disaster information to circulate to the public. News media can also help inform the public by reporting on rumors and soliciting evidence and comment on their plausibility, if any'';

(5) according to testimony provided on September 22, 2005, to the Committee on Commerce, Science, and Transportation of the Senate, an estimated 100 Gulf Coast broadcast stations were unable to broadcast as a result of Hurricane Katrina, with approximately 28 percent of television stations and approximately 35 percent of radio stations unable to broadcast in the area affected by Hurricane Katrina;

(6) according to testimony provided on September 7, 2005, to the Committee on Energy and Commerce of the House of Representatives, following Hurricane Katrina only 4 of the 41 radio broadcast stations in the New Orleans metropolitan area remained on the air in the immediate aftermath of that hurricane;

(7) the only television station in New Orleans to continue transmitting its over-the-air signal uninterrupted during and after Hurricane Katrina was able to do so only as a direct result of steps taken to better protect its transmitter and provide redundant production facilities in the region;

(8) fuel and other supply shortages inhibit the ability of a broadcaster to stay on the air and provide essential public information following a major disaster;

(9) according to the report by the Committee on Homeland Security and Governmental Affairs of the Senate, titled ''Hurricane Katrina: A Nation Still Unprepared'', dated May 2006, there were instances of Federal authorities confiscating privately-purchased fuel supplies in the area affected by Hurricane Katrina;

(10) the ability of several broadcasters in Mississippi to remain on the air was unduly compromised by the confiscation of their privately-purchased fuel supplies;

(11) practices put in place following Hurricane Andrew to involve broadcasters in disaster response and expedite access by broadcast engineers to disaster areas for the purpose of repairing critical-to-air facilities and infrastructure has significantly increased the ability of broadcasters in Florida to continue transmitting essential public information during subsequent major disasters;

(12) a June 12, 2006, report to the Federal Communications Commission from the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks recommends that cable and broadcasting infrastructure providers, and their contracted workers, be afforded emergency responder status under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that this designation would remedy many of the access and fuel sharing issues that hampered industry efforts to quickly repair infrastructure following Hurricane Katrina;

(13) the partnership of competing radio broadcasters in the wake of Hurricane Katrina, casting aside commercial interests to provide uninterrupted, redundant public information programming from multiple transmission facilities, served the public well and for many hurricane victims was the only source of disaster-related information for many days;

(14) other similar models for regional broadcaster cooperation nationwide, such as the initiative by 3 public and private radio groups to cooperatively produce essential disaster-related programming in eastern and central Maine, will further prepare the industry to effectively respond to major disasters;

(15) following Hurricane Katrina, a Primary Entry Point station in Louisiana, operating only on generator power until commercial power was restored 2 weeks after the disaster, was instrumental in providing life-saving information to the general public throughout the area as battery-operated radios were the only source of official news and information;

(16) as of April 18, 2007, there were 24 States with 1 Primary Entry Point station, 4 States with 2 Primary Entry point stations, 2 Primary Entry Point stations located in territories of the United States, and 2 Primary Entry Point stations under development in Alabama and Mississippi;

(17) in the event of a man-made or natural disaster, it is essential to provide for Primary Entry Point stations in any State or territory where there is not a facility, meaning an additional 23 stations are required, located in—

(A) Arkansas;
(B) Connecticut;
(C) Delaware;
(D) the District of Columbia;
(E) Indiana;
(F) Iowa;
(G) Kentucky;
(H) Maine;
(I) Michigan;
(J) Nebraska;
(K) New Hampshire;
(L) New Jersey;
(M) Oklahoma;
(N) Oregon;
(O) Pennsylvania;
(P) Rhode Island;
(Q) South Dakota;
(R) Vermont;
(S) West Virginia;
(T) Wisconsin;
(U) American Samoa;
(V) the Northern Mariana Islands; and
(W) Guam; and

(18) in the event of a man-made or natural disaster, it is essential to provide for the Primary Entry Point stations in larger States where there is currently a facility, but an additional station is required to ensure full sufficient geographic coverage, meaning 2 stations are required, located in—

(A) Kansas; and
(B) Florida.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''disaster area'' means an area in which the President has declared a major disaster, during the period of that declaration;

(3) the term ''first response broadcaster'' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after the occurrence of a major disaster;

(4) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(5) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4. PRIMARY ENTRY POINT STATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $6,500,000 to the Administrator of the Federal Emergency Management Agency for facility and equipment expenses to construct an additional 25 Primary Entry Point stations in the continental United States and territories.

(b) DEFINITION.—In this section, the term ''Primary Entry Point station'' means a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power.

SEC. 5. BROADCAST DISASTER PREPAREDNESS GRANT PROGRAM.

(a) DEFINITION.—In this section, the term ''pilot program'' means the Broadcast Disaster Preparedness Grant Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program under which the Administrator may make grants to first response broadcasters, to be known as the ''Broadcast Disaster Preparedness Grant Program''.

(c) PRIORITY.—The Administrator may give priority to an application for a grant under the pilot program that—

(1) is submitted—

(A) on behalf of more than 1 first response broadcaster operating in an area;

(B) in cooperation with State or local authorities;

(C) on behalf of a first response broadcaster with 50 employees or less;

(D) on behalf of a first response broadcaster that is principally owned and operated by individuals residing within the State, county, parish, or municipality in which the broadcaster is located; or

(2) provides, in writing, a statement of the intention of the applicant to provide disaster-related programming dedicated to essential public information purposes before, during, and after a major disaster.

(d) USE OF FUNDS.—A grant under the pilot program shall be used by a first response broadcaster to—

(1) protect or provide redundancy for facilities and infrastructure, including transmitters and other at-risk equipment (as determined by the Administrator), critical to the ability of that first response broadcaster to continue to produce and transmit essential disaster-related public information programming; or

(2) upgrade or add facilities or equipment that will enhance or expand the ability of the first responder broadcaster to acquire, produce, or transmit essential disaster-related public information programming.

(e) FEDERAL SHARE.—The Federal share of an activity carried out with a grant under this section shall be not more than 50 percent.

(f) TERMINATION.—The authority to make grants under the pilot program shall terminate at the end of the third full fiscal year after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the pilot program $10,000,000 for each of fiscal years 2008 through 2010.

SEC. 6. FIRST RESPONSE BROADCASTER ACCESS FOLLOWING A MAJOR DISASTER.

(a) ACCESS.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended—

(1) in subsection (a)(3)(B), by inserting ''(including providing fuel, food, water, and other supplies to first response broadcasters, after providing essential emergency services, health care, and utility restoration services)'' before the semicolon at the end; and

(2) in subsection (c)(6)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

''(A) FIRST RESPONSE BROADCASTER.—The term 'first response broadcaster' has the meaning given that term in section 707.''.

(b) CONFISCATION.—Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201 et seq.) is amended by adding at the end the following:

''SEC. 707. CONFISCATION FROM FIRST RESPONSE BROADCASTERS.

''(a) DEFINITION.—In this section, the term 'first response broadcaster' means a local or regional television or radio broadcaster that provides essential disaster-related public information programming before, during, and after a major disaster.

''(b) IN GENERAL.—In the event of a major disaster, and to the extent practicable and consistent with not endangering public safety, a Federal officer or employee may not confiscate fuel, water, or food from a first response broadcaster if that first response broadcaster adequately documents that such supplies will be used to enable that broadcast first responder to broadcast essential disaster-related public information programming in the area affected by that major disaster.''.

