The Senate met at 9:15 a.m. and was called to order by the Honorable Robert P. Casey, a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. John Koski, Dearborn Assembly of God, Dearborn, MI.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Omnipotent God, thank You for our hand, which reminds us of our priorities in prayer. Our thumb reminds us to pray for those closest to us. Bless our Senators' loved ones, friends, and staff.

Our pointing finger reminds us to pray for our spiritual leaders and teachers. Show our Senators the straight way so that they will not go astray.

Our tallest finger reminds us to pray for ourselves last. Bring balance to our Senators' lives, spirit, soul, and body.

In the name of our all-powerful Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Robert P. Casey 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,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Robert P. Casey, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. Casey 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, we are going to turn shortly to the senior Senator from Michigan to say a few words regarding the prayer.

Today, all time until 12:45 p.m. is equally divided between the two leaders, with a period for morning business extending only until 10 a.m. At 10, the Senate will begin consideration of the supplemental conference report. At that time, the chairman and ranking member of the Appropriations Committee are expected to be here to make their opening statements.

The vote on adoption of the conference report is expected to occur at 12:45 p.m. today.

ORDER OF PROCEDURE

I ask unanimous consent that the vote be equally divided between the two leaders with the majority leader controlling the last half.

The Acting President pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Acting President pro tempore. The minority leader is recognized.

Mr. Levin. Mr. President, our opening prayer this morning was delivered by Rev. John Koski, an associate pastor at the Dearborn Assembly of God in Dearborn, MI. I am delighted that Chaplain Black was able to include him in our schedule of guest Chaplains.

Reverend Koski has served as a pastor on a Native American reservation in Montana, as a Christian school administrator in Colorado, and as a Bible college professor in Louisiana. He has conducted a bicycling ministry for 4 years in southeast Asia, traveling 20,000 miles on his bicycle.

I know my colleague Senator Stabenow joins me in thanking Reverend Koski for delivering our opening prayer this morning and wishing him all the best in his ministries in the future.
The present course in Iraq is failing. The Iraqis are no closer to political reconciliation today than they were when the surge began. Instead of Prime Minister Maliki’s government becoming stronger, it appears it is weaker. Disagreements in the Government have prevented debaathing and oil revenue sharing legislation from even being forwarded to the Council of Representatives for consideration.

The committee considering amendments to the Iraqi constitution appears to be as far from completing its work as it has always been. Meanwhile, the Iraqi Assembly is apparently planning to go on a 2-month recess at the end of June. Now, let me repeat that since it is so unbelievable. The Iraqi Council of Representatives is apparently planning to go on a 2-month recess at the end of June.

Incredibly enough, a man named Hassan Saniei, who is a lawmaker and advisor to Prime Minister Maliki, was quoted in the paper the other day as saying, “Time is irrelevant.” Well, time is plenty relevant to us, to our troops, and to their families. Baghdad is burning while the politicians in Iraq avoid responsibility for their own country’s future. Even the detonation of a suicide bomb within the Green Zone killing Iraqi parliamentarians has failed to change the political situation. It appears the Iraqi factions are content to seek vengeance rather than reconciliation.

Senior administration officials, including Secretary Gates, Secretary Rice, and Ambassador Khalilzad have, in fact, wisely used this debate in Congress in an attempt to pressure the Iraqis to achieve political reconciliation.

Secretary Gates said the week before last in Jordan: “The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably has had a positive impact...in terms of communicating to the Iraqis that it is not an open-ended commitment.”

Secretary Gates told a press conference just last Thursday: “I think one of the ancillary benefits of the debate on the Hill is that the Iraqis have to know that this isn’t an open-ended commitment. The President has said that our patience is not unlimited. I don’t think we’ve been very stubborn in communicating these messages to the Iraqis.” That is what Secretary Gates said: “I don’t think we’ve been very stubborn in communicating these messages to the Iraqis” that our patience is not unlimited. Well, we need to change course in Iraq. We need to stubbornly communicate our message to the Iraqis. Voting for this bill will help to send that message.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein.

Under the previous order, all time until 12:45 p.m. will be equally divided between the two leaders or their designees.

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I am glad we are ready to begin again, after we finished up on our bill yesterday.

Finally, we will be prepared to deal with the funding for our troops today. It has taken a very long time but, nevertheless, I am glad the time has arrived.

I just wanted to say that as often is the case, I have had the opportunity to visit with several students from my wife’s class at Washington Lee High School. Each year I look forward to her bringing her class here because it is important for young people to understand this is their Government as much as yours and mine. So I am delighted at the number of young people who are here from Wyoming and, in this case, from Virginia.

To learn more about this Government is so important, and these young people are, of course, tomorrow’s responsible leaders. I am just delighted to have them here. We talked about the American COMPETES Act. These students and opportunities for them is what it is all about. That is what we have been talking about and thinking about.

The American COMPETES Act has a good purpose and a good role. America must maintain its competitiveness to be able to continue to compete. We need to challenge our young people and encourage them to challenge themselves to be prepared to move into the future and be prepared to take advantage of the opportunities this country provides for all of us.

However, I do not believe the solution to keeping America in the forefront of technology simply lies in throwing money there, without any particular reason to expect results from it.

We have gotten in the position here in the Congress that when we hear of a problem—and there are problems—if we can write a bill and put some money, then we have accomplished our job. I am sorry, I do not believe that is necessary the case. I think we have to take a look at where we are on these issues. For instance, how many Federal educational programs are there now? What kind of a job have we done in trying to see how effectively those dollars have been spent and are being spent? So just having more programs and more money is not necessarily the answer.

Certainly, these students and these schools need more money, and they need to have programs, but they really need support from dedicated teachers,
from parents, from family members, and friends.

Having discussed this topic on the floor before, we have to be careful about the number of Federal programs we continue. We talk about the budget over and over as if deficit spending is a bad thing, and yet at the same time: Well, let's have another bill, let's have another $60 billion and go forward with programs of that kind.

It is important that we try to concern ourselves about adding more programs and not knowing necessarily where and how effectively that money is going to be spent. Unfortunately, most of the programs we put out there are institutionalized. They suddenly become part of the permanent process and are there forever and become permanent fixtures, irrespective of whether there are objectives to be met and whether they are meeting them. I hope, as we go forward, as we are now in the process of appropriating and funding for the year 2008 and being concerned about the deficit, about the amount of spending the Federal Government finds itself in and, frankly, the role of the Federal Government in terms of what the States should be doing, the schools should be doing, these kinds of things, we will re-evaluate what is the role of the Federal Government and how we can be most effective. We have a role, there is no question, but there is a limit to that role.

It is a little easy for us, if we see a problem, to say: Let's just pass another bill. Let's put some more money out there and then just walk away from it and say: We have done our job. That is not necessarily the case.

I believe the America COMPETES Act has good intentions. Perhaps it will do some good. But I have to say again that in retrospect, it is important that we look at what is the role of the Federal Government. What programs are we doing and how do we measure their effectiveness and how do we measure how long they will be there and how can we measure their impact. We will find out soon how that works.

A word or two about the supplemental bill that will come before us today. We have talked about this a number of times. I must say that I am not pleased with how we have gotten to where we are absolutely absolutely taken too long. There is no question, as my friend from the other side of the aisle says, that we need to talk about this issue. We have talked about it. We need to take positions. We have taken positions. That is a good thing. But the idea of simply stalling the money that is necessary to support our troops who are already there is not a good idea. Funding is not the way to deal with our feelings about it.

In particular, the process has taken too long. Billions in nonemergency spending has been added to the bill, things that may have merit, some of them, and some of them do not. Fortunately, some of them have been taken out. But the idea of adding spending that is totally irrelevant to funding the troops just doesn't seem to be appropriate. It sort of indicates the way we keep spending money around here and doing something else. I am disappointed in that.

The majority has attached an increase in the minimum wage to this bill. How does that fit the funding for the troops in Afghanistan and Iraq? During the conference, additional measures not in either the House nor Senate bill were quietly tucked in. We are using this as a transportation system for a lot of things, when the challenge before us is that we have troops there who have to be funded. There is talk about: Well, they don't need to be funded until July because they can take their money from somewhere else. Then you are taking money away from the various kinds of health care that is available for veterans and other things that are equally important.

What is most frustrating is the majority has used the parliamentary maneuver whole reprise intended as an amendment on the most egregious spending. We didn't get a chance to put that on the floor. Certainly, if there is anything that is appropriate, that would have been the way. At any rate, we seem to have lost our focus somewhat. We had a good report yesterday from the commanding general in Iraq. He indicated that while we are not experiencing success, we are beginning to see success in a new approach with new leadership, and they need our support. I am optimistic the Senate will have another opportunity to get through this, get it right, and get the funding to the troops. I will do my part to ensure that we do.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from South Dakota. Mr. THUNE. Mr. President, I join with my colleague from Wyoming in expressing concerns about the budgetary problems the Army and Marine Corps are going to face because of the Democrats' majority has committed to staging a showdown with the White House instead of fulfilling our obligation to fund the military. Over 2 months ago, the former Army Chief of Staff, General Schoomaker, testified before the Services Committee that if the Army and Marine Corps do not get the supplemental funding by mid-April, the services will experience a serious cashflow problem and have to take extraordinary measures that will slow down the whole system. On April 11, the Secretary of Defense wrote Congress and stated:

"It is a simple fact of life that if the Fiscal Year 2007 supplemental legislation is not enacted soon, we will face a serious cashflow problem and have to take extraordinary measures that will slow down the whole system."

Moreover, on April 19, the Associated Press reported that the $70 billion pro

vided to fight the war has mostly run out. I want to say that again: The $70 billion that the Army needs to fight this war has mostly run out.

In order to stretch their remaining funds through June, the Army is slowing down the purchase of nonessential repair parts. I am not sure what repair parts are for a war, but I guess we will have to leave it to our generals to inform their soldiers that their vehicles are not getting repaired because they are nonessential.

There is important funding in this supplemental. For example, Senator Biden offered an amendment to purchase more mine-resistant, ambush-protected vehicles for our soldiers in the field. I commend Senator Biden for offering this amendment. I commend his commitment to it. Senator Biden said two things with which I wholeheartedly agree. First, he said that providing funding for these vehicles is a moral imperative. Second, he said it was a matter of life and death. I agree. His amendment and the supplemental as a whole represents a moral imperative for every Senator. It is a matter of life and death for our soldiers serving in combat. Yet the Democratic leadership is not handling this issue as a matter of life and death because they are determined to send a bill to the President that he has said he will veto.

As we all know, the President's objection to this bill is the troop withdrawal language that ties our commanders' hands and telegraphs to our enemies the time and place of our surrender. Congress should not and Congress must not get into the habit of interjecting itself into the military chain of command. To do so invites disaster and moves the country from the premise of conducting our military operations with one Commander-in-Chief and not running it by committee.

I direct some of my comments to some of our colleagues on the other side, primarily the leadership. I have been very concerned and shocked recently to read statements of members of the majority of the Senate that their strategy is to send the President bills he will veto because it is politically advantageous. Some of our colleagues on the other side were quoted as saying recently:

"We are going to pick up Senate seats because of this war."

Quoting again:

"We will break them, because they [the Republicans] are looking extinction in the eye.

I would say to my Democratic colleagues, we are not the enemy. If you want to break something, let's break the enemy. Let's break al-Qaida. I am concerned about where this debate is headed.

I have to tell my colleagues, as I have listened to our colleagues talk this way of al-Qaeda, we have had Democratic leadership saying that the war was lost. If that is true, then who won? Terrorism? Al-Qaida?
Religious extremists who murder the innocent? Or all of the above? If this is a true and accurate representation of the majority’s position, it is not surprising that Congress has not sent an emergency supplemental to the President.

I serve on the Armed Services Committee. I have traveled several times to Iraq. I have visited, numerous times, Walter Reed Hospital and the military hospital in Germany. I have to say that I have not talked to one GI who says the war is lost. I have not talked to one officer who has said the war is lost. The only place I hear the statement that the war is lost is right here from the Halls of our Nation’s Capitol or from news reports from Al-Jazeera or Iranian television quoting the majority leader of the Senate.

Our American soldiers believe they can win. Our American soldiers always believe they can win. That is why they are American soldiers. They are the best. I have been very disturbing to our American soldiers to constantly hear politicians in Washington, DC, telling them they can’t win. The Democratic leadership in Washington is playing a game of roulette with the administration where the only losers will be the American soldier.

We need to focus on providing our troops the equipment and resources they need to win this war. It is a global war. We have to quit acting as if short-term political gains alone can win this war for us. They will not. We need a unified and serious effort on the part of both parties in the Congress to win this war and to keep our Nation secure. History is going to judge us based on how we respond to the crisis of our generation.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Florida, Mr. NELSON of Florida. Mr. President, instead of this body appointing an accusatory finger across the partisan aisle, what this body ought to be doing is invoking the old principle that in the old days, at the water’s edge, partisanship stops. We have seen on both sides of the aisle too much of that partisanship, particularly in matters of war and peace. There is a genuine disagreement not only over the conduct of the war but fact that we are going to win this war to begin with. We can’t do anything about that now. We were given false information, massaged information, misinformation that caused us to enter this war and, after a quick and very decisive and very impressive victory, then set about the process of an occupation that was fraught with error and misinformation. But that was then, and now is now. What is in the interest of the United States? Clearly it is to stabilize Iraq, if that is possible.

A distinguished group of Americans, five Republicans and five Democrats in the Iraq study commission, unanimously came together last winter and said what they thought would be the plan, the best way we could stabilize Iraq, led by an eminent and distinguished Republican, former Secretary of State and a former Chief of Staff in the White House, Jim Baker, and distinguished and equally as respected former Congressman and former chairman of the Foreign Relations Committee in the House, Lee Hamilton.

Now, this is not a question about losing or winning a war; this is a question about, What is the best chance we have for stabilizing Iraq? Because clearly a stabilized Iraq in that part of the world is going to certainly help the neighbors in the region, and it is certainly going to help the Americans.

So what did the Iraq study commission say? Well, they said it very clearly. I am reading from the Executive Summary:

The primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army, which would take over primary responsibility for combat operations. By the first quarter of 2008—

By the way, that is a year from now, that is April, that is the end of March—

By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, it would not be necessary for force protection could be out of Iraq.

It is true, they did not say ‘should be out of Iraq.’ They said ‘could be out of Iraq.’ But they are giving a blueprint. I continue with the quote:

At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue.

I conclude this particular paragraph: Intelligence and support efforts would continue. A vital mission of those rapid reaction and special operations forces would be to undertake strikes against al-Qaida in Iraq.

That is the Iraq Study Group report. It said: Go after al-Qaida. It said: Continue to train the Iraqi forces. It specifically talked about, in that training, embedding with Iraqi forces. It said ‘force protection;’ meaning force protection for our forces and for U.S. personnel. And it said ‘search and rescue’ missions. That is exactly what we have in front of us today to vote on.

Now, there is additional language put in here about the President would have to certify and waive on this and that progress by the Iraqi Government. Clearly, you want to give some indicators to the Iraqi Government of what we expect. Again, what we are voting today is a goal of having redeployed—basically, with the waiver by the President—by October 1, This is April—May, June, July, August, September—6 months from now is the goal of starting the redeployment. It does not say ‘withdrawal;’ it says ‘redeployment’ because ‘redeployment’ is a term that is then defined by all of those things we just talked about. That is in this legislation we are going to vote on today.

Now, there are those in this body I could respect, I would respect, I would respect, I do not want any kind of conditions put on the President in order to conduct the war. I respect that. That is a difference of opinion that we have. But common sense would tell you that you cannot conduct a war if you do not have the support of the American people. The American people clearly want change. So it is time for us to start the process of the change.

Now, this Senator, along with most every Senator in this Senate, was in the meeting yesterday with General Petraeus. There was clearly a message that General Petraeus had hope, but seasoned with a great deal of reality, realizing the additional complexity. There were no easy answers yesterday in us meeting with the top general over there in Iraq, a general whom we all admire and respect. Yes, there is still hope. But there is also the need for change. This document starts the process of the change.

Now, it is my hope that after we go through this exercise, it will pass today—narrowly, just like it passed a month ago narrowly—the legislation will go down to the President—and he has already said he is going to veto it and then is the time for cooler heads, as the Good Book says, to come let us reason together. That is my hope.

So I will be voting for this supplemental funding request that funds the troops, that funds other necessary emergencies.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Nevada.

IRAQ

Mr. ENSIGN. Mr. President, I rise to speak on the subject of the emergency war supplemental and the adverse impact this political theater is having on our efforts in Iraq.

For me, this political gamesmanship calls to mind a book written some 50 years ago about some very brave men in our Nation’s history—not brave in the sense of today’s marines and soldiers, who are doing the grunt work in Afghanistan and Iraq to ensure that the free world can sleep in peace at night. No, the men in this book were brave for a very different reason. The book I am referring to is the 1956 classic, “Profiles in Courage,” written by a young U.S. Senator from Massachusetts, John F. Kennedy, who later became our 35th President. The book is an account of men of principle, integrity, and bravery in American politics. Mr. Kennedy summed up his eight exceptional U.S. Senators from throughout the Senate’s history whom he considered to be models of virtue.
and courage under pressure. These men defined the public opinion of the day in order to do what was right for the country even though they suffered severe criticism and losses in popularity because of these actions.

The Senate profiled included: Thomas Benton from Missouri, for staying in the Democratic Party despite his opposition to extending slavery into the territories; Sam Houston from Texas, for opposing Texas' secession from the Union—for refusing to support his own action, Houston was later deposed as Governor—and Edmund Ross from Kansas, for voting for acquittal in the Andrew Johnson impeachment trial. As a result of Ross' vote, Johnson's presidency was saved and the stature of the office was preserved.

In this definitive book on political courage, each of the eight Senators profiled is today considered a "hero" for having done the right thing, not the popular thing. They are heroes today for having filtered out the political noise of the chattering classes of their day.

They are heroes for having done what was in the best interest of the United States and not in their own political best interest.

They are heroes for doing what was necessary instead of simply doing what was easy.

Today, each of us faces our own "Proctos in Courage" moment. A clash of visions regarding America's future has brought us to this point.

One vision has America defeating al-Qaida and the forces of Islamic fascism.

The other vision has America surrendering in Iraq and allowing jihadist forces to determine Iraq's future, making America and the rest of the world less safe.

These competing visions must be reconciled by each individual Senator. But let's understand exactly what the majority party is attempting to accomplish by hijacking this legislation. I could speak at length about the amply amounts of unrelated pork that have somehow found their way into this emergency supplemental. Those embarrassments continue to be addressed by my colleagues.

What I would like to do is spend a few minutes specifically discussing the misguided efforts of the other side to revise, or more accurately restrict, this Nation's policy in Iraq.

Democrats are once again attempting to constrain this Nation's Commander in Chief in the execution of his constitutional duties; this time by inserting language in the emergency supplemental that would limit the use of force in Iraq to certain congressionally preapproved ends.

It would also provide a date certain for the surrender of U.S. forces in Iraq. This language within the emergency supplemental unconstitutionally micromanages the conduct of the war from the floor of the U.S. Senate. It does so by providing that Congress, and not the Commander in Chief, would determine just how our military is to be used. It inserts 535 "commanders in chief" into the decisionmaking process when it comes to the execution of military operations in Iraq.

This is not what our Founding Fathers intended.

This legislation, as it is currently written, directs the President to begin the surrender of our forces no later than October 1 of this year, and calls for all U.S. combat forces to be back in the United States 180 days after that. As a matter of policy, even the bipartisan Baker-Hamilton Commission specifically considered and rejected setting a timetable for our withdrawal from Iraq.

But this current debate we are engaged in regarding the emergency supplemental affects more than politicians supplemental would be far beyond Congress and the political posturing taking place on Sunday talk shows. It is more than a mere power struggle between the Commander in Chief and a new majority in Congress asserting itself.

No, this debate actually affects the health and well being of our men and women in uniform; men and women that this Congress authorized the President to send to Iraq.

This is unconscionable. Recently, the Readiness and Management Support Subcommittee of the Senate Armed Services Committee held a hearing on overseas basing issues. Witnesses represented the Department of Defense and the Departments of the Army, Navy, and Air Force.

As the ranking member, I asked these witnesses about the impact that delaying enactment of the emergency supplemental will have on Department of Defense operations, particularly those associated with Iraq and Afghanistan.

I learned from them that the Army has already started to feel the financial squeeze of not passing the emergency supplemental and has begun to limit certain functions.

They have had to curtail the training of Army Guard and Reserve units within the United States, thus reducing their readiness levels.

They have had to reprioritize predeployment training and eliminate anything that is not Iraq specific. No longer will units deploy to Iraq capable of handling the full spectrum of possible military scenarios.

The Army has begun reducing quality of life initiatives, including the routine upgrade of barracks and other facilities.

They have stopped the repair and maintenance of hundreds of tanks, Bradleys, and other vehicles necessary for deployment training.

The impact only gets worse with time.

If the emergency supplemental funding is not received by May 15—less than a month from now—the Army will undertake further actions.

These include: reducing the pace of equipment overhaul work at Army depots, which will worsen the equipment availability problems facing stateside units; curtailing training for brigade combat teams scheduled for deployment to Iraq. This will also slow the arrival of more brigades which are needed to expand the Army's rotational pool and reduce stress on existing units.

This smaller rotational pool will result in the further extension of those currently deployed until their replacements are judged to be ready for deployment.

The Army would be forced to implement a civilian hiring freeze.

They would have to prohibit the execution of new contracts and service orders.

They would have to hold or cancel repair parts orders in the nondeployed Army, directly impacting the units' ability to deploy with mission capable equipment and fully trained soldiers.

Will we be admired for having chosen to do what was in the best interest of the Nation, in the best interest of the world, regardless of the political costs? Or will this body be viewed with disdain for having cast our vote to set certain a date for our surrender to the forces of al-Qaida? Will we be viewed as inhumane for condemning some 25 million Iraqis to a living hell on earth?

It is my opinion that this misguided embargo by my Democratic colleagues is a surrender strategy for Iraq. A surrender strategy that will take us at least a year to complete, but a surrender strategy nonetheless.

I join today with the President in refusing to surrender to the likes of al-Qaida.

Calling this surrender a "withdrawal," or a "redeployment," is like putting lipstick on a pig. No matter what you call it, it is still a pig. And no matter what you call this surrender, it is still a "surrender".

Now, there might have been a time in our history when we could have hidden behind our own borders and not had to worry about what was happening in the Middle East or any place else across the ocean. Those days haven't existed for some time.

Remember the consequences of our abandonment of Afghanistan in the 1980s. We supported the Mujahedin against the Soviets until the Soviets surrendered, or "withdrew" as my Democratic friends would call it, in...
The legislative clerk read as follows:

The Committee of Conference on the disagreement of votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591), “making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes,” having met, have agreed that the House recede from its disagreement to the amendment of the Senate, so that an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report. (The conference report is printed in the proceedings of the House in the RECORD of Tuesday, April 24, 2007.)

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

TAKING DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. Mr. President, I would like to speak just for a few moments, not about the pending business, which I know is extremely important and will be debated throughout this day and perhaps over the next several days as we try to make decisions about supplemental spending for the Gulf of Mexico and the importance of the emergency that is still underway there, and to make the best way to find success in Iraq.

I wanted to take a moment to speak about another issue that is important today to many Americans. In fact, we are celebrating that day on Capitol Hill. It is Our Daughters and Sons to Work Day.

I have been honored over the many years with my cochairs, Senator KAY BAILEY HUTCHISON, who is on the floor of the Senate today, to cohost this event for the Senate. We have many colleagues and staff members who participate in bringing their children and grandchildren and friends and neighbors to the Capitol to work to see the work of the Senate and the Capitol—how it happens and the significance of it. These children come from all over our country and take this experience back to their classrooms and into their homes and neighborhoods and share with their friends and neighbors.

I thank Ms. Magazine for starting this. Over 35 million adults and children will participate today. So in skyscrapers all over America, and on farms out in our rural areas, in small businesses and restaurants and small little boutique hotels, and even in home offices, children will be working with their parents or with their grandparents understanding the value of work, understanding and exploring options for themselves as they grow, and trying to make choices about how they can contribute significantly to this economy and to being part of the world community.

So I am pleased today to be able to submit to the RECORD the names of 20 young ladies who are with me today. I am not going to take the time to read their names, but I will submit them for the RECORD. They are from New Orleans, LA, and some from Mandeville; some are from Washington, DC, friends of the family who are here; and others are from outlying areas such as Maryland and Virginia who have joined us today to be part of the Senate.

Today this morning some of these girls have participated in closing the gap with the Susan G. komen Breast Cancer Foundation that met on Capitol Hill out on the west lawn of our Capitol this morning to talk about the great effort that is being made to address breast cancer, particularly in this country, and to not only find cures but to offer preventive measures to help women and families stay healthy in our country. They have already participated in a press conference and will be joining me later today as we work through our offices in and around the Senate complex.

I wanted to welcome them to the Senate. I will submit their names to be printed in the RECORD, and I encourage anyone in the Capitol complex, if you are not participating today, to think about next year and what you could do to contribute to make this day a special day for some child in either your family or in your community who could use an extra boost or some insight into a possible career for themselves.

I thank Senator REID for making the tour of the Senate possible today for the young girls and boys who got to spend some time on the floor earlier this morning, and I thank minority leader MITCH MCCONNELL for arranging the special tours for that as well.

Mr. President, I again thank Ms. Magazine for an extraordinary effort. I know the children enjoy getting a day off from school, but it is more than that, and I have enjoyed participating these many years.

I ask unanimous consent that the list to which I referred be printed in the RECORD.

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

Morgan Daigle, 11, New Orleans, LA, St. Dominic.
Christine Evans, 10, Washington, DC, National Cathedral School.
Lena Jones, 12, Washington, DC, Our Lady of the Lake.
Gabrielle Kehoe, 11, New Orleans, LA, St. Peter’s Inter-parish School Capitol Hill.
Morgan Mufson, 13, Washington, DC, Georgetown Day School.
Sellin Odabas-Geldiay, 13, Washington, DC, Georgetown Day School.
Erin Sensenbrenner, 14, New Orleans, LA, Dominican High School.
Hannah Sensenbrenner, 12, New Orleans, LA, St. Dominic.
Eliza Matthews
Ms. LANDRIEU. Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the Iraqi supplemental. I want to discuss this briefly with my colleagues. I will vote against the conference report with a deadline in it. A conference report with a deadline in it, if it passes, and sending it to the President to sign—he is not going to sign it, but if he does sign it, if he would sign it—would be the day al-Qaeda would declare victory. The day the deadline is set would be the day they would declare victory. I think it is the wrong way for us to go, and that is why I will be voting against the supplemental.

I am very pleased to support the President in his efforts not to set a deadline. I want to take the brief time I have to talk about a way forward because I think there is a bipartisan way forward. Once we get through this, and once this is forced upon the President, once he vetoes it, and once the veto is upheld—and I think these are motions we should not be going through because they take away precious time from focusing on a way forward, on a political solution that involves both sides of the aisle—we should focus on federalism in Iraq. It is something Senator BIDEN has spoken often about on the Democratic side, and I have spoken about on this side: federalism that will require a long-term presence by the United States in Iraq.

I have spoken several times on this floor about how Iraq is more than three groups in one country: a Kurdish group, a Sunni group, and a Shia group. It has been held together for much of its history—not altogether but in much of its history—by exterior forces that have not wanted it to fly apart, who still don't want it to fly apart. I think we should recognize these realities as we did in Yugoslavia, as we are today in Sudan where the south is going to vote to secede, and recognize these political forces and put in place a federated system: one country, three states, Baghdad as a Federal city where powers devolve to the states, and recognize that it will require a long-term U.S. military presence to ensure that it will work. It is a route forward, and it is a route forward that we can agree upon as a body. It is a route forward that has allowed for the Iraqi Constitution to be drafted, and, in the distribution of revenues equally distributed throughout the country, to be able to help hold things together. It is a route forward that can get us to a political equilibrium, that can get the violence down, that can give each of the groups their area, their region, and allow us to move forward. It requires a long-term U.S. military presence such as what happened in Bosnia and the Dayton Accords, where 15 years later we are still there and we are going to be there for some time. But because we believe not, they are going to go back to the violent ways they have had, and they have done previously.

This is a realistic route that both sides of the aisle, that both parties, and the executive and legislative branches, could embrace.

I met last week with the Vice President about it. I talked with the National Security Adviser about it. Many of my colleagues on the other side of the aisle are saying: What is the plan? What is the exit plan? How do we get out? Here is a route to be able to deal with this. But they have to admit, as well, on their side that a timeline, a deadline will not work. They cannot do that. We cannot hoist it upon the President, and it will not work in that region. As soon as you set that deadline, as I said, al-Qaeda will declare victory and people in the region will start looking for security in other places. They will be going to militias and different groups, and it will further fragment the country.

If we would just set our partisanship aside for a little while and think about this, we would recognize that this is the situation we are in and this is the only viable solution forward. We don't want to bring back a dictator or allow one back into Iraq. We don't want Iraq to devolve into a full-scale civil war that would result in a terrorist state taking place in that country. We don't want to turn it over and just have the Shia run the whole place and run over the Kurds and run over the Sunni in the region. That is not realistic.

The other options are not viable and will not work. This is a route forward. I urge my colleagues that this prospect, this federalism that is enshrined in the Iraqi Constitution—the Iraqi Parliament passed a federalism law last year—the Kurdish regions in northern Iraq show that it is possible for Iraq and deepens its commitment to a Federal system. I urge my colleagues to embrace this after this is vetoed.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mrs. HUTCHISON. Mr. President, could I ask the Senator from West Virginia to yield for an unanimous consent request?

Mr. BYRD. Yes.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be recognized immediately following the remarks of Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Senator from Texas.