(c) RESTORATION OF SERVICES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) (relating to essential service providers) as section 427; and

(2) in section 427, as so redesignated, by adding at the end the following:

''(d) FIRST RESPONSE BROADCASTERS.—

''(1) DEFINITION.—In this subsection, the term 'first response broadcaster' has the meaning given that term in section 707.

''(2) IN GENERAL.—In the event of a major disaster, the head of a Federal agency, in consultation with appropriate State and local government authorities, and to the greatest extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, shall allow access to the area affected by that major disaster for technical personnel, broadcast engineers, and equipment needed to restore, repair, or resupply any facility or equipment critical to the ability of a first response broadcaster to continue to acquire, produce, and transmit essential disaster-related public information programming, including the repair and maintenance of transmitters and other facility equipment and transporting fuel for generators.

''(3) NEWS GATHERING EMPLOYEES.—This subsection shall not apply to news gathering employees or agents of a first response broadcaster.''.

(d) GUIDELINES FOR PRESS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''credentialing authority'' means a Federal, State, or local government agency that—

(i) issues press credentials; and

(ii) permits and coordinates access to a designated location or area on the basis of possessing such press credentials;

(B) the term ''press credential'' means the identification provided to news personnel to identify such personnel as members of the press; and

(C) the term ''news personnel'' includes a broadcast journalist or technician, newspaper or periodical reporter, photojournalist, and member of a similar professional field whose primary interest in entering the disaster area is to gather information related to the disaster for wider publication or broadcast.

(2) ACCESS TO DISASTER AREA.—For purposes of permitting and coordinating access by news personnel to a disaster area—

(A) any State or local government agency that serves as the primary credentialing authority for that disaster area before the date of the applicable major disaster shall remain the primary credentialing authority during and after that major disaster, unless—

(i) the State or local government agency voluntarily relinquishes the ability to serve as primary credentialing authority to another agency; or

(ii) the State or local government agency, in consultation with appropriate Federal disaster response agencies, assigns certain duties, including primary credentialing authority, to the Federal Emergency Management Agency or another appropriate Federal, State, or local government agency; and

(B) the Federal Emergency Management Agency and other appropriate Federal disaster response agencies operating in a disaster area shall permit and coordinate news personnel access to the disaster area consistent with the access guidelines determined by the primary credentialing authority for that disaster area.

(3) CATASTROPHIC INCIDENT ACCESS.—In the event of a catastrophic incident (as that term is defined in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311)) that leaves a State or local primary credentialing authority unable to execute the duties of that credentialing authority described under paragraph (2) or to effectively communicate to Federal officials a determination regarding the intent of that credentialing authority to retain, relinquish, or assign its status as the primary credentialing authority, the Secretary may designate the Federal Emergency Management Agency or another Federal agency as the interim primary credentialing authority, until such a time as the State or local credentialing authority notifies the Secretary of whether that authority intends to retain, relinquish, or assign its status.

ORGANIZATION ENDORSEMENTS

1. The National Association of Broadcasters
2. The Radio-Television News Directors Association
3. The Alabama Broadcasters Association
4. The Alaska Broadcasters Association
5. The Arizona Broadcasters Association
6. The Arkansas Broadcasters Association
7. The California Broadcasters Association
8. The Colorado Broadcasters Association
9. The Connecticut Broadcasters Association
10. The Florida Association of Broadcasters
11. The Georgia Association of Broadcasters
12. The Hawaii Association of Broadcasters
13. The Idaho State Broadcasters Association
14. The Illinois Broadcasters Association
15. The Indiana Broadcasters Association
16. The Iowa Broadcasters Association
17. The Kansas Association of Broadcasters
18. The Kentucky Broadcasters Association
19. The Louisiana Association of Broadcasters
20. The Maine Association of Broadcasters
21. The Maryland/DC/Delaware Broadcasters Association
22. The Massachusetts Broadcasters Association
23. The Michigan Association of Broadcasters
24. The Minnesota Broadcasters Association
25. The Mississippi Association of Broadcasters
26. The Missouri Broadcasters Association
27. The Montana Broadcasters Association
28. The Nebraska Broadcasters Association
29. The Nevada Broadcasters Association
30. The New Hampshire Association of Broadcasters
31. The New Jersey Broadcasters Association
32. The New Mexico Broadcasters Association
33. The New York State Broadcasters Association
34. The North Carolina Association of Broadcasters
35. The North Dakota Broadcasters Association
36. The Ohio Association of Broadcasters
37. The Oklahoma Association of Broadcasters
38. The Oregon Association of Broadcasters
39. The Pennsylvania Association of Broadcasters
40. The Rhode Island Broadcasters Association
41. The South Carolina Broadcasters Association
42. The South Dakota Broadcasters Association
43. The Tennessee Association of Broadcasters
44. The Texas Association of Broadcasters
45. The Utah Broadcasters Association
46. The Vermont Association of Broadcasters
47. The Virginia Association of Broadcasters
48. The Washington State Association of Broadcasters
49. The West Virginia Broadcasters Association
50. The Wisconsin Broadcasters Association
51. The Wyoming Association of Broadcasters
52. Calcasieu Parish (La.) Sherriff Tony Mancuso

REAL STORIES OF FIRST RESPONSE BROADCASTERS

[From WWL-TV—New Oreleans, LA]

(By News Director Chris Slaughter)

Our 150 employees developed a plan that would enable WWL-TV to be the only television station to stay on the air and keep information flowing in our community's darkest hour. 95 percent of the station's news, engineering, production and administrative personnel made sure their families were safe, then devoted 14 straight days and nights using their most valuable tool—information—to help their metropolitan New Orleans neighbors survive. Many did this while knowing they had lost everything they owned (40 percent of station personnel lost homes in the storm). Many worked with the stress of knowing that spouses, relatives and friends were missing or working in dangerous situations.

During the course of the storm and initial aftermath, WWL-TV broadcast from four different studios. When the storm forced the evacuation of our French Quarter studio, the broadcast seamlessly shifted to the Louisiana State University Manship School of Mass Communications in Baton Rouge, which WWL-TV had chosen as an alternative broadcast site in early 2004. Half of the newsroom worked from that location while the other half stayed in New Orleans and worked from the station transmitter site. When it became apparent that lack of city services would keep us out of our undamaged station for an extended time, we rented the Louisiana Public Broadcasting studios in Baton Rouge. Our signal was carried by satellite to our New Orleans transmitter.

WWL-TV informed viewers wherever they were. The commercial-free programming was broadcast from our transmitter, simulcast on radio, streamed on our website and seen statewide on Louisiana's public broadcasting channel. Satellite feeds of our coverage were rebroadcast by stations from Texas to New England, and other areas housing evacuees.

Our parent company, Belo Corp., and its affiliated stations provided major support. Corporate staff worked to provide communications, housing, fuel, food and clothing for displaced WWL-TV employees. Satellite News Gathering trucks from Belo stations began moving in shortly after the storm first entered the Gulf of Mexico. The stations also sent news, production and technical staff to help as WWL covered the storm of the century.