It has been 4 years since the President sent our troops into Iraq, 4 long years. That is longer than it took to win World War II. More than 3,300 troops have sacrificed their lives in Iraq, and nearly 25,000 have been wounded—many severely.

With passage of this conference agreement, Congress has approved more than $450 billion for the war in Iraq. Did my colleagues hear that? Four hundred and fifty billion dollars. That compares with the $296 billion which the United States spent on World War II. Yet in the 4 years since our troops succeeded in removing Saddam Hussein from power, the President has failed—and I say this with all due respect—continues to try to mislead the American public about the war in Iraq.

President Bush has tried to scare the pants off the public by suggesting that our bill could result in death and destruction in America. What utter nonsense. What hogwash. The Senate must not be a rubberstamp for this or any President. Under the Constitution, Congress has a duty to question the war policies of this or any President. We must listen to the voices of the people, and the American people have sent a very clear message: Washington: It is time to start to bring our troops home from Iraq.

The Congress has responded, crafting a new direction that will spur the Iraqi Government to pursue real political reconciliation in that country. The American people do not support an open-ended U.S. military occupation in Iraq. It is time for the truth; it is time for the White House to stop the fearmongering and face the truth.

In the book of John, chapter 8, verse 32 of the King James version of the Holy Bible are these words:

And ye shall know the truth and the truth shall make you free.

The Congress is not holding funding for the troops hostage to domestic pork barrel spending. The $6.9 billion for rebuilding the gulf coast after Hurricane Katrina is not pork barrel spending. Ask the citizens of New Orleans if $1.8 billion of the money to provide first-class health care to our wounded veterans is not pork barrel spending. Ask the troops who are waiting for care, and ask their families. I know $20 million to repair Walter Reed is not pork barrel spending.

The $650 million for the SCHIP child health program to deal with the shortfall in 14 States is not pork barrel
spending. Ask the parents with sick children. The $2.25 billion for securing the country from terrorist attack, including port and border security, transit security, funds to improve screening for explosives at airports, and/or screening cargo on passenger aircraft is not enough to build a first-class homeland security to prevent the death and destruction which President Bush warns about.

This country must not forsake critical domestic needs because of this President’s policies simply are not working. They must change. We must come together as a country to repair the damage caused by this horrendous war—this horrendous war—and chart a new direction in Iraq.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The President pro tempore has offered his time to Senator INHOFE.

Mr. INHOFE. Mr. President—our President—claims this is a partisan bill. The President claims Congress is trying to micromanage the war, substituting our judgment for the judgment of our generals. This bill knows better.

The Constitution says that “the Congress shall have power”—do you know what that means? The Congress, that is us—“the Congress shall have power to ... provide for the common Defense.” The Constitution has heard the voices of the people, and we have responded as we are elected to do.

This conference agreement provides a new directive for the war in Iraq. It is patriotic, not partisan, to help the President to see the truth—the truth.

It is our duty. It is a duty born of love for this great country, the Constitution, and the American people.

If the President decides to veto the bill, he will be holding funding for the troops hostage to his stubborn insistence on going into Iraq and the results—this disaster caused by his, the President’s, war policies.

I encourage all Members to vote for this conference report. We can send a strong message to the White House. We can help President Bush face the truth. Congress has removed Saddam Hussein from power, the President’s policies simply are not working. They must change. We must come together as a country to repair the damage caused by this horrendous war—this horrendous war—and chart a new direction in Iraq.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The President pro tempore has offered his time to Senator RUDIN.

Mr. RUDIN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The majority side, including time reserved for the leader, is 53 minutes. And on the minority side, including the time of the leader, there is 74 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the speakers be in the following order: that following Senator HUTCHISON, I recognize for 5 minutes, then Senator LIEBERMAN, then to Senator DURBIN for 5 minutes, to Senator INHOFE, and then to Senator KENNEDY for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, and I won’t object, I am wondering in our continuing the time to 5 minutes if we have that many minutes remaining. If the Senate wishes to expand the time—

Mrs. MURRAY. Mr. President, I inform the Senate that I was limiting the Senators on our side to 5 minutes. The Senate from Oklahoma has an unlimited time. I did not give time to speak on the Senator’s side.

Mrs. HUTCHISON. Parliamentary inquiry: There is an unanimous consent agreement already on our side.

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. What is the amount allocated for Senator INHOFE?

The PRESIDING OFFICER. Under the previous order, Senator INHOFE is provided 5 minutes.

Is there objection to the request? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, does the time start now?

The PRESIDING OFFICER. Yes. The Senate on considering and fighting the enemy wherever it is to keep Americans secure, they will see what happens and they will question if
we are worthy of the sacrifices of the greatest generation. I wondered when that book came out: If America were ever attacked, would we stand and fight for freedom? I hope the answer is yes. I hope the Congress will wake up and see that setting deadlines to withdraw our troops is not an option. If America were ever attacked, would we ignore the enemy that we are weak is not worthy of the sacrifices of the past.

I hope Congress will do the right thing, strip this language, send the money to the troops, and show that we, too, will stand for freedom for our children.

Thank the Chair. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today in strong support of this supplemental appropriations conference report, and let me begin by thanking Senator BYRD, the chairman of our Appropriations Committee, who has worked diligently throughout the process to bring us to this point today where we are addressing the critical infrastructure of the day—the war in Iraq, as we have talked about and I spoke about on the floor yesterday, moving forward with the needs of our veterans and our injured servicemembers, homeland security, and the needs of our hard-hit communities here at home.

I realize my colleagues across the aisle would prefer that Congress obediently approve the President’s request, but we are not. Instead, we are providing a funding bill that meets the needs of the American people and those bravely serving for us overseas and all of those here at home.

Last November, on November 7, the American people called for an end to the rubberstamping Congress, and today we are here to deliver. This is not, as some have tried to say, simply a war-funding bill. Instead, it provides funding for critical needs here at home in addition to the $100 billion in funding that our troops and veterans when they come home. We all vividly saw the Walter Reed scandal just a few weeks ago. We provide the funding to make sure our soldiers, whether they are at Walter Reed or any of our facilities across the country, get the best of care, from traumatic brain injury to post-traumatic stress syndrome.

Of course, again, we do have the Iraq language, which is so critical. I hope our colleagues, as we move this bill to the President, will remind him and the country that this bill is essential for our troops, for those of us here at home, and for the future of this country. We urge him to read the bill and to sign it.

Mr. BYRD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

The Senator said it well. The Senator could not have said it better. Senator MURRAY is right.

I thank Senator MURRAY, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes allocated in his own right.

Mr. LIEBERMAN. Mr. President, the supplemental appropriations bill we are debating today contains language that would have Congress take control of the majority leader described the several steps this new strategy for Iraq would entail. The first step, he said, is to:...
repeatedly said that one of the ways they intend to achieve victory in Iraq is to provoke civil war. They are trying to kill as many people as possible, precisely in the hope of igniting sectarian violence because they know this is the only way to collapse Iraq's political center, overthrow Iraq's elected government, radicalize its population, and create a failed state in the heart of the Middle East that they can use as a base. That is why al-Qaida blew up the Golden Mosque in Samarra last February, and that is why we are seeing mass-casualty suicide bombings by al-Qaida in Baghdad today. The sectarian violence the majority leader says he wants to order American troops to stop policing, in other words, is the very same sectarian violence al-Qaida hopes will take it to victory. The suggestion that we can draw a bright legislative line between stopping terrorists in Iraq and stopping civil war in Iraq flies in the face of this reality. I don't know how to make this any clearer than that, because this is al-Qaida that is trying to inflame a full-fledged civil war in Iraq. So we cannot both fight al-Qaida and get out of the civil war. They are one.

The majority leader said on Monday that unless U.S. troops will still be able to conduct targeted counterterror operations under his plan. Even if we stop trying to protect civilians in Iraq, in other words, we can still go after the bad guys. But, again, I ask my colleagues—this translates directly to the ground reality on the ground? How would we find these terrorists, who do not gather on conventional military bases or fight in conventional formations?

By definition, targeted counterterrorism requires our forces to know where, when, and against whom to strike, and that, in turn, requires accurate, actionable, real-time intelligence. This is the kind of intelligence which can only come from ordinary Iraqis—the same Iraqis whom the terrorists hide. That, in turn, requires interacting with the Iraqi people on a close, personal, daily basis. It requires winning individual Iraqis to our side because they conclude we are there on their side, gaining their trust, and convincing them they can count on us to keep them safe from the terrorists if they share valuable information about them. This is no secret. It is at the heart of what is happening in Iraq today and is part of the Petraeus plan. In sum, on this point, you can't win it both ways. You can't withdraw combat troops from Iraq and still say you are going to fight al-Qaida there. If you believe that there is no hope of winning in Iraq or that the cost of victory there is not worth it, then you shouldn't be for complete withdrawal as soon as possible.

There is another irony in the Iraq language in this bill. For most of the past 4 years, under former Defense Secretary Rumsfeld, the United States did not try to establish basic security in Iraq. Rather than deploying enough troops necessary to protect the Iraqi people, the focus of our military has been on training and equipping Iraqi forces, protecting our own forces, and conducting targeted antiterrorist sweeps and raids—in other words, the very same missions proposed by the proponents of the legislation before us.

That Rumsfeld strategy failed, and we know why it failed. It failed because we didn't have enough troops doing the right things to ensure security, which is in turn creating a climate of fear and insecurity in which political and economic progress became impossible.

For years, many Members of Congress saw this and spoke to it. We talked of fighting for more troops and a new strategy—and, for that matter, a new Secretary of Defense. Yet now, when President Bush has come around, when he has acknowledged the mistakes that have been made, and is trying to focus on basic security in Iraq and to install a new Secretary of Defense and a new commander in Iraq, now his critics in Congress have changed their minds and decided that the old failed strategy—Rumsfeld strategy—so had after all, because that is what would be adopted in the language on Iraq in this bill. What is going on here? What has changed so that the strategy we criticized and rejected in 2006 suddenly makes sense in 2007?

The second element in the plan outlined by the majority leader on Monday is the phased redeployment of our troops no later than October 1, 2007. Let us be absolutely clear what this means. The legislation would impose a binding deadline for U.S. troops to begin withdrawing from Iraq. That withdrawal would happen regardless of conditions on the ground, regardless of the recommendations of General Petraeus and his allies to exploit and allowed sectarian violence to begin to run rampant. Al-Qaida stepped into the security vacuum, as did the sectarian militias, and through horrific violence created a climate of fear and insecurity which gives fuel to the insurgency.

The majority leader said that one of the ways to stop the Rumsfeld strategy in its tracks was so bad after all, because that is what would be adopted in the language on Iraq in this bill. But will it? According to the legislation now before us, the withdrawal will happen, regardless of what the Iraqi government does. How, then, if you are an Iraqi government official, does this give you any incentive to make the right choices? On the contrary, there is a clear implication that legislatively directed withdrawal of American troops will have exactly the opposite effect than its sponsors intend.

I ask the Chair, how much time have I used?

The PRESIDING OFFICER (Mr. BROWN). The Senator from Connecticut has consumed the 10 minutes he was allocated.

Mr. LIEBERMAN. I thank the Chair. This, in fact, is exactly what the most recent National Intelligence Estimate on Iraq predicted. A withdrawal of American troops in the months ahead would "almost certainly lead to a significant increase in the scale and scope of sectarian conflict, intensify Sunni resistance, and have adverse effects on national reconciliation."

That is the NIE, broadly supported and embraced by proponents of the Iraq language in this legislation.

Second, the majority leader said what would happen if we withdraw: "We would reduce the specter of the U.S. occupation which gives fuel to the insurgency."

Mr. LIEBERMAN. I thank the Chair, how much time have I used?

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

Mr. LIEBERMAN. I thank the Chair. This, in fact, is exactly what the most recent National Intelligence Estimate on Iraq predicted. A withdrawal of American troops in the months ahead would "almost certainly lead to a significant increase in the scale and scope of sectarian conflict, intensify Sunni resistance, and have adverse effects on national reconciliation."

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Second, the majority leader said what would happen if we withdraw: "We would reduce the specter of the U.S. occupation which gives fuel to the insurgency."

Mr. LIEBERMAN. I thank the Chair, how much time have I used?
This is a man whose father was killed by al-Qaida, who risks his life every day to work with us, a man who was described by one Army officer as “the most effective local leader in Ramadi I believe the coalition has worked with...” We must win them over.

In his remarks earlier this week, Senator REID also observed there is “a large and growing population of millions—who sit precariously on the fence. They will either condemn or contribute to terrorism in the years ahead. They must convince them of the goodness of America and Americans. We must win them over.”

On this I completely agree with my friend from Nevada. But my question to him and others supporting this language is this: How does this strategy you propose in this bill possibly help win over this population of millions in Iraq who sit precariously on the fence?

What message, I ask, does this legislation announce to these people who are the majority in Iraq? How will they respond when we tell them we are not longer going to make an effort to protect them and their families against insurgents and death squads? How will they respond when we declare we will be withdrawing our forces, regardless of whether they are making progress in the next few months toward political reconciliation? Where will their hopes be for a better life when we withdraw the troops that are the necessary precondition for the security and opportunity for a better life that the majority of Iraqis clearly yearn for?

Do my friends believe this is the way to convince Iraqis and the world of the goodness of America and Americans? Does anyone in this Chamber believe that by announcing a date certain for withdrawal we will empower Iraqi moderates, the mainstream, or enable Iraq’s reconstruction, or open more schools for their children or more hospitals for their families or give more freedom to everyone? With all due respect, this is a fantasy.

The third step the majority leader proposes is to impose “tangible, measurable, and achievable benchmarks on the Iraqi government.” I am all for such benchmarks. In fact, Senator MCCAIN and I were among the first to propose legislation to apply such benchmarks on the Iraqi government.

But I don’t see how this plan will encourage Iraqis to meet these or any other benchmarks, given its ironclad commitment to abandon them—regardless of how they behave.

We should of course be making every effort to encourage reconciliation in Iraq and the development of a decent political order that Sunnis, Shiites, and Kurds can agree on.

But even if today that political solution is found, we cannot rationally think that the worst enemies like al-Qaida in Iraq will simply vanish.

Al-Qaida is not mass murdering civilians on the streets of Baghdad because it wants a more equitable distribution of oil revenues. Its aim in Iraq is not to get a seat at the political table. It wants to blow up the table—along with everyone seated at it. Al-Qaida wants to destroy any prospect for democracy in Iraq, and it will not be negotiated or bought out of existence. It must be fought and defeated through force of arms. And there can be no withdrawal, no redeployment from this reality.

The fourth step that the majority leader proposed on Monday is a “diplomatic, economic, and political offensive . . . starting with a regional conference working toward a long-term framework for stability in the region.”

I understand why we are drawn to ideas such as those that are in this legislation on Iraq. All of us are aware of the justified frustration, fatigue, and disappointment of the American people with Iraq. All of us would like to believe there is a better solution—quicker, more certain. But there are no guarantees of success, but there is no guarantee of failure and, I believe, the campaign to distinguish between Al-Qaida terrorism and sectarian violence or that America and Iraq will suddenly settle their political differences because our troops are leaving or that sweet reason alone will suddenly convince and compel insurgents and terrorists who are killing too many Americans and Iraqis there today.

What we need now is a sober assessment of the progress we are beginning to make and a recognition of the significant challenges we still face. There are many uncertainties before us, many complexities, many challenges. Barely half of the new troops General Petraeus requested have even arrived in Iraq.

In following General Petraeus’s path, there is no guarantee of success, but there is hope and a new plan for success. In rejecting General Petraeus’s path, as this legislation would do, there is a guarantee of failure and, I fear, disaster. The plan embedded in this language contains no reasonable prospects for success. It is a strategy based on catch phrases and bromides rather than military realities and all that is on the ground.

It does not learn from the many mistakes that have been made in Iraq. Rather, it promises to repeat them. Let me be absolutely clear. In my opinion, Iraq is not yet lost, but if we follow the plan in this legislation, it will be lost and so, I fear, will much of our hope for stability in the Middle East and security from terrorism here at home. That is why I will vote no.

Mr. AKAKA, Mr. President, we are now in our fifth year of this conflict in Iraq, and throughout that time I have met with commanders of our Armed Forces, listened to their experiences and recommendations, and after much consideration I have come to the conclusion that we are not on the right path. While some of my colleagues believe that we should support President George W. Bush, who continues to make the case that place our men and women in the Armed Forces in harm’s way, I disagree.

The past few months have been among the deadliest for our military personnel. We have seen 79 U.S. soldiers killed in February, 82 in March, and 85 so far this month. To the more than 3,300 U.S. soldiers that have been killed and the over 24,000 wounded since the conflict began, to our men and women in the Armed Forces and their families who are valiantly serving our country and to the American people, I say to all of you, we must change our course.

To stay the course is to welcome disaster. Iraq lies like the proverbial clay pot broken in shards on the ground. It is shattered into the fragments of warring factions, clans, and religious groups. Afghanistan, still the center of the war on al-Qaida, is becoming progressively more dangerous as our attention remains focused on Iraq. Al-Qaida, the “Talibans” are rebuilding their forces and terrorists have extended their attacks to North Africa and Western Europe. We are facing, as our military leaders tell us again and again, a “thinking enemy,” one that learns and adapts. How can we learn and adapt? Can anyone doubt that our strategy needs to change?

Some have painted this conflict as simply a war against al-Qaida in Iraq. Let us not make the mistake of fooling ourselves. Al-Qaida is stoking the flames but it is the internal divisions among the Iraqis themselves which has made it the bonfire it is today. If the Iraqis unite, they can defeat al-Qaida as they have demonstrated in some areas already. And, including the President and our military leaders, have observed, the Iraqis themselves must form a reconciliation government. American soldiers are not a thread that can permanently stitch together the broken parts of Iraq. The Iraqis themselves are the masters of their own fate.

The legislation before us today is a call for a new strategy. It requires that we change our present course. It makes clear that the war will be won by Iraqis. It is their will and their will alone that must determine the fate of their country. Americans cannot do the fighting for them. A democratic Iraq will not be established unless the Iraqis do it for themselves. We cannot put the shattered pieces of Iraq together. Only the Iraqis can do that.

Today, with the Senate passage of H.R. 1591, the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Department of Homeland Security Appropriations Act, 2007, we will be providing $100 billion for the Department of Defense, primarily for continued military operations in Iraq and Afghanistan. It also
includes a $1 billion increase for the National Guard and Reserve equipment and $1.1 billion for military housing. Mr. President, $1.79 billion would be provided for the Department of Veterans Affairs to specifically target treatments for veterans of Operation Iraqi Freedom and Operation Enduring Freedom, reduce the backlog of benefit claims, and ensure that facilities are maintained at the highest level. In addition, $6.9 billion would be appropriated for the victims of Hurricane Katrina and Hurricane Rita, $650 million would be provided for the State Children's Health Insurance Program, $2.25 billion in homeland security investments, including funds for port security and mass transit security, and $3.5 billion to help relieve pressures that farmers and ranchers experienced due to severe drought and agricultural disasters.

In addition to funding these important efforts, the legislation includes an important step in setting the proper course in Iraq for our military service members and their families by providing them with a road map to success. By outlining the benchmarks that must be met by the Iraqi government and clarifying our military involvement in Iraq, it defines our mission in Iraq by steering our military away from policing a civil war to training and equipping Iraqi security forces, protecting U.S. forces, and conducting targeted counterterror operations. A phased redeployment of our troops would begin no later than October 1, 2007, with a goal of removing all combat forces by April 1, 2008, except for those carrying out security, training, and counterterror operations. This bill holds the Iraqi government accountable by setting benchmarks that must be met for security, political reconciliation, and improving the lives of the Iraqi people. It is no longer acceptable for this Administration to set arbitrary benchmarks that have no consequences attached to it. It is time for the Iraqi government and regional leaders to work together to promote democracy in Iraq. It is time for the United States to take the necessary steps that illustrate our willingness to relinquish control and allow the Iraqi government and the Iraqi people to control their own destiny. And it is time for the Iraqi people to set their own path to victory and democracy.

The American people and more importantly, our servicemembers and their families, deserve to have the administration define our mission in Iraq. The President must also give a clear directive to the Iraqi government that it must demonstrate the will to overcome the civil unrest that is taking control of their country. Unfortunately, the President has indicated that he will veto this important legislation. By vetoing this legislation, this administration sends the wrong message. It is preventing our troops from receiving the funds they need to continue their mission in Iraq and Afghanistan. It is preventing victims of Hurricane Katrina and Hurricane Rita from rebuilding their lives and farmers and ranchers from receiving relief due to severe drought and agricultural disaster. Moreover, it is preventing our veterans from receiving the health care and benefits they have earned.

It is time for this administration, Mr. President, to lead us out of the morass in Iraq. This legislation sends the right message to our servicemembers, to the Iraqi government and its people, to the American people. I urge the President to do the right thing and enact H.R. 1591, the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

Mr. SALAZAR. Mr. President, today I will vote for the Iraq-Afghanistan emergency supplemental bill. I believe that this bill supports our troops, our veterans and their families, and should be signed by the President.

But first I must say that as we continue the debate on this legislation and on the best way forward in Iraq, I come to the floor today with two key principles in mind.

One, we should honor the bravery and courage of our men and women, America’s finest, and Clarksville, MD, the 158th Cavalry Regiment, are leaving, and ensure they have the health care they need and deserve when they return. And two, we should work to heal the deep divisions which this war has caused at home. Not since Vietnam has the American public been so divided. I am concerned that the bitterness and the harshness of the debate clouds good judgment on the future direction in Iraq.

It is important for us to remember that, no matter how contentious this debate may become, every Senator shares the same goal: peace and stability in the Middle East and a safe return home for our troops. While we may disagree on the best path to that end, we must continue to work together for a constructive change in our policy. It is important to remember what binds us together, so that we will not be torn apart.

I would now like to comment on the bill before us today.

Specifically, the bill includes: More than $100 billion for our troops on the ground in Iraq and Afghanistan; more than $5 billion to help ensure that our veterans and their families can receive the health care they need and deserve when they return home; nearly $7 billion to rebuild the gulf coast and help the victims of Hurricanes Katrina and Rita; more than $45 billion to rebuild their homes, communities and livelihoods; and $3.5 billion in disaster assistance to help our farmers and ranchers across the Nation recover from 7 years of drought capped by this winter’s devastating blizzards.

The bill sends a direct message to the Iraqis that our military commitment is not open-ended. We hold the Iraqi government accountable through measurable and achievable benchmarks for security, political reconciliation and improving the lives of ordinary Iraqis.

The bill also launches a new diplomatic, economic and political offensive and takes steps to begin to rebuild our military.

Finally, it sets an April 1, 2008, goal of redeploying U.S. troops not engaged in carrying out security, training and counterterrorism operations in Iraq.

I support this new direction for Iraq. This new direction recognizes the reality that success in Iraq is contingent upon a strategy of military, political and diplomatic progress.

I am disappointed that the President has said he intends to veto this legislation. But I remain hopeful. I believe that we must continue to seek a new course in Iraq. I believe we can and should do that by achieving a bipartisan consensus on the best path to success.

I know most of my Republican colleagues do not support this bill. But I believe they sincerely want to join in finding a solution to the difficult problem that confronts us in Iraq. The Iraq Study Group provides a model for how we can work in good faith, across party lines. And I believe that the group’s recommendations can and should be our blueprint for a compromise that can gain broad support here in the Senate.

So next week, I will be back on the floor to discuss with my colleagues how we can implement those recommendations, working with the President.

Ms. MURKOWSKI. Mr. President, this morning I had the honor of saluting members of the Maryland Army National Guard as they departed to begin training for their upcoming deployment to Iraq. The 58th Brigade Combat Team, including the Headquarters Company from Pikesville, MD, the 1st Battalion of the 175th Infantry from Dundalk, MD, and the 1st Squadron of the 158th Cavalry Regiment, are leaving their families and communities to answer our Nation’s call. As the Senator from Maryland, I have promised them that I will do everything I can to support them while they are on the battlefield, help care for their families while they are gone, and ensure they have the medical care, education, and job training benefits they need when they return.

I support the conference report on the fiscal year 2007 emergency supplemental appropriations bill because it will help us keep our promises to America’s citizen soldiers and their families. Unfortunately, President Bush continues to threaten to veto this bill. I hope it will not come to that. I
urge the President to work with this Congress to meet the pressing needs of our men and women in uniform.

I support this emergency supplemental bill because it: Fully funds the needs of our warfighters on the battlefield; supports and protects our troops; provides additional care and benefits for those who have served; ensures that veterans get health care they need when they come home; and requires the President to immediately change our mission in Iraq; and sets the goal of bringing our troops home by no later than April 1, 2008.

This bill states clearly that Congress and the American people will continue to support and protect our troops. Our troops must understand that Congress will never abandon them, not while they are fighting on the battlefield and not when they come home. The best way to support our troops is to bring them home—swiftly and safely.

I am not new to this position. I never wanted to go to war in the first place. I was one of the few who voted against this war, 4 years ago, on October 11, 2002. I opposed giving the President unilateral authority to launch a pre-emptive attack. I said the United States had to exhaust our diplomatic options. I encouraged the administration to work with the United Nations U.N., to let the U.N. meet its responsibility to deal with the threat from Saddam. The day of the vote, I said, we don’t know if we will be greeted with flowers or landmines. Well, now we know. We are mired in a civil war. No one could ask more of our troops. They are brave and courageous and have fought valiantly. And it is time to bring them home.

The United States went to war with Iraq, but today, we are at war within Iraq. Saddam is gone, but we are still there, mired in a civil war. No one could ask more of our troops. They are brave and courageous and have fought valiantly. And it is time to bring them home.

We need a way forward in Iraq. The Iraq Study Group gives us 79 recommendations as a way to go forward, but the President has completely ignored this report. Surely out of 79 recommendations, there are 50 we can agree on. The Iraq Study Group report calls for new and enhanced diplomatic and political efforts in Iraq and a change in the primary mission of U.S. forces in Iraq to enable the United States to begin to move our forces out of Iraq. It provides new direction for the U.S. and Iraqi Governments to follow that could lead to withdrawal of American forces by the first quarter of 2008.

This is exactly the approach called for by this supplemental bill, which will have most of our troops out of Iraq by March 31, 2008. What are we voting for? This bill contains a binding resolution that directs the President to promptly transition the mission of U.S. forces in Iraq and begin a phased redeployment of U.S. forces. It sets the goal of bringing U.S. combat forces home by April 1, 2008, except for a limited number of troops essential for force protection, training, and equipping Iraqi troops, and targeted counter terror operations.

This resolution also says success in Iraq depends on the Iraqi Government’s ability to meet important benchmarks. It sets a goal of bringing Iraqi security forces so they can control the capital city of Baghdad; giving Iraqi military commanders the authority to conduct operations without political interference; disarming sectarian militias and ensuring that Iraqi security forces are loyal to Iraq’s Government; drafting and implementing legislation to ensure the equal division of Iraqi oil revenues; drafting and implementing legislation to reform the debaaathification process; implementing a fair process for amending the Iraqi constitution to ensure minority rights are protected; and implementing new rules to protect minority rights in the Iraqi Parliament.

I support this Iraq resolution. It says what the Iraq Study Group has already told us: the problems in Iraq cannot be solved by the U.S. military—they require a political solution by the Iraqis and diplomatic engagement with Iraq’s neighbors. It says Congress and the American people want to support the troops but continue to protect them as well.

I want to end this war, and the resolution in this bill will do just that. Yet in ending the war, it is my responsibility as a Senator to ensure that our troops are brought home not only swiftly but safely. I will not vote to end funding for the pay that supports military spouses and children, body armor and armored humvees our troops need for survival, tourniquets and surgical hospitals on the battlefield, jet fuel for the airplanes that take injured troops from Baghdad to Germany and then home, or the medical care they need when they get here.

In the last few weeks, we have all been shocked and awed by the conditions facing our wounded warriors. We know that more than 22,000 Purple Hearts have been awarded in Iraq. Yet our troops are being twice wounded. We know that acute care for our injured troops has been astounding, with historic rates of survival from even the most brutal battlefield injuries. Yet, while we have saved their lives, we are failing to give them their life back.

This supplemental includes an additional $20 million to improve conditions at Walter Reed Army Medical Center and an additional $900 million for research and treatment of traumatic brain injury, post-traumatic stress disorder, and other physical and mental trauma. It also adds $466 million for veterans’ health care, including $53 million for new polytrauma facilities. It sets aside $100 million for additional caseworkers to aid troops and their families as they transition from active duty, $25 million for prostate cancer research and a $120 million for mental health research.

We know this is only a down payment for our troops and veterans. We need to overhaul the disability benefits system that is outdated and adversarial. We need to use the resources included in this supplemental to bring our troops from active duty to the Veterans’ Administration, to ensure they get the health care, job training, and educational benefits they deserve. We need to hear the recommendations of the Iraq Study Group. It is time to change our direction in Iraq and bring our forces home. Let’s send in the diplomats and bring our troops home safely and soon.

Mr. CONRAD, Mr. President, I offer for the record the Budget Committee’s oversight of the conference report of supplemental H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007.

The conference report includes $321 billion in net new discretionary budget authority for 2007, of which $100.681 billion is for defense activities and $23.472 billion is for non-defense activities. The additional budget authority will increase outlays by $31.965 billion in 2007. Of the total spending authority provided, H.R. 1591 designates $124.789 billion in budget authority as emergency spending, which will increase outlays by $31.926 billion.