[From KPLC-TV—Lake Charles, LA]

(By General Manager Jim Serra)

KPLC's non-stop coverage of the approach, passage, and aftermath of Hurricane Rita began several days before the storm came ashore just south of Lake Charles and extended for two weeks until the region was reopened to evacuees.

Throughout the storm, KPLC never lost its broadcast signal, and maintained full coverage including live streaming video on its website. Evacuated citizens of Southwest Louisiana, even those who fled far from the station's broadcast signal, never lost touch with local emergency information from their community

Upon its approach, Rita was the strongest hurricane ever recorded in the Gulf. Based on the anticipated threat of wind damage and flooding, 25 KPLC employees rode out the hurricane in a makeshift studio in the more secure confines of nearby CHRISTUS-St. Patrick Hospital. Hospital employees became our partners in the storm coverage.

After the hurricane, KPLC produced a DVD documentary on Rita, donating nearly $50,000 in proceeds to the St. Patrick Foundation. As a result of this partnership, CMN

(Children's Miracle Network) awarded KPLC and St. Patrick Hospital their national community service award.

KPLC's coverage was simulcast on multiple local radio stations. It was also augmented by the efforts of several television stations within Louisiana and beyond.

[From WLOX-TV—Biloxi, MS]

(By News Director Dave Vincent)

For more than 12 days, WLOX employees banded together & provided exceptional coverage of Hurricane Katrina despite personal danger & ultimately great personal loss. WLOX News broadcast 24/7 for 12 days delivering life saving information to the people of South Mississippi. Our news coverage went wall to wall when it became apparent that Hurricane Katrina would gravely impact South Mississippi. Katrina's winds & deadly 30 foot plus tidal surge did not stop our coverage. Neither did her massive path of destruction nor her impact on our TV station. We continued to broadcast even when Katrina ripped off our newsroom roof, destroyed another wing of our station, toppled one of our TV towers, wiped out our Jackson & Hancock County news bureaus & forced us in the main station to evacuate to a safer section of our building.

There is no doubt that without the courageous action of WLOX employees many more lives would have been lost in this, the worst natural disaster to hit our county. In addition, we have been told by many viewers that we were their only life line during the height of the storm & in those first days after Katrina, when our community was devastated & very much like a third world country.

Here is an excerpt from one letter: ''During the storm we ran our small generator a few hours a day. Your station was the only one we could count on to have news when we could see it. God Bless all of you for being there for all of us.'' Scott and Lori Lasher of Carnes, Mississippi Sept 16, 2005.

Here is one other letter: ''First of all, I would like to commend you on an AWESOME JOB!! Your coverage of Hurricane Katrina and her aftermath was and continues to be superb! Thanks for giving us here in South Mississippi some semblance of normalcy during such a teffifying time.'' Doyla Ashe, Poplarville, MS Sept., 16 2005.

During our coverage, we were the source of information for our community. We told people where to find shelter, where to find food & medicine & other needed supplies. To insure that life saving information reached our community we reached out to all the radio groups on the coast & they carried our signal. Also the local newspaper contacted us & we put many of their reporters on the air. The local FOX affiliate even carried our signal for a few days. After Katrina knocked out our ability to stream our continual coverage on our web site, our sister stations in the Liberty chain took over the postings & helped us keep thousands of evacuees informed through wlox.com.

Hurricane Katrina left thousands of people homeless & forever changed the face of our community. Our station is a reflection of the community in which we live & work. At least 12 of our employees lost everything. Another 60 had significant damage to their homes. Everyone suffered some loss. Yet our employees continued to work putting the safety & welfare of their community above their personal situation.

[From WRC–TV—Washington, DC]

(By News Director Vicki Burns)

September 11th 2001 presented broadcast journalists with unforeseen and unprecedented challenges. In Washington DC and New York City, those challenges were especially difficult. The nation had never been attacked on this scale at home. Modern television journalists had a critical role in communicating what had happened and what it meant.

As journalists in the nation's capital, our responsibilities were two-fold: to report rapidly changing developments amidst an uncertain and frightening environment, and to keep the community and ourselves safe and informed.

The day of the initial attack was chaotic. Our ability to provide crucial public safety information to the community depended upon our access to key officials, locations and events, along with the ability to be mobile when necessary.

Our efforts were severely hampered when our portable Nextel radios, our cell phones, and our landline phones went down. Newsroom decision makers were unable to communicate with reporters and photographers for some time.

Our field teams were on site and on air for hours, sometimes days at a time. In order to sustain that coverage, we used couriers to shuttle food, water and supplies. Due to road closures and other limitations, that task became extremely difficult.

At every location, we were forced to provide several pieces of identification, and at times were turned away from critical places.

It is important to note that in a time of great chaos and danger, our role as journalists contributes to the solution. We cannot provide a service to the community without the cooperation and support of governing jurisdictions.

WITH POWER OUT, LOCAL RADIO STATION BECOMES VOICE IN THE DARK

(By John Curran, Associated Press Writer, Apr. 21, 2007)

RUTLAND, VT.—Some of them needed generators, others kerosene. Some wanted to know how many others were in the dark, or which streets were passable. Some just needed to hear a voice.

''This is Glendora,'' one caller said. ''I'm a little nervous. The laundromat across my window here, the whole sign just completely came out of its case off and is flying over the street right now.''

The power was out, she told Terry Jaye, who was taking calls on WJJR. Her house was shaking from the high winds and it had no heat. She didn't know who else to call.

''Only thing I have is my CD disc radio, listening to you guys, and a cell phone,'' she said.

When a ferocious nor'easter blew chaos into Rutland last Monday, she and others turned to WJJR. With the lights out, televisions silenced and personal computers powerless, the 50,000-watt local radio station shucked its adult contemporary music format and turned over its airwaves to listeners, giving and getting information about problems big and small.

It wasn't the first time local radio proved itself the go-to medium in time of crisis.

It happened when ice storms ravaged northern New England in 1998, it happened when Katrina devastated the Gulf Coast in 2005, it happened Monday after 70 mph winds from a nor'easter blew chaos into this small Vermont city.

When the lights go out and Google is unavailable, radio is.

''Part of it goes back to the technology,'' said former radio news director Suzanne Goucher, president of the Maine Association of Broadcasters. ''People aren't likely to have battery-powered TVs in their home, but everybody's got a car radio. What you're left with is the old reliable standby of radio. It's always on and it's always on when you need it.''

It was on at 7:30 a.m. Monday, when the winds ripped into town, snapping utility poles, blowing trees into houses and collapsing power lines in the streets. Soon, the switchboard at WJJR's studios in a downtown office building began lighting up.

The calls came from New York, Vermont and New Hampshire.

Don called to say a front window in his Victorian home had ''imploded.'' Michelle from West Rutland called to say she had no power and no telephone service. Millie's power was out, and her back yard was full of fallen trees.

''It's horrible. It hit my ex-husband's car,'' she said.

''A lot of women would be happy if it hit their ex-husband's car,'' Jaye replied.

Some people called to pass on information about impassable streets. One was looking for a pet hotel. Another warned about the hazards of operating a generator indoors.

Jaye, 52, a veteran radio personality with a soothing voice and the patience of a traffic cop, was in his element.