The conference report to H.R. 1591 is subject to several orders. First, the conference report includes emergency funding that would cause the $38.3 billion cap on 2007 emergency funding to be exceeded. This cap was included in S. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2007, and was made applicable by the deeming resolution included in section 7035 of P.L. 109-234. Funding above the cap counts against the subcommittees’ allocations and would cause them to exceed their allocations. As a result, the conference report is subject to a point of order under 302(f) of the Congressional Budget Act. Second, the small business tax relief provisions included in the conference report reduce revenues by $1.465 billion over the 2006–2010 period. Because the Congress is over the revenue aggregates under the 2006 budget resolution, the conference report is subject to a point of order under section 311 of the Congressional Budget Act. It should be noted that the tax provisions are fully offset over the 2007–2012 and 2007–2017 periods. Finally, the conference report is subject to a point of order under section 402 of H. Con. Res. 95, the concurrent resolution
on the budget for fiscal year 2006, for including a number of emergency des-ignations for spending on nondefense activities.

I commend the distinguished chair-
man of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Com-
mittee scoring of the bill be printed in the

There being no objection, the mate-
rial was ordered to be printed in the

Records, as follows:

**HR. 1591, THE CONFERENCE REPORT TO H.R. 1591, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007**

[fiscal year 2007; $ millions]

<table>
<thead>
<tr>
<th></th>
<th>Defense</th>
<th>Non-defense</th>
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<td>26,665</td>
<td>5,261</td>
<td>31,926</td>
</tr>
<tr>
<td>Budget Authority</td>
<td>100,681</td>
<td>24,108</td>
<td>124,789</td>
</tr>
</tbody>
</table>

Mr. DOMINICI. Mr. President, it is irresponsible for Congress to operate this way.

With the provisions in this bill, Con-
gress is deserting our commitments to
our military leaders and telling them
that none of it matters, the war is over
and your mission is done. Congress, with this bill, is reneging on the war and
calling our men and women in uniform a demoralizing message.

I am committed to giving our mili-
itary, led by General Petraeus, time and resources to try to calm Baghdad.

I understand the deep national unrest over the course of the war. I do not support an open-ended commitment in Iraq. The Iraqi government must do
more.

But effectively abandoning our mili-
itary efforts at this time poses a trenched threat to the United States and
the region.

We should do right by our troops, give them the resources they need and
work with the Iraqis toward solutions that will bring our Armed Forces home at
an appropriate time.

Mr. DODD. Mr. President, our sol-
diers, sailors, airmen, and marines
have performed valiantly in Iraq in
the face of great adversity. The costs of
this war have been great to them and
our Nation. Over 3,300 brave American servicemembers have been killed in
Iraq over 30 from my own State of
Connecticut.

To date, over $500 billion has been ap-
proved for military operations in Af-
ghanistan and in the war in Iraq, not
including the $85.5 billion included in
the conference agreement being debated
today or the $141.7 billion in additional
funding already requested by the ad-
ministration for fiscal year 2008.

In addition, because of the war, our
forces have been drained of critical
combat gear and training time, adding
another element to the costs of this
war—our military’s combat readiness.

Two-thirds of the troops in the United
States and 88 percent of our National
Guard are reporting ‘‘not ready’’ for
duty, largely due to equipment and
training shortfalls.

Now, we have entered the fifth year of the Iraq war, it is long past
time for a course correction. Rather
than continue abetting the administra-
tion’s efforts to escalate our entangle-
ment in Iraq’s civil war, it is time for
Congress to assert itself and heed the
American people’s call for change.

The conference report before us
takes the first steps toward that
change. While I wish it would have
included stronger language to imme-
diately begin withdrawing combat
troops from Iraq and limiting the mis-
ion there to counterterrorism, train-
ing and equipping Iraqi troops and
force protection for remaining U.S.
personnel, it does for the first time set
some new goals for the administration
and the Iraqi Government that will
mandate a change of course. For the
first time it demands real account-
ability from the President to take ac-
tion to restore our military’s readiness
which has been hollowed out as a result
of his missteps. This bill finally pro-
vides critical resources for combat gear
and protective equipment that the Bush-Cheney-Rumsfeld administration
has consistently shortchanged in their
budget requests.

Regrettably, as my colleagues know,
the President has already said that he
will refuse to sign this legislation into
law. He has announced his intention to
veto this bill because after 4 years of a
dastrous war policy, escalating com-
bat deaths, and growing instability in
the region, he insists that his is the
only way. It is disheartening that
President Bush does not see or will not
admit that his policy in Iraq is a fail-
ure.

In plowing ahead on the current
cause in Iraq, the President has re-
jected the advice of experts from across
the political spectrum, from the Baker-
Hamilton Report, and from members of
Congress, all of whom have urged him
to change the course in Iraq, to dimin-
ish our military footprint there, and to
start a surge of diplomacy in the
region. Like all my colleagues, I want to
see success in Iraq. I wish that the
President’s policies were working. I
wish that we had been able to
restore security to Baghdad and to
other parts of Iraq. I wish that the
President had not mismanaged this
war from day one. I wish that we had
deployed enough troops on the ground
to secure the peace at the outset. I
wish that Secretary Rumsfeld hadn’t
run the Coalition Provisional Author-
ity like a staffing agency for Repub-
lican political operatives, displacing
countless U.S. Foreign Service profes-
sionals in the beginning of the war.
I wish that we had called in the Iraqi
Army and that we hadn’t allowed
looting. And I wish that our surge of
30,000 more men and women in uniform
into Iraq could be successful in stabil-
izing that country.

But now is not the time for wishful
thinking. Now is the time to address
the real facts on the ground. This con-
ict cannot be resolved by increased
military action. It requires a coherent,
broad-based strategy to promote the
political reconciliation necessary to se-
cure the future for Iraq.

The bill before us begins that proc-
ess. If the President determines that
the Iraqis are not making progress on
key political, security, and economic
benchmarks, then, under this legisla-
tion, the redeployment of American
troops would begin late in the
year of the Iraq war, it is long past
the time for a course correction. Rather
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tion’s efforts to escalate our entangle-
ment in Iraq’s civil war, it is time for
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President’s policies were working. I
wish that we had been able to
doing for Iraq.

And with this supplemental bill, Con-
gress is taking a big step in that direc-
tion. This bill holds the President di-
rectly responsible for units being de-
ployed who are not ‘‘fully mission ca-
able’’, by requiring him to waive re-
quirements that mandate that units
fully restock their depleted equipment
inventories and restore their mission
readiness prior to deployment. It in-
cludes funding for critical equipment,
including mine-resistant, ambush-pro-
tection vehicles which would dramati-
cally reduce the danger and casualties sustained by our troops. And
it includes billions of dollars for health
care for our wounded veterans, many of

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whom return home with debilitating and life-altering injuries. They have sacrificed everything for this Nation, and at the very least we owe them the best health care available.

Sadly, there is no magic formula for fixing the problems in Iraq as the Baker-Hamilton Commission rightly pointed out. But it is critical that Iraqis make progress on reconciliation and security and that the Government improves the living conditions of its citizens. Iraq’s neighbors and regional leaders must also play a role in bringing about such a solution. The United States and Iraq’s neighbors all have long-term interests in the region, and a broken Iraq does not advance those interests.

With this supplemental bill, Congress is offering the President an opportunity to change our course in Iraq, to listen and respond to the will of the American people, to support the men and women sacrificing their lives there, and to provide for a responsible change in Iraq’s trajectory.

It is also vital that we make America more resilient here at home. This bill begins to do just that, in providing $325 million to protect the millions of Americans who ride public transportation each day.

Our Nation’s public transit systems are inadequately prepared to minimize the threat and impact of potential terrorist attacks. Since the terrorist attacks of September 11, 2001, the Federal Government has invested only $1 billion in aviation security—protecting the 1.8 million people who fly on an average day. At the same time, our National Government has invested only $366 million, before the 110th Congress, in transit security to protect the 14 million people who ride transit on an average workday. Put another way, since 2001, our Nation has spent over $7.50 per passenger on aviation security but less than one penny per transit rider on transit security. I am not suggesting that we ought to be investing equally, but clearly this is not the appropriate balance.

As chairman of the Senate Banking, Housing, and Urban Affairs Committee, I have made improving our national security a top priority. The very first hearing that I held as chairman focused on increasing the security of our Nation’s 14 million daily transit passengers. The very first legislation that I considered during my tenure as chairman was the Public Transportation Terrorism Prevention Act of 2007, which was reported by the Banking Committee unanimously on February 8. The legislation authorizes the distribution of $3.5 billion in security funding over the next 3 fiscal years, on the basis of risk directly to transit agencies.

The Public Transportation Terrorism Prevention Act of 2007 was included as title XV of the 9/11 bill, which the Senate passed on March 13. Senator SHELBY and I worked with Senator BYRD and Senator COCHIN to include language in the legislation to allow for such sums as necessary to be appropriated in this fiscal year to address the critical needs of our Nation’s transit systems. The $325 million included in this appropriations act is a significant investment toward our goal of better securing our Nation’s rail and transit systems. This investment builds on the $175 million that was included in the fiscal year 2007 continuing resolution. I once again thank all of the members of the Banking and Appropriations Committees who have worked so hard to advance us to where we are today.

This bill also continues congressional efforts to help the citizens of Mississippi and Louisiana rebuild their lives after the catastrophic effects of Hurricane Katrina by including more than $1.3 billion to fund flood and storm damage reduction projects in affected areas.

Finally, I want to take a few brief moments to discuss the minimum wage increase provision included in this bill. It has been nearly 10 years since millions of hard-working men and women have seen their wages go up. During that time, inflation has eroded the purchasing power of families being paid the minimum wage. In fact, the real value of the minimum wage has declined $4 below what it was nearly 40 years ago, in 1968. It is currently at its lowest inflation-adjusted level in more than 50 years. During the past 10 years, while the minimum wage remained unchanged, the cost of housing, food, health care, education, transportation, and energy has increased.

We cannot reduce poverty if we don’t tackle raising the minimum wage. It is simply outrageous that so many Americans live in poverty, and it is long overdue that we take action to reduce the inexcusable and unconscionably high levels of poverty in this country. The language of the Fair Minimum Wage Act of 2007 in this bill, will provide a three-step increase in wages over 26 months from the current level of $5.15 per hour to $7.25 per hour. This additional $4,400 per year would allow a low-income family of three to buy 8 months of rent, 15 months of groceries, 19 months of utilities, 20 months of childcare, or more than 24 months of health insurance.

I urge the President to seize this opportunity to make America and Iraq safer and stronger. America is at war and the President will reconsider his decision to veto this bill when it arrives on his desk. Such a veto would be an affirmation of the status quo in America, a status which this Nation can simply no longer afford.

Mr. BAUCUS. Mr. President, the pending emergency supplemental appropriations bill includes a number of items within the jurisdiction of the Finance Committee. I would have preferred that the Senate had considered these matters on legislation that the Finance Committee had reported. I believe in the committee process. In the future, I will try to minimize the objections on which Finance Committee legislation travels on legislation reported by other committees.

But the House of Representatives included the minimum wage and small business tax provisions in the House-passed version of this supplemental appropriations bill. So it would be inappropriate that the full Senate respond. The Senate Appropriations Committee added matters related to health care, so it was only appropriate that the conference committee on this supplemental appropriations bill address those issues, as well.

I appreciate that the conference committee on this supplemental appropriations bill deferred to members of the Finance Committee in the formulation of these Finance Committee tax and health matters in the conference report on this bill. I particularly thank Chairman BYRD for his assistance in this regard.

Some have been concerned that an increase in the minimum wage would burden small businesses. Small businesses are a vital source of job creation, economic opportunity, and technological innovation.

There are about 323 million small businesses in America. Businesses with fewer than 500 employees represent more than 99 percent of all businesses in America. They pay more than 45 percent of American private payroll. They have generated 60 to 80 percent of net new jobs annually over the last decade. They employ 41 percent of high-tech workers.

Small business is particularly important in my home State of Montana. Small businesses are the backbone of our communities.

We have the opportunity to help small businesses through tax incentives that stimulate their rates of formation and growth. That is why Chairman RANGEL and I worked together to convert the House-passed small business tax package to achieve a comprehensive small business tax package.

This is a responsible package that will help small businesses in the context of an increase in the Federal minimum wage.

The nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the bill. The technical explanation expresses the committee’s understanding and legislative intent behind this important legislation.

The small business tax package provides a more than 3-year extension of the work opportunity tax credit, or WOTC. WOTC allows employers a tax credit for wages that they pay to economically disadvantaged employees. The final small business tax package also expands WOTC to allow the credit for employers who hire disabled veterans, a proposal that was part of both the Senate and House packages. The package includes the Senate’s proposed expansion to allow the credit for employers who hire employees in a county
that has suffered significant population loss.

The small business tax package also includes a 1-year extension of section 179 expensing. Section 179 allows small business owners to purchase and write off more equipment each year for use in the current tax year. This year 15-year expensing was included in both the Senate and House small business tax packages. The final small business tax package also increases the amount allowed to be expensed in 2007 from $122,000 to $125,000, a proposal in the House version.

Enhancement of the tip credit, family business tax simplification, and waiver of limitations under the alternative minimum tax on WOTC and tip credits are three other House proposals included in the final small business tax package.

Enhancement of the tip credit for certain small businesses will prevent a decrease in the amount of business tax credits for restaurant and other service-oriented business owners may claim for the Social Security taxes that they pay on their employee’s tips despite an increase in the Federal minimum wage.

The family business tax simplification proposal ensures that when a married couple jointly owns a small business, both spouses will receive credit for paying Social Security and Medicare taxes.

The waiver of individual and corporate AMT limitations on WOTC and tip credits would allow business owners to take the WOTC and tip credits under AMT.

The Senate’s S corporation package is also included in the final small business tax package. The S corporation package includes several simplifications and modifications to rules governing community banks and other small businesses that operate as S corporations.

The small business tax package includes several tax incentives included in both the Senate and House small business tax packages to help recovery of small business and low-income housing in areas hit by Hurricanes Katrina, Rita, and Wilma.

The small business tax package is a responsible package that is completely offset. The package includes offsets that were included in both the Senate and the House small business tax packages, such as modification to the interest suspension rules for IRS and a proposal to discourage the practice of transferring investments to one’s child for the purpose of avoiding higher tax rates.

The package also includes modifications to the collection due process for employment taxes, an expansion of preparer penalties, and a new penalty on erroneous refund claims. These offsets were part of the administration’s fiscal year 2007 budget proposal to improve tax compliance.

The small business tax package does not include the Senate’s 15-year depreciation proposal for improvements made to leaseholds, retailer-owned businesses, and restaurants. Nor does this final package include the Senate’s proposal to expand availability of the cash method of accounting.

These proposals both have merit. They were included in the chairman’s mark when the Finance Committee wrote the Senate’s small business tax package. These proposals enjoy the support of many Senators, including Senator Kennedy. But there simply was not enough room in a $4.8 billion conference package to include the 15-year depreciation and cash method of accounting proposals, as they have a combined estimated pricetag of nearly $7.4 billion. But this will not be the last bill in which the Senate can address these important proposals.

If and when the President vetoes this bill, and it comes back again, we need to preserve the balance of this balanced compromise. Congress should not litigate this tax package over again. I urge my colleagues to support this package.

This bill also accomplishes key urgent health priorities.