''I had a lady call about a generator, which she needed for her husband's oxygen tank,'' he said Tuesday, taking a break from the microphone. ''A friend of hers called the next morning to tell us that within 40 minutes of that call, a man from Springfield was on his way to her house with a generator. You hear stuff like that and go 'How cool is that?' ''

''That's as important as it gets,'' he said.

The only breaks came when there were studio guests. Mayor Christopher Louras, Fire Chief Robert Schlachter, police Officer Tim Tuttle and utility company spokesman Steve Costello all made appearances, eager to get word out about the condition of the city and the severity of the outages.

''We have 1,000 trees down,'' said Schlachter, asking callers not to bother reporting downed trees that posed no hazard. ''If it's against a car, or you see arcing and sparking or someone in a car, let us know.''

All that day and into Tuesday, as utility crews raced to address downed power lines and crippled substations, lines remained open.

Sometimes, the information they got was erroneous, and later corrected. Rutland Regional Medical Center was said to be open only for emergencies; soon after, Jaye corrected himself, saying anyone with an appointment there should go to it,

And there were callers like the one from Forest Dale, who lost power and reported winds howling ''like a train'' outside his home but appreciated having someone on the air.

''Boy, this is a real case for having radio stations that are staffed by actual live people. Thanks to you guys for getting into work and getting on the air,'' he told Jaye.

On Tuesday afternoon, WJJR started easing back into its normal format, as power began returning to many of the 50,000 homes and businesses in Rutland and elsewhere that had lost it.

Brian Collamore, 56, of sister station WSYB, also worked the impromptu storm-athon with Jaye and studio sidekick Nanci Gordon. He called situations like it the reason he got into radio in the first place.

''Satellite radio can't do this. TV can't do this. The Internet can't do this. When push comes to shove, and you're in a situation like this, this is the only medium that can do this,'' he said.

[From the Honolulu Star-Bulletin, Oct. 16, 2006]

2 STATIONS TAKE REAL-TIME LEAD—KSSK RADIO AND KITV BECOME THE PRIMARY SOURCES FOR THE LATEST NEWS AFTER THE QUAKES

(By Gary C.W. Chun)

Soon after the earthquakes hit yesterday morning, ''the coconut wireless'' kicked into high gear at KSSK radio, getting out the news as quickly as possible to anxious local listeners.

At another building, KITV was using the Internet to stream its newscast on its Web site to a worldwide audience.

The key for such rapid response: backup generators.

Also, KSSK is the state's designated emergency action system radio station, connected to the state Civil Defense, and is expected to stay on the air.

Popular morning personalities Michael W. Perry and Larry Price took over the microphones around 9 a.m., relieving on-air personality Kathy Nakagawa and director of programming Paul Wilson, who broke into recorded public-service programming an hour earlier.

''When it's something of this magnitude, it's Perry-and-Price time,'' Nakagawa said.

With the help of their listener ''posse,'' the familiar duo were the voices for the constantly flowing information, staying on the air for most of the day. Nakagawa and Wilson hung around to help. ''It feels great to be here,'' Nakagawa said. ''Those two are such a reassuring presence, just passing on the info to the public as we get it.''

''Everyone's working well in crisis mode,'' Wilson said.

''And everyone on staff that was needed came in on their own,'' Nakagawa said.

''I'm planning to stay put till the power is restored,'' said Hawaii National Guard public relations officer Maj. Chuck Anthony, who was at the KSSK studios. ''Coincidentally, the Guard is on drill weekend, with about 5,000 at the ready at duty stations and armories. We're just waiting to get damage assessment teams assembled.''

Simulcasting on most of the other Clear Channel-owned stations, chief engineer Dale Machado, looking at all the activity around him, said ''when something like this happens, it's back to basics. You dig out your transistor radio and turn it on for the news.''

Regular morning newscaster Julia Norton-Dennis and assistant Gina Garcia were busily screening phone calls in the adjoining room to the on-air studio, occasionally typing up messages to send to Perry and Price for their immediate attention. Announcements about the cancellation and postponement of scheduled events and airline flights, the occasional emergency tip and the inevitable ''will there be school tomorrow?'' were all taken care of on air.

Gov. Linda Lingle called the station around 1 p.m. for her latest assessment of the disaster that struck especially close to her, having stayed at the Mauna Lani Bay Hotel in Kohala the previous night.

JUST AS KSSK was able to stream its audio on its Web site, KITV was doing the same thing, albeit with the additional help of its news staff and technicians.

KHON and KGMB were unable to stream their newscasts, although they did broadcast newscasts and updates when power was available.

KHNL/KFVE Internet coordinator Mike Strong said that with the help of a fellow Raycom station in Tyler, Texas, they were able to update information on its Web site and had set up a Yahoo! address to have people send digital photos of quake damage and information.

Photos were also sent to KITV, which inserted some of them into the streaming newscast.

KITV General Manager Mike Rosenberg said that anchor Pamela Young started it off around 8:15 a.m. from the update desk, with Paula Akana and Shawn Ching joining later.

''Coincidentally, we were in the process of doing emergency continuity planning, in light of what happened to our sister Hearst-Argyle-owned station in New Orleans after Hurricane Katrina,'' said Rosenberg. ''We realized that even though we're not on the air, we could start streaming our newscast on the Internet.''

CNN's pipeline premium subscriber service even picked up the KITV Webcast for further distribution on the Net.

Managing Editor Brent Suyama said that the station's site would easily approach 1 million hits yesterday. ''I've already received dozens of e-mails from people everywhere thanking us for doing this. I even received one as far as South Africa from a man who wanted to check on his mom.''

[From the Dotham Eagle, Mar. 14, 2007]

TV WEATHER REPORT SAVES LIFE

(By Lance Griffin)

ENTERPRISE.—The sound of a backhoe moving debris next door rumbled as Gwen Black stood outside what is left of her Henderson Street home.

A blue Enterprise High School stadium cushion rests in a tree in her yard. It is one of the few trees left standing in this neighborhood. An American flag flies from one of its branches.

She still has moments when the tears come. This is one of them. It is almost two weeks after the March 1 tornado, but everything around her is a reminder of that terrible afternoon.

''I'll be glad when they knock this house down so I don't have to see it anymore,'' she said.

But Black is alive. She doesn't know how long she spent in the hall of her modest brick house. Sometimes, it feels like seconds, sometimes, hours. What she does know is a television weather alert saved her life along with the lives of most of her family.

Black, her three grandchildren, younger sister and her son were home watching television that afternoon when Dothan television station WDHN interrupted programming for a special weather bulletin. A tornado had been spotted on the ground in Enterprise. Meteorologist Greg Dee warned residents.

''I just remember him saying 'Enterprise, take cover now,' '' Black recalled.

Black and the others were in the living room at the front of the house. She ordered everyone to the home's interior hallway. She held the remote control in her hand and turned up the volume as she backed into the hall.

At the same time, the twister was ravaging Enterprise High School. Black's home sits across the street from the football stadium. She and her husband bought the house last July, the first house they ever bought together.

''That's when the power went out and the roof blew off,'' she said.

Black said she remembers reaching her arms around her grandchildren, trying to protect them from flying glass and other debris tossed into their home.

''We were screaming, yelling and crying,'' Black said.

When the storm passed, much of the home was gone. The interior hall, however, remained. Black said a fireman responded almost immediately and took them to safety. Everyone was fine, other than a few scrapes and minor cuts from the glass. When she walked outside, something was missing.

''Where is our car-'' she asked.

The wind snatched the Black's 2005 Mazda Tribute and tossed it into a back room of the house.

A few days later, a relative sent an e-mail to WDHN, letting management know Dee's report spurred the family to act.

Black and Dee met for the first time Tuesday at the Henderson Street home. Black cried and her hands trembled as she embraced Dee.

''If it hadn't been for you, we would have been dead. I know it,'' she said.

Dee walked through the destroyed home as Black showed him where the family huddled to avoid the storm.

''You talk about it on television, but when you see it first-hand, it brings it home,'' Dee said. ''Just the fact we were able to make a difference means something. When I got that e-mail on my desk and read it, I just welled up.''

Workers will tear down what is left of Black's home soon, but she plans to rebuild there.

''No tornado is going to move us away,'' she said.

By Mr. BROWNBACK (for himself, Mr. SMITH and Ms. COLLINS):

S.J. Res. 12. A joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Jerusalem Resolution''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Jerusalem has been the capital of the Jewish people for 3,000 years.

(2) Jerusalem has never been the capital for any other state other than for the Jewish people.

(3) Jerusalem is central to Judaism and is cited in the Tanach, the Hebrew Bible, 766 times.

(4) Jerusalem is not mentioned by name in the Koran.

(5) Every sovereign nation has the right to designate its own capital.

(6) Jerusalem is the seat of the Government of Israel, including the President, the parliament, and the Supreme Court.

(7) United States law states as a matter of United States policy that Jerusalem should be the undivided capital of Israel.

(8) Israel is the only country in which the United States neither maintains an embassy in the city designated as the capital by the host country nor recognizes such city as the capital.

(9) The citizens of Israel should be allowed to worship freely and according to their traditions.

(10) Israel supports religious freedom for all faiths.

(11) Relocating the United States Embassy in Israel from Tel Aviv to Jerusalem would

express the continued support of the United States for Israel and for an undivided Jerusalem.

(12) The year 2007 marks the 40th anniversary of the reunification of Jerusalem.

SEC. 3. LOCATION OF UNITED STATES EMBASSY IN ISRAEL.

Not later than 180 days before recognizing a Palestinian state, the United States shall move the United States Embassy in Israel from Tel Aviv to Jerusalem.

SEC. 4. RECOGNITION OF ISRAEL AS UNDIVIDED CAPITAL OF ISRAEL.

The United States shall not recognize a Palestinian state until the international community resolves the status of Jerusalem by recognizing the city as the undivided capital of Israel.

SEC. 5. SENSE OF CONGRESS REGARDING FREEDOM OF WORSHIP.

It is the sense of Congress that the citizens of Israel should be allowed, as a fundamental human right recognized by the United States and United Nations General Assembly resolution 181 of November 29, 1947, to worship freely and according to their traditions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—MEMORIALIZING FALLEN FIREFIGHTERS BY LOWERING THE UNITED STATES FLAG TO HALF-STAFF ON THE DAY OF THE NATIONAL FALLEN FIREFIGHTER MEMORIAL SERVICE IN EMMITSBURG, MARYLAND

Ms. COLLINS (for herself, Mr. BIDEN, Mr. MCCAIN, Ms. MIKULSKI, Mr. CARPER, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 171

Whereas 1,100,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous professions in the United States;

Whereas fire service personnel selflessly respond to over 22,500,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved, That this year, the United States flags on all Federal facilities should be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

Ms. COLLINS. Mr. President. I rise to submit Senate Resolution 171 to memorialize our country's fallen firefighters by lowering U.S. flags to half-staff each year on the day of National Fallen Firefighters Memorial Service.

As a co-chair of the Congressional Fire Services Caucus, it is my honor to sponsor the tribute to some of America's bravest and most dedicated public servants. I am pleased that Senators BIDEN, MCCAIN, MIKULSKI, CARPER, and DODD have joined me in sponsoring this resolution.

More than a million men and women work in the fire service in the United States. They respond to more than 22 million emergencies every year, including not only fires, but accidents, medical emergencies, hazardous spills, and terror attacks.

And each year, about 100 of these brave firefighters die in the line of duty, often in circumstances too terrifying and agonizing for us to imagine. The sad toll in 2006 was 105 firefighters.

Recognizing the many dangers of our firefighters' profession and the essential public service that they selflessly provide, Congress has taken practical steps to ensure that firefighters possess the equipment and other resources needed to safely fulfill their many missions. For example, in 2001, Congress created the Assistance to Firefighters Grant Program, otherwise known as the Fire Act Grants, which fire departments—including many in Maine—have used to buy much-needed equipment and to fund training, health, and fitness programs.

Congress has also taken symbolic steps to honor the brave firefighters who have died in the line of duty. Under the leadership of our retired colleague senator Paul Sarbanes, Congress established the non-profit National Fallen Firefighters Foundation to honor America's fallen firefighters and to support their families.

The Foundation maintains the official national memorial to fallen firefighters in Emmitsburg, MD, and conducts an annual memorial weekend that draws thousands of firefighters and the families from around the country.

The memorial weekend, begun in 1982, will be held this year October 5 through 7, including a memorial service on Sunday, October 7.

The resolution I submit today would provide another demonstration of our respect and appreciation for our fallen firefighters. It would direct that flags on all Federal facilities would be lowered to half-staff each year on the day of the memorial service.

Our firefighters risk their lives every day for their fellow citizens. It is fitting that we offer this simple but richly symbolic tribute to all those firefighters who have given their lives in our defense.

SENATE RESOLUTION 172—COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. WARNER (for himself and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy.

SA 966. Mr. PRYOR (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 967. Mr. CHAMBLISS (for himself, Mr. GRAHAM, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 969. Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. KERRY, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 973. Ms. SNOWE (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 974. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, supra; which was ordered to lie on the table.

SA 975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 976. Mr. WARNER (for himself, Mr. WEBB, Mr. SMITH, Mr. KERRY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, supra.

SA 978. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 979. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

SA 980. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra.

SA 981. Mr. LAUTENBERG (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the end of title II of division C, insert the following:

SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that is eligible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term ''mathematics coach'' means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term ''secondary school'' means a school that provides secondary education, as determined under State law.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $130,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (l)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any state educational agency under this section shall be not less than $500,000.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy

of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (l); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (l)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) CONFLICT OF INTEREST.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) APPLICATION.—

(A) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) CONSORTIA.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) AWARD BASIS.—

(A) PRIORITY.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) AMOUNT OF GRANTS.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY REQUIREMENTS.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

SA 966. Mr. PRYOR (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''eligible entity'' means a grantee under the SBIR Program that provides an internship program for STEM college students;

(3) the terms ''Phase I'' and ''Phase II'' mean Phase I and Phase II grants under the SBIR Program, respectively;

(4) the term ''pilot program'' means the SBIR–STEM Workforce Development Grant Pilot Program established under subsection (b);

(5) the term ''SBIR Program'' has the meaning given that term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)); and

(6) the term ''STEM college student'' means a college student in the field of science, technology, engineering, or math.

(b) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish an SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities to STEM college students, by providing an SBIR bonus grant to eligible entities.