The bill includes emergency funding for the State Children’s Health Insurance Program, or CHIP. This fiscal year, 14 States will run short in their Federal CHIP funds by a total of about $924 million. The Congressional Budget Office estimates that 700,000 children will lose CHIP coverage unless Congress acts. This bill fills the gap in Federal CHIP funds. It ensures that all States can meet the demand for CHIP coverage for all those now eligible for coverage this year.

I thank Chairman BYRD and Chairman HARKIN for their help on this provision. Keeping children from losing their health coverage is a critical national priority. I will work with my colleagues to ensure that the final supplemental bill includes this provision.

Another provision originally offered by Senator DURBIN puts a 1-year hold on rulemaking relating to Medicaid payment rates for public hospitals and nursing homes. In January, the Secretary of Health and Human Services proposed a rule that would make sweeping changes to reimbursement rates for public facilities. The rule also proposed major changes to how States can define which governmental facilities can pay Medicaid share.

The Nation’s Governors have weighed in against the Medicaid rule, as have many hospitals and nursing homes. They are concerned that this rule would do immediate harm to our Nation’s safety net by cutting Medicaid reimbursement for publicly owned facilities that serve our most vulnerable citizens.

I am concerned this rule goes far too far in implementing new policy, making changes that are better made by Congress.

It is Congress’s job to make major changes to the law. A 1-year moratorium will give the Finance Committee enough time to study this issue and determine the right approach in legislation to limit opportunities for fraud and abuse of Medicaid, while protecting the vulnerable individuals and vital safety net providers who rely on Medicaid payments.

Some have raised concerns about the original Durbin amendment moratorium. They said that it should not have been included in an appropriations bill and that it could undermine oversight of Medicaid at the Department of Health and Human Services. I agree that we should keep Finance Committee issues within the committee. In this case, however, the Department is poised to act before July of this year. We need to take action now, before it is too late.

I also agree that protecting against fraud and abuse in Medicaid is a priority. Not one taxpayer dollar should be misspent. That is why the revised version of this amendment clarifies that the moratorium is focused on all other Medicaid integrity enforcement activity at the Department of Health and Human Services.

This final version also removes the increase in the Medicaid prescription drug rebate that was used to offset the cost and replaces it with other Medicaid policies that will save Federal dollars. The new version includes provisions that will lower the incidence of fraud in Medicaid drug prescribing and preserve access to affordable prescriptions for 100,000 seniors covered by Wisconsin’s Pharmacy Plus program.

I think this is the right approach. It provides a shorter moratorium that allows the Finance Committee to act and preserves oversight on fraud and abuse at the Department of Health and Human Services.

I will work with Senator DURBIN and members of the Appropriations Committee to ensure that this version stays in the final bill.

Once again, I thank Chairman BYRD for his help in reaching this good outcome. And I urge my colleagues to support this legislation.

RETAIL IMPROVEMENTS

Mr. KERRY. Mr. President, I would like to follow up on the comments Chairman BAUCUS made about the depreciation of retail improvements and in a colloquy with Senators SNOWE and BAUCUS. Under current law, improvements made to rented retail property are depreciated over 15 years. Improvements made to owned property are depreciated over 39 years. The current tax treatment of improvements to retail property results in an inequity. There is no justification to treat these improvements differently for tax purposes based on whether the property is owned or rented. Unfortunately, this provision was not included in the small business tax package.

Ms. SNOWE. I join Senator KERRY in my disappointment that this provision that would benefit retail operations
like Greenacres Kennel Shop in Bangor, ME, was not included in the conference agreement of the supplemental appropriations bill. The provision originated from legislation, S. 271, that I introduced with Senators LINCOLN, HUTCHISON, and KERRY to provide relief and certainty to our Nation’s 1.5 million retail establishments, most of which have less than five employees. This bill will simply conform the Tax Code to the realities that retailers on Main Street face. Despite the fact that small businesses are the real job-creators in our Nation’s economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. What is most troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms. As a result, I was most pleased when the chairman and ranking member included this modest proposal as part of the small business tax relief package. Unfortunately, the provision did not survive conference negotiations with the House.

Mr. KERRY. I agree with the comments made by Senator SNOWE, and we have heard first hand how important this provision is to small businesses. During the January Finance Committee hearing on small business tax issues, Mr. Dave Ratner, owner of Dave’s Soda and Pot City of western Massachusetts, testified about the need for retail owners to be able to depreciate improvements over 15 years instead of 39 years. He eloquently explained why owners and renters should be treated in the same manner and how difficult it is for small businesses to compete with large retail chains. Senator SNOWE and I would like to work with you to address this inequity.

Mr. BAUCUS. Mr. President, I understand and share the concerns expressed by Senator Baucus and Senator SNOWE. I agree that owners and renters should receive the same tax treatment for improvements.

There are many small businesses in Montana in which the owners would like to make improvements, and this provision would be extremely helpful.

Just this week, I received an e-mail message from Scott Brown, the owner of The Base Camp in Helena, MT. Scott told me how this provision would help him and other Montana retailers to be more competitive.

I will continue to work with my colleagues to find additional opportunities to address this important provision.

Mr. KERRY. I look forward to continuing to work with you on this important provision which helps small businesses. We need to provide equal tax treatment for depreciated property regardless of whether it is owned or rented.

Ms. SNOWE. I concur with Senator KERRY and appreciate his support for this proposal that simply would bring equity between retail operations. Frankly, this provision should have been included when Congress first extended accelerated depreciation for leasehold improvements. This is not a new provision but, rather, it simply perfects current law. Though discussed by the provisions in the conference agreement, I appreciate the chairman’s commitment to this issue and hope he will continue to work with Senator KERRY and me, as well as the other cosponsors of S. 271, to receive a full and fair consideration as the process to finally enact small business relief continues to move forward.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent in the order that has already been placed, following Senator KENNEDY, Senator ISAKSON be recognized, and then the following Senators be recognized on our side, alternating with Republicans, for 4 minutes each: Senators Durbin, Menendez, Webb, Schumer, Feinstein, Jack Reed, and Senator INOUYE. Mr. INHOFE. Parliamentary inquiry, please: I ask the Senator from Washington, that takes place after the Senator from Illinois and I are recognized, is that correct?

Mrs. MURRAY. That is correct.

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

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, this is a war which never should have started and on this President’s watch may never end. But the face of this war is not the face of President George W. Bush, nor is it the face of any Member of Congress. The face of this war can be found in the grief of children, wives, mothers, in 3,333 homes across America where a folded American flag and fading photograph are daily reminders of a fallen soldier.

The face of this war can be found in a hospital room in the Midwest where a 22-year-old soldier sits in a wheelchair. When you walk in the room he notices you and watches you, but he cannot speak. He is a victim of traumatic brain injury, the signature injury of this war. His powers of communication are very limited. We hope that will change, but it may not.

Seated next to this 22-year-old soldier in the hospital room is a 21-year-old wife, holding the picture of a 40-year-old daughter. For 10—20—30—or 40 years, this may be his life and her life.

The face of this war can be found in hundreds of counseling sessions that are now treating thousands of soldiers who returned, haunted by the demons of this war or fighting post-traumatic stress disorder. The face of this war can be found in the wives and mothers at home, anxiously awaiting the return of their soldiers, paying the bills, caring for the kids, hoping their marriage will survive.

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Amir of al-Qaida in eastern Anbar Province; the detention of the Khazali network; we have picked up the Shabani network head in Iraq. That is the explosively-formed projectile element in Iraq that gets them from others in Iraq, these are the explosively-formed projectile elements.

It goes on and on. He talks about the progress in Ramadi.

My only wish is that so many of those who are detractors would have had the opportunity and had taken the opportunity to go and spend the time in the area of operations, in the whole area out there. But I can recall so many things that people just are not aware of here.

I remember being in Tikrit. Tikrit is where they had the Iraqi security forces building that was blown up. Forty of them were either—these are Iraqi security trainees—40 either were killed or were injured so that they would not be able to go back to the field. The families—no one not hear about this of all 40 of these supplied the one who had died with another member of the family. In other words, they have this commitment that is so strong.

I asked the general yesterday, I said: Are you still getting the family support that I witnessed when I was over there?

He said: It is even stronger now. They are line up and talking about the Iraqi forces building that was blown up. The Iraqi forces in Fallujah—now, that was a great experience that I had, having the honor of being there during two of their elections. The Iraqi security forces go out and vote the day before the rest of the public votes for two reasons: one, so they can provide security for the public when they vote, and the second reason is that they go out there knowing that is the risky time. They are willing to risk their lives, and several of them in the Fallujah area died just in the process of voting.

I remember sitting down with the general—his name is General Mahdi—and he was one. I have to say—he was the brigade commander for Saddam Hussein. He hated Americans. He was the one who said—when they came in there after the fall of Saddam Hussein—he was still the brigade commander for the Iraqis until the marines came to Fallujah and started training with the Iraqi security forces. He made the statement—he said: We became so close to the marines—this is the general who had been Saddam Hussein’s brigade commander. He said: We became so close to the marines that when they rotated out, we got together and we all cried.

We went from there on up, flew in a Black Hawk, and the easiest way to get around there is to fly low and fast over the Triangle, only to see the little kids down there waving American flags. I just wondered if something like this is passed and we are telling all of those kids down there and we are telling the Iraqi security forces that are doing so well right now in their advanced training, that they are now on the point of these invasions that are taking place, the defenses that are taking place all throughout Iraq, that we are saying that we are the cut-and-run guys, we built up your hopes, we now see an imminent American military force. When our airfields are opened, we see manufacturers that are making clothing, we see girls who are going to school when this has never happened in the history of Iraq, we have seen all of this progress, but we are going to destroy it now.

So I just hope that we can stand back from the politics and do the right thing and get a good resolution—defeat this bill, get it vetoed, get a good resolution so we can finish what we started and give General Petraeus a chance to finish what he has started so successfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, will the Chair notify me when I have 15 seconds remaining?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. KENNEDY. Mr. President, first of all, I would like to congratulate the Democratic leader for his bold and decisive leadership and his determination to bring our troops home from Iraq in an orderly, responsible, and safe way. Those who are disparaging him are engaged in nothing more than a ploy to change the facts of the debate.

HARRY REID is an effective and capable leader. What the American people and our soldiers in Iraq need is new leadership from the White House and a new policy in Iraq that requires the Iraqis to take responsibilities and our troops to begin to come home.

A timeline for the withdrawal of combat troops is the only realistic way to encourage the Iraqis to take responsibility for their future. The Bush administration has no evidence for three Iraqi elections and for writing of the Constitution as part of its strategy to ensure that Iraqis would make essential decisions. Yet the administration remains emphatically opposed to any timeline for the withdrawal of our military. The administration should follow the logic of its past action and embrace, rather than reject, a timeline. It should stop defying the will of the American people who want to bring our troops home to the heroes’ welcome they have earned.

The President is wrong to threaten to veto this legislation, he was wrong to get us into this war, wrong to conduct it so poorly, wrong to ignore the views of the American people, and wrong to accuse those of us who are working to change course as harming our troops. Now he is wrong to threaten to veto this bill, delaying funds and keeping our troops in a civil war with no end in sight to our commitment. In fact, this bill would be bad news to the American people and working with Congress to bring this tragic war to an end.

Instead of continuing to defy the will of the American people and Congress by threatening to veto the legislation, he should be putting the Iraqis on notice. He must make it clear to the Iraqi Government that it is time for them to take responsibility for their country and resolve their political differences. The American military will not police Iraq’s civil war indefinitely. It is time to end the loss of American lives and to begin to bring our soldiers home. For the sake of our troops who cannot repeat the mistakes of Vietnam and allow this to drag on long after the American people know it is a mistake.

We have Presidents who make mistakes. President Johnson was wrong in escalating in Vietnam. President Nixon was wrong to continue that escalation, and we saw the loss of 58,000 American lives. Presidents make mistakes.

This President has made this mistake. The American people were right in judging him and bringing him to an end, and the American people are right now. No one in the administration can tell the American people in good faith and in good conscience that we are making progress in Iraq. Iraq is sliding into a civil war, and the American military cannot solve their problems. It is time the President listen to the Iraqi Study Group, the Congress, and the American people and work with us to bring our troops home.

Mr. President, yesterday the United Nations issued a progress report on the progress of violence in Iraq. I ask unanimous consent that sections of that report be printed at the appropriate place in the RECORD.

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

### SUMMARY

1. The Government of Iraq continued to face immense security challenges in the face of continued insurgent violence against to its authority and the rapidly worsening humanitarian crisis. A number of large-scale insurgent attacks had devastating effects on both the civilian population and Multinational Force (MNF) personnel, and continued to claim lives among Multinational Force (MNF) personnel. Civilian casualties of the daily violence between January and March remained high, concentrated in and around Baghdad. Violent deaths were also a regular feature of several other cities in the governorates of Nineveh, Salahuddin, Diyala and Babel. The implementation of the Iraqi-led Baghdad Security Plan (Khattat Farid Plan) on 14 February saw an increase in insurgent attacks and MNF troop levels and checkpoints on the streets of Baghdad, expanded curfew hours and intensified security operations and raids. The challenge facing the Government of Iraq is not limited to addressing the level of violence in the country, but the longer term maintenance of stability and security in an environment characterized by widespread impunity and a breakdown in law and order. In this context, the intimidation of a large segment of the Iraqi population, among them professional groups and security personnel, and political interference in the affairs of the judiciary, were rife and in need of urgent attention.

2. In its previous reports on the human rights situation in Iraq, UNAMI regularly cited the Iraqi Government’s official data,
including the Ministry of Higher Education’s statistics on killings among academics and the Ministry of Interior’s statistics on killings among police officers. It is therefore a matter of whether the Iraqi Government did not provide UNAMI access to the Ministry of Health’s overall mortality figures for this reporting period. UNAMI emphasizes again the need for the Iraqi Government to operate in a transparent manner, and does not accept the government’s suggestion that UNAMI used the mortality figures in bad faith.

Evidence which cannot be numerically substantiated in this report nonetheless shows a rise in the number of killings and targeted assassinations perpetrated by insurgent groups, militias and other armed groups. In February and March, sectarian violence claimed the lives of large numbers of civilians, including women and children, in both Shi’i and Sunni neighborhoods. One of the most devastating attacks occurred on 3 February when a truck packed with a ton of explosives detonated, killing an estimated 183 people and injuring 398 others in the predominantly Shi’a district of al-Sadr’s Baghdad. While government figures announced an initial drop in the number of killings in the latter half of February following the launch of the Baghdad Security Plan, the number of reported casualties appears to be on the rise.