(c) AWARDS.—A bonus grant to an eligible entity under the pilot program shall be in an amount equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the pilot program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009;

(3) $1,000,000 for fiscal year 2010; and

(4) $1,000,000 for fiscal year 2011.

SA 967. Mr. CHAMBLISS (for himself, Mr. GRAHAM, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 8, line 2, insert ''(including a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061))'' after ''education''.

On page 17, line 22, insert ''(including a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061))''after ''academia''.

SA 968. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPEDITED NAME CHECKS FOR ALIENS WITH ADVANCED DEGREES.

Notwithstanding any other provision of law, the head of U.S. Citizenship and Immigration Services may request that the Director of the Federal Bureau of Investigation expedite a name check carried out for immigration purposes, except for naturalization purposes, for an alien with an advanced degree in science, technology, engineering, mathematics, or medicine who has previously been admitted to the United States as a nonimmigrant to perform advanced research or serve as a medical doctor.

SA 969. Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. KERRY, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 1407. ADVANCED TECHNOLOGY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated pursuant to section 1401—

(1) $65,000,000 shall be available in fiscal year 2008 for new grants or contracts through the Advanced Technology Program authorized under section 28 of the Act of March 3, 1901 (15 U.S.C. 278n);

(2) $80,000,000 shall be available in fiscal year 2009 for new grants or contracts described in paragraph (1);

(3) $100,000,000 shall be available in fiscal year 2010 for new grants or contracts described in paragraph (1); and

(4) $100,000,000 shall be available in fiscal year 2011 for new grants or contracts described in paragraph (1).

(b) ANNUAL REPORT.—Section 28 of the Act of March 3, 1901 (15 U.S.C. 278n) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

''(j) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary, in consultation with the Director, shall submit a report to Congress that describes—

''(1) the activities undertaken through the Program during the previous year;

''(2) the status of all investments made in prior years and their impact on the economic competitiveness of the United States; and

''(3) any other matters that the Director determines to be appropriate.''.

SA 970. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 164, strike lines 11 through 22 and insert the following:

(C) PRIVACY AND ACCESS TO DATA.—

(i) IN GENERAL.—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P-16 education data system to the purposes and functions set forth in subparagraph (E) and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P-16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions set forth in subparagraph (E), and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions set forth in subparagraph (E); and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P-16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P–16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) USE OF UNIQUE IDENTIFIERS.—

(I) GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P-16 education data systems for any purpose other than as authorized by this Act, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use of the unique identifiers employed in statewide P-16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy by minimizing to the extent practicable the use of unique identifiers by both governmental and nongovernmental entities.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the establishment or improvement of the statewide P–16 education data system; and

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SA 971. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HIGH-PERFORMANCE COMPUTING.

(a) HIGH-PERFORMANCE COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended—

(1) in the title heading, by striking "**AND THE NATIONAL RESEARCH AND EDUCATION NETWORK**" and inserting "**RESEARCH AND DEVELOPMENT**";

(2) in section 101—

(A) in subsection (a)—

(i) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) provide for long-term basic and applied research on high-performance computing;

"(B) provide for research and development on, and demonstration of, technologies to advance the capacity and capabilities of high-performance computing and networking systems;

"(C) provide for sustained access by the research community in the United States to high-performance computing systems that are among the most advanced in the world in terms of performance in solving scientific and engineering problems, including provision for technical support for users of such systems;

"(D) provide for efforts to increase software availability, productivity, capability, security, portability, and reliability;

"(E) provide for high-performance networks, including experimental testbed networks, to enable research and development on, and demonstration of, advanced applications enabled by such networks;

"(F) provide for computational science and engineering research on mathematical modeling and algorithms for applications in all fields of science and engineering;

"(G) provide for the technical support of, and research and development on, high-performance computing systems and software required to address Grand Challenges;

"(H) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, computer and network security, applied mathematics, library and information science, and computational science; and

"(I) provide for improving the security of computing and networking systems, including Federal systems, including research required to establish security standards and practices for these systems.";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(iv) in paragraph (2), as redesignated—

(I) by striking subparagraph (B);

(II) by redesignating subparagraphs (A) and (C) as subparagraphs (D) and (F), respectively;

(III) by inserting before subparagraph (D), as redesignated, the following:

"(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities;

"(B) establish Program Component Areas that implement the goals established under subparagraph (A), and identify the Grand Challenges that the Program should address;

"(C) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program;"; and

(IV) by inserting after subparagraph (D), as redesignated, the following:

"(E) develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing systems under paragraph (1)(C); and"; and

(v) in paragraph (3), as redesignated—

(I) in the matter preceding subparagraph (A), by striking "paragraph (3)(A)" and inserting "paragraph (2)(D)";

(II) by amending subparagraph (A) to read as follows:

"(A) provide a detailed description of the Program Component Areas, including a description of any changes in the definition of or activities under the Program Component Areas from the preceding report, and the reasons for such changes, and a description of Grand Challenges supported under the Program;";

(III) in subparagraph (C), by striking "specific activities" and all that follows through "the Network" and inserting "each Program Component Area";

(IV) in subparagraph (D)—

(aa) by inserting "and for each Program Component Area" after "participating in the Program"; and

(bb) by inserting "and" at the end;

(V) by striking subparagraph (E);

(VI) by redesignating subparagraph (F) as subparagraph (E); and

(VII) in subparagraph (E), as redesignated, by inserting "and the extent to which the Program incorporates the recommendations of the advisory committee established under subsection (b)" before the period at the end;

(B) by amending subsection (b) to read as follows:

"(b) ADVISORY COMMITTEE.—(1) The President shall establish the Advisory Committee on High-Performance Computing (referred to in this subsection as the 'Advisory Committee'), which shall be composed of representatives of the research, education, and library communities, network providers, and industry, who are specially qualified to provide the Director with advice and information on high-performance computing.

"(2) The Director shall consider recommendations received from the Advisory Committee in reviewing and revising the Program. The advisory committee shall provide the Director with an independent assessment of—

"(A) progress made in implementing the Program;

"(B) the need to revise the Program;

"(C) the balance between the components of the Program, including funding levels for the Program Component Areas;

"(D) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in high-performance computing and networking technology; and

"(E) other issues identified by the Director.

"(3) The Advisory Committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program.

"(4) Not later than 1 year after the date of the enactment of the America COMPETES Act, and not less frequently than once every 2 years thereafter, the Advisory Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives that summarizes—

"(A) the results of the assessments and evaluations conducted under this subsection; and

"(B) recommendations submitted to the Director.

"(5) Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee."; and

(C) in subsection (c)(1)(A), by striking "Program or" and inserting "Program Component Areas or".

(b) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) in paragraph (2), by inserting "and multidisciplinary teams of researchers" after "high-performance computing resources";

(2) in paragraph (3)—

(A) by striking "scientific workstations, supercomputer systems (including vector supercomputers and large scale parallel systems)" and inserting "supercomputer systems"; and

(B) by striking "and applications and systems software" and inserting "applications and systems software, and the management of large data sets";

(3) in paragraph (4), by striking "packet switched";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

''(7) 'Program Component Areas' means the major subject areas under which are grouped related individual projects and activities carried out under the Program.''.

SA 972. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

Section 1401 is amended to read as follows:

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, $793,611,000, of which $205,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, $863,972,000, of which $210,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, $941,369,000, of which $215,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, $1,026,506,000, of which $220,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SA 973. Ms. SNOWE (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

SA 974. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

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

(10) the extent of damage resulting from the Gulf Coast hurricanes of 2005 to technology-based clusters in the declared disaster areas relating to those hurricanes, and recommendations for Federal and State policies to retain and expand those clusters;

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

(12) the extent to which individuals are being

SA 975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 78, strike line 21 and insert the following:

''(D) $27,500,000 for fiscal year 2011.

"CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT

"SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.

''(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

''(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

''(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

''(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

''(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

''(C) to increase the use of effective instructional practices; and

''(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

''(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the 'Secretary') shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

''(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

''(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

''(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

''(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

''(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

''(f) FEDERAL AND NON-FEDERAL SHARES.—

''(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

''(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

''(2) provide equal consideration to States without National Laboratories.

''(h) USES OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

''(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

''(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

''(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

''(ii) classroom management;

''(iii) professional development;

''(iv) parental involvement; and

''(v) school management; and

''(C) provide high-quality and continuous teacher and staff professional development.

''(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

''(A) the science of energy;

''(B) the sources of energy;

''(C) the uses of energy in society; and

''(D) the environmental consequences and benefits of all energy sources and uses.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $1,000,000 for each of fiscal years 2008 and 2009; and

''(2) $2,000,000 for each of fiscal years 2010 and 2011.''.

SA 976. Mr. WARNER (for himself, Mr. WEBB, Mr. SMITH, Mr. KERRY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 208, after line 2, add the following:

SECTION 4015. OFFICE OF MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the ''Minority Serving Institution Digital and Wireless Technology Opportunity Act''.

(b) ESTABLISHMENT OF OFFICE.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating section 16 (42 U.S.C. 1875) as section 17; and

(2) by inserting after section 15 the following:

"SEC. 16. OFFICE OF MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Foundation the Office of Minority Serving Institution Digital and Wireless Technology to carry out the provisions of this section.

''(2) PURPOSES.—The Office shall—

''(A) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by awarding grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

''(B) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

''(b) ACTIVITIES SUPPORTED.—An eligible institution may use a grant, contract, or cooperative agreement awarded under this section to—

''(1) acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, and infrastructure;

''(2) develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

''(3) provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or in other instructional settings;

''(4) implement joint projects and consortia to provide education regarding technology in the classroom with a State, State education agency, local education agency, community-based organization, national non-profit organization, or business, including a minority business;

''(5) provide professional development in science, mathematics, engineering, or technology to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications;

''(7) foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research; and

''(8) develop proposals to be submitted under this section to develop strategic plans for information technology investments.

''(c) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—

''(A) APPLICATION.—An eligible institution seeking a grant, contract, or cooperative agreement under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

''(B) PROCEDURE.—The Director, in consultation with the advisory council established under paragraph (2), shall—

''(i) promulgate a regulation that establishes a procedure by which to accept and review applications submitted under subparagraph (A); and

''(ii) publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(2) ADVISORY COUNCIL.—

''(A) ESTABLISHMENT.—The Director shall establish an advisory council to—

''(i) advise the Director on the best approaches for involving eligible institutions in the activities described in subsection (b); and

''(ii) review and evaluate proposals submitted to the program.

''(B) MEMBERSHIP.—In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues.

''(C) PROGRAM REVIEW.—Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

''(i) demonstrated need for assistance under this section; and

''(ii) diversity among the types of institutions receiving assistance under this section.

''(3) DATA COLLECTION.—An eligible institution that receives a grant, contract, or cooperative agreement under subsection (a)(2)(A) shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

''(4) INFORMATION DISSEMINATION.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under subsection (a)(2)(A) to—

''(A) foster collaboration and capacity-building activities among eligible institutions; and

''(B) disseminate information and ideas generated by such meetings.

''(d) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this section unless such institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to the lesser of—

''(A) 25 percent of the amount of the grant, contract, or cooperative agreement; or

''(B) $500,000.

''(2) WAIVER.—The Director shall waive the matching requirement under paragraph (1) for any institution or consortium that does not have an endowment that is valued at least $50,000,000.

''(e) LIMITATIONS.—

''(1) IN GENERAL.—An eligible institution that receives a grant, contract, or cooperative agreement under this section in an amount greater than $2,500,000 may not receive another grant, contract, or cooperative agreement under this section until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this section has been awarded such grant, contract, or cooperative agreement.

''(2) AWARDS ADMINISTERED BY ELIGIBLE INSTITUTION.—Each grant, contract, or cooperative agreement awarded under this section shall be made to, and administered by, an eligible institution, even when awarded for the implementation of a consortium or joint project.

''(f) ANNUAL REPORTS AND EVALUATION.—

''(1) RECIPIENT REPORT.—Each institution that receives a grant, contract, or cooperative agreement under this section shall submit an annual report to the Director on the use of the funds received through the grant, contract, or cooperative agreement.

''(2) DIRECTOR EVALUATION.—The Director, in consultation with the Secretary of Education, shall—

''(A) review the reports submitted under paragraph (1); and

''(B) on the basis of such reports, evaluate the activities authorized under subsection (b) every 2 years.

''(3) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (2)(B) shall—

''(A) describe the activities undertaken by the institutions described in paragraph (1); and

''(B) assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of such institutions.

''(4) REPORT TO CONGRESS.—The Director shall submit a report to Congress that includes—

''(A) the results of the evaluation;

''(B) such recommendations as may be appropriate, including recommendations concerning the continuing need for Federal funding to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

''(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

''(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

''(F) an institution that the Director, in consultation with the Secretary of Education, determines has enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

''(2) OFFICE.—The term 'Office' means the Office of Minority Serving Institution Digital and Wireless Technology established in subsection (a).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated pursuant to an authorization under this Act, $100,000,000 shall be made available to the Director of the National Science Foundation for each of the fiscal years 2008 through 2011 to carry out section 16 of the National Science Foundation Act of 1950, as added by this section.

SA 977. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

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SA 978. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 116, strike lines 1 through 3 and insert ''**Advanced Placement, International Baccalaureate, and Concurrent Enrollment Programs**''.

On page 116, line 8, insert ''and Concurrent Enrollment programs'' after ''programs''.

Beginning on line 10 on page 116 through line 25 on page 127, strike ''Advanced Placement or International Baccalaureate courses'' each place the term appears and insert ''Advanced Placement or International Baccalaureate courses or Concurrent Enrollment courses''.

Beginning on line 1 on page 117 through line 6 on page 127, strike ''pre-Advanced Placement or pre-International Baccalaureate courses'' each place the term appears and insert ''pre-Advanced Placement or pre-International Baccalaureate courses or pre-Concurrent Enrollment courses''.

On page 118, lines 5 and 6, strike ''or International Baccalaureate services'' and insert '', International Baccalaureate, or Concurrent Enrollment services''.

On page 119, between lines 10 and 11, insert the following:

(7) CONCURRENT ENROLLMENT COURSE.—The term ''Concurrent Enrollment course'' means a course of college instruction provided to secondary school students—

(A) that is administered by an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) for which students who successfully complete the course receive college credit, as verified by an official transcript from the institution of higher education.