In its previous reports, UNAMI expressed its concern that many Baghdad neighborhoods had become divided along Sunni and Shi’a lines and were increasingly controlled by armed groups purporting to act as protectors and defenders of these areas. Efforts to find a long-term and durable solution to mass displacement require immediate action, in particular reintegrating displaced persons and refugees who have fled their homes in order to seek safety and to deal with the humanitarian needs of those who have become refugees within Iraq. According to the United Nations High Commissioner for Refugees (UNHCR), an estimated 736,422 persons were forced to leave their homes since December 2006. Together with 1.2 million IDPs displaced prior to 22 February, these persons are in need of continuous assistance, including shelter and improved access to the Public Distribution System (PDS). Additionally, Palestinian refugees residing in Baghdad continued to be victims of the deteriorating security situation. According to a Palestinian human rights organization and other Palestinian sources, 198 Palestinians were killed in targeted assassinations or attacks on their residential compounds since 4 April 2003. Palestinians responded to continuing threats and attacks by leaving their homes and seeking refuge in camps along the Iraq-Syria border.

5. UNAMI notes again the serious trend of growing intolerance towards minorities, whose representatives continued to lodge complaints about discrimination, intimidation and individual targeting on religious, ethnic and political grounds. The 2005 Iraqi Constitution protects the “religious freedoms” of all of its citizens. Of equal concern are ongoing infringements to freedom of expression, including press and media freedoms, were of serious concern. Equally serious was the lack of due process in regard to detainees held by Kurdish security forces (Asayish), the majority on suspicion of involvement in acts of terrorism and other serious crimes. Hundreds have been held for prolonged periods without referral to an investigative judge or charges brought against them. UNAMI noted the absence of serious measures by the KRG authorities to address the growing level of violence against women, including prompt investigations and criminal prosecution of perpetrators.

“Civilians casualties of the daily violence between January and March remained high concentrated in and around Baghdad.” [page 3 of U.N. report.]

“By late February, government officials announced that the number of such killings had decreased, which they attributed to the Baghdad Security Plan. Despite this announced decrease, the number of victims was nevertheless high, with up to 25 bodies still being found on some days during this period. UNAMI’s monitoring within the Baghdad Security Plan area witnessed a rise in the number of casualties, with reports of large number of bodies found in Baghdad, al-Ramadi, al-Hilla, Kirkuk, Mosul, Khalis, Tikrit and Himreen.” [page 8 of U.N. report.]

Despite reports from Iraqis in late February, the situation has not improved. There were a series of indiscriminate attacks targeting civilians, and the rate of kidnappings remained high.” [page 7 of U.N. report.]

Large-scale suicide and car bomb attacks were carried out between January and March, with several incidents claiming the lives of more than 50 people each [page 6 of U.N. report.]

According to the United Nations High Commissioner for Refugees, more than 200,000 Iraqis have been displaced since last December. [page 4 of U.N. report.]

Mr. KENNEDY. Mr. President, I am very pleased that this conference report includes the minimum wage bill. After 10 long years, we will finally be able to increase the minimum wage paid to the President. It’s long overdue, and it’s yet another reason why the President should sign this important bill.

The minimum wage bill passed the House and Senate by overwhelming margins in January and February of this year. Under it, minimum wage workers will get a raise of $2.10 per hour. Those who work full time will each have an additional $4,400 a year.

That’s enough to pay for utilities that might otherwise be shut off, to put gas in the car so you can get to work, or to pay for after-school care for a son or daughter who might otherwise be left home alone.

In many ways, including the minimum wage increase in this bill on Iraq couldn’t be more appropriate. The minimum wage represents the values our troops are fighting for—basic fairness. It’s about what we stand for as a Nation.

Americans believe that hard work should help you build a better life for your family. They believe that a job that pays you a living wage, with fair healthcare and benefits they can afford, is a basic right. The minimum wage bill passed yesterday is a key step in helping our troops win the war we are fighting abroad, and in defending our country here at home.

I hope we can provide these families—and all other struggling families across the country—with the fair wages they deserve as soon as possible. I hope the President will do the right thing for our troops and for America’s minimum wage workers by signing this important bill.

PRESIDING OFFICER. The Senator from Georgia is recognized for 5 minutes.

Mr. ISAKSON. Mr. President, at the beginning of my remarks, I wish to associate my remarks with the Senator from Connecticut, Mr. LIEBERMAN. I think his point-by-point rebuttals to previous declarations were appropriate and were right on point.

I will not talk long, but I rise to explain precisely why I will vote against this supplemental. In fact, there are a number of reasons I will vote against it—140,000 reasons are the men and women deployed right now on behalf of the United States of America and the civilization we fight to protect.

It’s right for the Senate to debate this war. It is right for us to ask questions. But it is wrong to hold hostage the money for our troops who are, in order of the President of the United States, defending our country and what we stand for.
There are almost 3,300 reasons I will vote no; that is, the sacrifices that have already been made on behalf of the United States of America, those troops who have fought and those who have given the ultimate sacrifice, troops like Diego Rincon, the first soldier from Maryland to be assigned, and LT Noah Harris, a famous Georgian who sacrificed his life as well. I have known those families. I have gone to those services. I understand the sacrifice, and I know how they feel of the pride of their sons who fought on behalf of this noble cause.

There are six additional reasons—my grandchildren. This is the ultimate war between good and evil. This is but one battle in a war that will determine the future security of the world. Make no mistake, there have been mistakes made, but it would be a horrible mistake to not confront terror or the agents of terror, because if we do, they have won.

Neither any other war ever fought by the United States, we are fighting a group of people who don’t want what we have, they don’t want us to have what we have: the Bill of Rights; the right for me to express myself and Senator Kennedy to do the same without fear or without cowering; the right for the press to call it as they see it; the right to worship as you see fit; the right to bear arms. The 10 basic rights of the Bill of Rights are precisely what they want to take away, not only from us but from the rest of the world.

Terrorists want us to cower in fear and want to run the world based on that principle. To pass a supplemental appropriations bill that couches the support of our troops based on arbitrary deadlines that only serve to benefit the very people we fight is just plain wrong.

I relish debate of this war every day on the floor and hope we will continue. The waking mistake of the future is debating those things which have happened in the past. But it would be the worst of mistakes to withhold funding from our troops or condition it upon arbitrary deadlines and circumstances in another country, at another time, at another place.

Mr. President, I end my remarks by thanking those brave men and women who have sacrificed and those who are sacrificing now and the families of those troops, many of them families who live in my State of Georgia. I will vote for the supplemental appropriations of our troops unconditionally and separate our debate of other issues to another document. But I will not support holding hostage our troops or their money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 4 minutes.

Mr. MENENDEZ. Mr. President, a lot has been said about this bill. Let’s get the facts straight before we cast a vote. This administration has said: If you vote no to this conference report, you are against our troops. Nothing could be further from the truth. This bill is the ultimate definition of supporting the troops.

All Marylanders are proud of the service of our members of the National Guard who have been called up and have served in Iraq and Afghanistan and are now being called up. It was an emotional morning as these soldiers said goodbye to their families. I can tell you they are ready. They are ready to serve our country. They will serve with great distinction. I told our soldiers and their families I would do everything I could as a Senator to make sure they had all of the resources to do their job. I told them that the mission has been assigned to them as safely and as effectively as possible. That is one reason I will vote for this conference report. I told their families I would do everything I could to help support their needs and to support the needs of military families around this Nation, and to support the needs of veterans around this Nation, to take care of their support services, including their health care needs. That is another reason I will be voting for this conference report.

We need a change in our mission in Iraq so our soldiers can achieve a mission that is in the best interest of this country. That is another reason I am supporting this conference report. It spells out a mission that is in the best interest of this Nation and can be achieved. We need to change our role in Iraq. We need to get our soldiers out of the middle of a civil war, to focus on the war against terror, to help the Iraqis fulfill their own needs, to bring our troops home. That is another reason I will be supporting this conference report.

We need measurable and achievable benchmarks for the Iraqi Government so they can secure their own country to undertake political reconciliation and to provide basic needs for ordinary Iraqi citizens, another reason I will be supporting this conference report.

The President of the United States has threatened a veto. That would only delay the delivery of much needed funds to our forces, delay a change in direction in Iraq, and undermine the need for political reform in Iraq itself. We have our responsibility. Our first responsibility is to act and to pass this supplemental appropriations bill. I urge colleagues to support this appropriation. It is in the best interest of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 4 minutes.

Mr. MENENDEZ. Mr. President, a lot has been said about this bill. Let’s get the facts straight before we cast a vote. This administration has said: If you vote no to this conference report, you are against our troops. Nothing could be further from the truth. This bill is the ultimate definition of supporting the troops. The truth is, a “yes” vote ensures our troops are equipped and prepared to defend themselves, moves them out of another country’s civil war, and provides health care that has been lacking for those who return home injured. This is not about surrender, this is about our brave men and women.

A vote against this $124 billion spending bill is a vote against the $100 billion for our troops in Iraq and Afghanistan. A vote against this bill is a vote against a billion-dollar increase to get desperately needed equipment to our National Guard and Reserve who fight abroad and protect us at home. A vote against this bill is a vote against $3 billion for the purchase of 8,500 mine-resistant, ambush-protected vehicles to protect our soldiers from deadly roadside bombs. A vote against this bill is a vote against nearly $3 billion to help reform an overburdened veterans health system struggling to take care of our returning wounded. A vote against this bill is a vote against $900 million to research and treat posttraumatic stress disorder and traumatic brain injuries, two of the most critical issues facing wounded soldiers. A vote against this bill is a vote against $900 million to support veterans facing unemployment and homelessness. A vote against this bill is a vote against $900 million to research and treat posttraumatic stress disorder and traumatic brain injuries, two of the most critical issues facing wounded soldiers. A vote against this bill is a vote against $900 million to research and treat posttraumatic stress disorder and traumatic brain injuries, two of the most critical issues facing wounded soldiers.

We need a political framework to institute political reconciliation and to provide basic needs for ordinary Iraqi citizens.

We need a political framework to provide a political answer to the problems of that country, another reason I support this conference report.

We were told that by the end of 2006 the Iraqi Government was supposed to institute political reconciliation. That benchmark has not been met. We were told the Iraqis would establish a law to regulate the oil industry and share revenues, but that benchmark has not been met. We were told the Iraqis would establish a law to regulate the oil industry and share revenues, but that benchmark has not been met. We were told that by March the Iraqi Government was supposed to hold a referendum on constitutional reform, but that benchmark has not been met.

That benchmark has not been met.

Time and again, the Iraqi Government has fallen short, and time and
again this administration has looked the other way, basing their plans on the hope that the Iraqi Government will step up.

Continuing this failed policy in Iraq based on the mere hope that things will improve is not good enough. The broken promises must stop.

Some on the other side of the aisle point out that the President is the Commander in Chief. I remind my friends that the Constitution puts the Congress in charge of appropriating funds. Congress has the power, the right, and the obligation to make sure we spend the taxpayers' money wisely.

What we are saying today with this bill is no more blank check for the Iraq war.

This bill sends a strong message to the Iraqis that it is their responsibility to take control of their own country and that our involvement in Iraq is not indefinite. As Thomas Friedman has written: It is time to decide "we will no longer play host to a war where we are everyone's protector and target."

We must put in motion a plan to bring a responsible end to this war. I urge everyone to support the supplemental, a vote that takes care of our troops, a vote to responsibly bring our troops home, and a vote for a new direction in Iraq and here at home.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. Mr. President, the title of this bill, "The U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act," doesn't say much for the contents of this legislation because it has gone way beyond that with a lot of material that has nothing to do with the title. The Finance Committee matters definitely don't fit into this bill.

As the distinguished chairman of the Appropriations Committee, Senator BYRD has said on so many occasions the Founding Fathers vested the great power in the Congress. Likewise, the other great power, the power to raise taxes, is vested in Congress. The power of the purse, appropriations, is our power. We are directly accountable to our constituents for our spending actions. In that vein, I deeply respect the deep traditions of the Appropriations Committee.

As former chairman and now ranking member of the Finance Committee, I also deeply respect the division of power. The power to tax is our power as a committee, and we are directly accountable to our constituents for our taxing actions. We should mix the jurisdiction of the two great money committees—Finance and Appropriations—rarely, if ever. It should only occur if at all when the senior members of the tax writing and appropriations committee agree. Mixing tax writing and appropriations jurisdiction should not occur. As a leadership power play, those kinds of actions demean the committee.

Fortunately, the leadership respected this division of jurisdiction between the tax writers and appropriators over the last 6 years. Unfortunately, early on in the tenure of this new Democratic majority and their leadership, we have seen a dramatically different course of action for purely partisan reasons.

The Democratic leadership inserted into this sensitive supplemental appropriations bill two major matters that involve Finance Committee jurisdiction. So the first lesson we have learned is that the line between the tax writing committee jurisdiction and appropriations jurisdiction will not be observed. That will only undermine each committee and break down the committee process. The second lesson is the "I told you so." Shortly after the Senate acted on the minimum wage and small business tax relief bill, I said I had learned something from the Democratic leadership, as they were in the minority over the last 6 years. It was a lesson that taught us while they were in the minority. That lesson is, get a preconference agreement. Put another way, if you are in the Senate minority, as we are now, don't agree to a conference unless you secure an agreement for fair treatment in advance. That something that worked well for the Democrats while they were in the minority, something we ought to have learned, and we have learned.

Now let me say I appreciate all the consultation and courtesy that Chairman BAUCUS has given me. He worked with me and I worked with him to get the minimum wage, small business tax relief bill through the committee. But the composition of the final package that is before us is heavily weighted toward an extension and modification of the work opportunity tax credit—and I support that credit—and the benefits of that policy are delayed. Small businesses need tax relief to be in sync with the minimum wage kicking in. Both of these outcomes do not reflect a proportionate agreement between the House and Senate bills. The arbitrary ceiling on the amount of tax relief was not a fair balance. This agreement confirms that a preconference process—learning that from the Democratic minority of the last 4 years—is necessary to ensure that a conference agreement will reflect the priorities of both bodies. I will reiterate my point to the Republican leadership again on that. This process proves that we need a preconference agreement before agreeing to go to conference in the first place.

Now I will return to the substance of the deal, Mr. President. I am hearing from a lot of small business folks who are going to be paying the minimum wage. They want to retain their current workforces, hey have to look to the bottom line. They are very disappointed that the arbitrary $5 billion limit on assertive tax relief measures were tossed out. I am referring to a simplification of the cash method of accounting. That proposal would cut down on a lot of paperwork small businesses currently have to do. I'm also referring to faster depreciation rules for new restaurant buildings, and I am referring to faster depreciation rules for retailers and owner-financed building improvements. All of these proposals would help with the coming cash crunch that these small businesses will be facing.

I am not hearing from a lot of the big business folks who were targeted by the loophole closers and antitax shelter measures. Because of House fealty and fealty to the $5 billion number, those reasonable revenue raisers were tossed out the window.

This was a missed opportunity. It was a missed opportunity for a Congress that started with a supposed reform mission to send a message to K Street in DC and Wall Street in New York City. That message would've been simple. Don't engage in tax shelters like the so-called "SILO" transactions. Don't move your company headquarters offshore to minimize your American tax responsibilities like the so-called "inversion" transactions. For high-paid CEOs, don't rely too much on non-qualified deferred compensation arrangements. No, you can kiss that opportunity goodbye.

When it came to the small business tax relief package, K Street and Wall Street big business won and Main Street small business lost. Not a good outcome. Hopefully, once this bill is voted on and we return to the minimum wage/small business tax relief package, Main Street small business will come out on top.