On page 119, lines 11 and 12, strike ''**AND INTERNATIONAL BACCALAUREATE PROGRAMS**'' and insert ''**INTERNATIONAL BACCALAUREATE, AND CONCURRENT ENROLLMENT PROGRAMS**''.

On page 120, line 14, strike ''or International Baccalaureate'' and insert '', International Baccalaureate, or Concurrent Enrollment''.

On page 124, lines 24 and 25, strike ''or International Baccalaureate'' and insert '', International Baccalaureate, or Concurrent Enrollment''.

On page 127, lines 9 and 10, strike ''or International Baccalaureate'' and insert '', International Baccalaureate, or Concurrent Enrollment''.

SA 979. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. 4015. DEFINITION OF HIGH-NEED LOCAL EDUCATIONAL AGENCY.

Paragraph (8) of section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended to read as follows:

''(8) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6,7, or 8, as determined by the Secretary; or

''(iii) that serves not fewer than 10,000 children from low-income families; and

''(B)(i) for which there is a high percentage of teachers not teaching in academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.''.

SA 980. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

At the appropriate place in the bill, add the following:

''SEC. _____. SENSE OF THE SENATE.

''It is the Sense of the Senate that—

''U.S. Government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

''The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

''The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.''.

SA 981. Mr. LAUTENBERG (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 49, line 3, strike ''agency.'' and insert ''agency and may enter into grants, contracts, cooperative agreements, resource sharing agreements, or interagency financing with Federal, State, and regional agencies, tribes, commercial organizations, educational institutions, non-profit organizations, or other persons.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on April 25, 2007 at 9:30 a.m. in SD–106. The title of this committee hearing is, ''Challenges and Opportunities Facing American Agriculture Producers Today, Part III.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, April 25, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following legislation following bills: S. 294, S. 428, S. 924, S. 311, S. 675, S. 1142, the Identity Theft Prevention Act, and the promotion of Mr. Gribbin, in the United States Coast Guard.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, April 25, at 10 a.m. in Dirksen Room 226.

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 376, Law Enforcement Officers Safety Act of 2007; Leahy, Specter, Grassley, Kyl, Sessions, Cornyn, S. 119, War Profiteering Prevention Act of 2007; Leahy, Feinstein, Feingold, Schumer, Durbin, Cardin, S. 1079, Star-Spangled Banner and War of 1812 Bicentennial Commission Act; Cardin, Warner, Kennedy, S. 735, Terrorist Hoax Improvements Act of 2007; Kennedy, Kyl, Coleman, Schumer, Leahy, Grassley, Cornyn, H.R. 740, Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007; Scott, Conyers, Forbes, Boucher, Jackson-Lee, Gutierrez, Sherman, S. 221, Fair Contracts for Growers Act of 2007; Grassley, Feingold, Kohl, Leahy, Durbin, S. 495, Personal Data Privacy and Security Act of 2007; Leahy, Specter, Feingold, Schumer, S. 239, Notification of Risk to Personal Data Act of 2007; Feinstein, S. 879, No Oil Producing and Exporting Cartels Act of 2007; (Kohl, Specter, Leahy, Grassley, Feingold, Schumer, Coburn, Durbin.

III. Nominations: Robert Gideon Howard, Jr. to be United States Marshal for the Eastern District of Arkansas; Frederick J. Kapala to be United States District Judge for the Northern District of Illinois; Benjamin Hale Settle to be United States District Judge for the Western District of Washington; John Roberts Hackman to be United States Marshal for the Eastern District of Virginia.

IV. Resolutions: S. Res. 125, designating May 18, 2007 as ''Endangered Species Day''; Feinstein, Collins, Feingold, Biden, S. Res. 116, designating May 2007 as ''National Autoimmune Disease Awareness Month''; Biden, S. Res. 146, designating June 20, 2007, as ''American Eagle Day''; Alexander, Byrd, Kennedy, Feinstein, S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; Leahy, Specter, Biden, Grassley, Cornyn, Durbin.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, 2007 to hold a hearing on mental health issues. The hearing will take place in room 418 of the Russell Senate Office Building beginning at 2 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 10 a.m., in open session to receive testimony on whether the army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization request for fiscal year 2008 and the Future Years Defense Program.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The agenda to be considered: Oversight Hearing on the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Wednesday, April 25, 2007, at 2 p.m., to receive testimony on efforts to improve the Department of Defense's language and cultural awareness capabilities.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open session during the session of the Senate on Wednesday, April 25, 2007, at 3:30 p.m., to receive testimony on Department of Energy atomic energy defense programs in review of the defense authorization request for fiscal year 2008.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to hold a hearing during the session of the Senate on Wednesday, April 25, 2007 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, OR; S. 1116 and H.R. 902, to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; and S. 1112 and H.R. 235, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Elizabeth Goitein, a detailee from the Department of Justice in Senator FEINGOLD's Judiciary Committee office, be granted floor privileges for the remainder of this session of Congress.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 1591

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report of the supplemental appropriations bill, H.R. 1591, on Thursday, April 26, at 10 a.m., regardless of whether the Senate has yet received the papers from the House; that the time immediately following the prayer and the pledge until 12:45 p.m. be equally divided between the two leaders or their designees; and that the Senate vote, without any intervening action, provided that the message has been received in the Senate on passage of the conference report at 12:45 p.m. on Thursday.

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

COMMEMORATING THE 400TH ANNIVERSARY OF THE SETTLEMENT OF JAMESTOWN

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 172, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 172) commemorating the 400th anniversary of the settlement of Jamestown.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, in a few short weeks, America will commemorate the 400th anniversary of the founding of Jamestown, the first permanent English settlement in the New World. It is an event that I, along with many of my fellow Virginians and Americans, have looked upon with great anticipation.

Jamestown's anniversaries have always been major national patriotic events, and this year will be no different. Visitors and dignitaries from all over the world will converge on the site, where, in 1607, CAP John Smith and his motley crew of Englishmen first stepped ashore to begin life in the New World. Commemorating the Jamestown anniversary allows Americans to not only remember the bravery of Captain Smith's crew and the founding of America but also to celebrate the democratic ideals and institutions that trace their roots to that remarkable beginning. The rule of law, the entrepreneurial spirit, representative government, and cultural diversity all originated at Jamestown and all continue to have profound effects on America today.

To recognize the impact of Jamestown and to signal Congress's support for the 400th anniversary of its founding, I introduce today this resolution. It marks the importance of Jamestown to our Nation's history and recognizes its 400th anniversary as a seminal event for the American people. Furthermore, the resolution recognizes the critical role Native Americans played in the colony's survival, notes the democratic ideals first instilled at Jamestown, and reflects on the unique confluence of cultures that made Jamestown strong and successful. With this resolution, Congress has a chance to officially record for history its support for the commemoration of the 400th anniversary of the founding of Jamestown.

Mr. President, I urge my colleagues to join me in support of this resolution.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved, That the Senate commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

ORDERS FOR THURSDAY, APRIL 26, 2007

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m., Thursday, April 26; that on Thursday following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day, with a period of morning business until 10 a.m. with Senators permitted to speak therein; with the Senate proceeding to the conference report to accompany H.R. 1591, as provided for under a previous order.

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

ADJOURNMENT UNTIL 9:15 TOMORROW

Mr. BINGAMAN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Thursday, April 26, 2007, at 9:15 a.m.