Now I am going to turn to the other Finance Committee material in this time-sensitive appropriations bill. I am referring to Medicaid proposals in the conference agreement. There is a provision in the conference agreement that would prevent CMS from implementing the cost-limitation rule.

A moratorium is an improvement over the two-year moratorium that was in the bill as passed by the Senate, but the language in the bill still encourages states to push the envelope on payment schemes.

If CMS gets a waiver or state plan amendment that has authority to do with the rule, I don't think CMS has the authority to turn it down. Neither do I.

And after trying to work it out with the sponsors of the provision for the last couple of weeks, I don't think they want CMS to have any authority either.

Why? This is a provision written for the benefit of a special interests so they can avoid real scrutiny of their financing arrangements.

This provision will encourage states to offer payment schemes that CMS has previously disallowed as being inappropriate.

It will encourage litigation if CMS tries to assert that they do still maintain jurisdiction.
This is just bad public policy. The inspector general has investigated and reported to congress on why there are problems in the areas the rule addresses.

We have not had the first hearing on why the rule doesn’t work and must be stopped.

This is a tremendous mistake and should not be in the bill.

The way that this provision is paid for is equally noxious.

The extension of the Wisconsin pharmacy plus waiver is an unnecessary earmark. Every State but Wisconsin has changed their pharmacy assistance program as the MMA required.

But why hasn’t Wisconsin? It’s very simple. They want the Federal dollars that Medicaid provides and the rebates they get from drug companies.

That it is an earmark is bad. But the way the language is written is really offensive. The language is written in a way that games Medicaid’s budget neutrality test. It’s written to guarantee that it appears to save money.

The reality is that Wisconsin will be providing many poor seniors with less of a benefit than they could get through part d. Wisconsin charges greater co-payments than Medicare for low income seniors.

It truly is another missed opportunity. They could have paid for this with a provision we would have gladly supported. But again, the special interest won.

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But, again, the special interest won. They could have paid for this with a provision we would have gladly supported.

Legislating to prevent CMS from cleaning up intergovernmental transfers scams on this appropriation bill sets a bad precedent. That is clear. It’s legislation on Medicaid and, that is a basic part of the jurisdiction of the Finance Committee.

If this goes forward in this manner, then nothing then would prevent the Senate legislating changes on other Medicaid and Medicare issues on appropriation bills without the benefit of hearings or committee action on those subjects.

Invading the Medicaid and Medicare jurisdiction of the Finance Committee is a mistake.

It is almost impossible to cope with Medicaid and Medicare legislation on appropriation bills. These are complex issues that are best dealt with by the committee of jurisdiction.

This bill is going to be vetoed. The Appropriations Committee will return to its work to fund the troops in the field. We ought to focus on that. On minimum wage/small business tax relief, we need to go to regular order.

Let’s arrive at a pre-conference agreement on the House and Senate bills and go to conference and hash it out with a real conference. Unlike this situation, the chairmen and ranking members of both tax writing committees should be conferees. In that setting, we can arrive at a bipartisan agreement that passes the House, Senate, and be signed by the President.

After the veto, let’s get this right. I would ask the leadership to get out of the way of the tax writing committees and let us do our work on our schedule in line with our committees’ objectives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. WEBB. Mr. President, there is a lot of emotion in the Congress today, as there is in the country, on this topic. There is a lot of rhetoric flying back and forth. Some of it is inaccurate. The first thing we need to say is that this is not an issue of the Congress denying anything to the people of the Armed Forces. We are exercising our constitutional powers to appropriate. We are sending the President a $100 billion check. If he chooses not to appropriate. We are sending the President a $100 billion check. If he chooses not to appropriate. We are sending the President a $100 billion check. If he chooses not to appropriate.

There is also a lot of rhetoric going around over the past couple of days about defeatism and surrender and accusations of betraying the troops. We need to calm down a bit. There is no one in this Congress who wants anything more than to support those people who have been put into harm’s way.

I believe people should be very careful on this floor to discuss political motivations of our military which reflect very closely the political views of the country at large. Poll after poll shows that.

In respect to accusations about defeatism and surrender, the question becomes: Defeat by whom and surrender to whom? We won this war 4 years ago. The question is, When do we end the occupation? This has been going on for thousands of years. It will be in turmoil of one kind or another long after we leave. The U.S. military is not going to change the societal makeup of Iraq. The Maliki government is not going to bring peace among Iraq’s competing factions at the end of the occupation.

They do not want al-Qaida to continue in Iraq once we have left. And there will be very little motivation for al-Qaida to continue in Iraq once we have left. Not only that, but the Iraqis themselves are quite capable of standing up to al-Qaida without our help.

They do not want al-Qaida in Iraq. That is why they are cooperating with our forces in Anbar Province right now. And they kept al-Qaida out of Iraq before we got there. Or do they mean what this administration continues to say about the Iraqis refusing to support the United States military, to try to end ethnic rivalries that go back hundreds of years? Or perhaps, as defined by this administration, we are talking about the factions within the factions that are busily trying to kill each other, just as the factions in Lebanon were trying to kill each other more than 20 years ago, when we put the marines in the middle of that violence.

Some say our withdrawal from Iraq would create chaos in the region. I have long advocated a withdrawal that should be accomplished under an umbrella of a strong diplomatic effort that involves regional cooperation. But I must regretfully say, for those of us who warned against invading Iraq and decapitating that existing Government, the chaos the administration is now predicting is exactly the chaos their invasion has brought us in the first place—instability in the region, a loss of American prestige, a rise in the influence of Iran, an increase in terrorist activity.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. WEBB. Mr. President, I ask unanimous consent for 30 more seconds.

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

Mr. WEBB. Mr. President, I wish to say I am very disappointed in some of the provisions in this report. I must say that candidly. At the same time, I believe, very strongly, the reservations
I have pale in comparison with my disappointment in the failure of leadership that has brought us into Iraq in the first place—a leadership that refuses to find a suitable turning point which will bring us out.

This administration must be confronted. It must understand the American people have grown tired of this disastrous, one-dimensional approach to a crisis that demands innovative answers. It is for that reason I support this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, today I rise to speak on a question that continues to weigh rather heavily on my heart. I am reluctant to ask it since such a question would never have been asked, or even contemplated, by previous generations of Americans. But it is a question that now must be asked since it is central to our future: Do we, as Americans, have the resolve to see our commitments through? It is a question we must confront in a number of parts of our world that will directly affect the way we, our children, and our grandchildren will live in this new century. Do we have the resolve and the courage to meet our commitments and confront the looming crisis of Social Security?

Do we have the resolve to balance our Nation's budget? Do we have the resolve to endow our children with a proper education so they can master and provide the limits of science, thereby providing our Nation the means to compete in an increasingly competitive world economy?

However, at this point in our Nation's history, the crucial question concerning our resolve as a nation does not relate to matters of domestic policy. It relates to our commitments beyond our borders. It is the central and critical component in determining who will prevail in the global war on terrorism. Will we, our coalition allies, the people of Iraq and their elected Government, emerge victorious? Or will we renounce and abdicate our commitments and responsibilities to the Iraqi people—leaving them to a fate controlled by terrorists and leaving our future security as a nation in peril?

Generations ago that, unto itself, would be a stain on the honor of this country; but these are different times. Turning our back now will only prolong our suffering.

So, with that in mind, I again ask:

Do we have the resolve to see our commitments through?

As we seek to answer this question, I am reminded of events that occurred during the summer of 1940. The Nazi armies, seemingly invincible, had conquered Western Europe, France, the Netherlands, Poland, Denmark, Norway, and Belgium had all fallen.

The British Army, after its rescue from Dunkirk, had long possessed sufficient numbers of artillery and tanks to defend against the blitzkrieg. All that stood between Hitler and complete victory was the English Channel and 650 fighters of the Royal Air Force.

Then Hitler offered a deal. In exchange for a “free hand in Europe,” the Nazis would provide “guarantees” that they would not invade Great Britain. Despite the fact that the British Army lacked sufficient equipment to effectively repulse an invasion, Prime Minister Churchill resolved to keep his nation’s commitment to the people of Europe. He would not abandon them.

His words, which I will paraphrase, still echo today:

The Battle of France is over... the Battle of Britain is about to begin. Upon this battle depends the survival of... Western civilisation. The whole fury and might of the enemy must very soon be turned on us. Hitler knows that he will have to break us... or lose the war. If we can stand up to him, all Europe, including the United States... all that we have known and cared for will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of perverted science. Let us, therefore, brace ourselves to our duties, and so bear ourselves that... men will say—This Was Their Finest Hour.

This is the lesson that history teaches us: that resolution to see your commitments through is what great statesmen and nations are made of—that peace and justice can only be restored through bold action.

So what do my colleagues on the other side of the aisle offer, knowing full well this lesson of history? In a word: defeat. In his own words, the Democratic minority on the floor of the Senate, on April 19, “the war is lost.” To be fair, the leader did attempt to temper his words by saying:

As long as we follow the President’s path, the war is lost. But there is still a chance to change course and we must change course.

No one wants us to succeed in the Middle East more than I do. But there must be a change of course.

So what plan, or new course, does the Democratic leader or other Democrats offer? How can we, in his words, “succeed in the Middle East”?

His answer can be found in the conference report to this bill. But I warn anyone who attempts to read this legislation, first you must wade through billions in spending allocated to programs that have nothing to do with the war before you learn how our Democratic colleagues plan to “succeed in the Middle East.”

What is their plan for victory? Well, their legislation states that no matter what happens, the bulk of our forces will begin to withdraw after July 1, or if the Surge has certain certifications, after October 1.

So what is their strategy? I believe Winston Churchill would have characterized the Democratic strategy as: guaranteed defeat.

Is this resolve? Is this determination to see our commitments through?

No.

This is the worst case of capitulation to appeasement since Neville Chamberlain spoke the words “peace in our time.”

What is needed now is leadership. Now, at this critical moment in history, great nations need our follow Churchill’s advice, yet the Democrats offer us only Chamberlain’s.

The Democratic leaders previously stated, in 2005:

[A]s far as setting a timeline... that’s not a wise decision because it only empowers those who don’t want us there, and it doesn’t work well to do it.

Wise and sound words. That was real leadership. Unfortunately, that was when the polls supported their position to stand firm. Now the Democratic leaders have reversed themselves because the polls have told them that is what they should do.

Two days ago, during an interview on CNN, the Senator from Nevada was asked how he would reelect our new commander General Petraeus “that there is progress going on in Iraq, that the so-called surge is working. Will you believe him when he says that?”

What was his response? “No. I don’t believe him, because it’s not happening.”

Now, I find this to be an incredible remark. Less than 3 months ago, the majority leader had joined a unanimous Senate and voted in favor of General Petraeus. But this was more than just another confirmation vote. The major subject of his confirmation hearing and the subsequent debate on the Senate floor was the new strategy the general had outlined.

So what is the new strategy? Simply put, General Petraeus is executing one of the tenets of a classic counterinsurgency strategy by providing and maintaining security to the local population and neighborhoods in Baghdad. Only when this is achieved will the Iraqi Government be able to continually offer basic services such as clean water and electricity, which are the backbone of any modern society.

This, in turn, creates conditions where the Iraqi people can begin to develop a growing economy and where families feel safe to send their kids to school. As these goals are achieved, more and more of the population will desire even greater stability and will support and work toward creating Iraqi Government institutions and security services that maintain and enhance this new, secure environment.

How is this different from the past? Previously, U.S. forces would clear an area of insurgents, but, unfortunately, sooner rather than later, the insurgents would return. Now, under General Petraeus’s plan, American and Iraqi security forces will
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maintain security in the cleared neighbor-
hoods of Baghdad. To date, over 50
security force units, based in what are
called garrisons, can be found in the
neighborhoods of the city, and even more are
planned.

That is why the additional forces
that we are sending to Iraq are vital. It
is not more for more’s sake, but to
maintain a secure environment for the
Iraqi people and to help them stand up
for themselves.

Based upon the briefing that the Sen-
ate received yesterday from General
Petraeus, and information I have ex-
amined as a member of the Senate In-
telligence Committee, I can report that
we are seeing signs of progress.

Frankly, I believe the changes that
have been made in the last 3 months
are remarkable and need our full sup-
port, and it is readily apparent we do
not yet have all the promised forces de-
ployed and in Iraq.

So let us return to the question that
I asked when I began my remarks: Do we,
as Americans, have the resolve to see
our commitments through? Or will we fal-
ter?

That is what the vote on this con-
ference report will demonstrate. Will we
stand with firm resolve behind our
commitments and see our new strategy
through? Or do we adopt a policy of ap-
pearance and hope that al-Qaida, and
those who wish us harm and seek to de-
stroy the values that we hold so dear, do
not take advantage of our country?

What side of history do you wish to
be on? Based on America’s history and
our resolve that has seen us through so
many difficulties in the past, I believe
the American people do not want re-
treat, they want success and security.

The PRESIDING OFFICER. The Sen-
ator’s time has expired.

The Senator from New York is recog-
nized for 4 minutes.

Mr. SCHUMER. Thank you, Mr. Presi-
dent.

Mr. President, we can do both: fund
the troops and change our mission in
Iraq. That is what this supplemental does, and we urge you, Mr. President,
to look into your heart, reconsider, and
sign it.

The American people, bipartisan ma-
jorities in both Houses of Congress,
military experts, and the Iraq Study
Group all agree the only way to suc-
cess is for us to change our course.

What is more, the President wrongly
thinks the only way to support our
forces is for everyone to rubberstamp
his policies. That is not what the
American people want. The American
people want a change in mission. They
want a new direction, not more of the
same failed policies.

I have talked to generals and to
NGOs, they do not want us to
rubberstamp the President’s policies.
They want a debate because everyone
knows the present direction is failing.
Everyone knows we need a change of
mission—except the President and his
small group of advisers who are clus-
tered down there at 1600 Pennsylvania
Avenue and refuse to listen—stub-
bornly refuse to listen—to the experts,
to the American people, and to so
many others.

First, let me tell you what this sup-
plemental does. The first thing it does
is fund our troops. It fully supports our
troops. It allocates more dollars for
them than the President has asked for.

Second, if you want to stop this war,
Congress can vote to cut off funding.
However, doing so would tell the troops
that even though 77 Members of this
body said we should fight this war to
keep America safe, we would now be
telling all of our brave men and women
in Iraq, their families, and the families
of those who gave their lives, we did
not mean it, that we did not want to
finish this job, and that when the going
gets tough, America gets going—out.

We will tell America we are no longer
concerned about keeping our homeland
safe from a new 9/11, about denying al-
Qaida the safe haven it has declared it
is seeking in Iraq to prepare for new at-
tacks on America. While that choice is
deadly wrong, it is an honest choice
under the constitutional power given
to the Congress.

Third, and most deplorable, Congress
is delaying the funds by forcing vote
after vote, while attempting to score
political points, and trying to micro-
manage the war, even though war man-
agement is the President’s constitu-
tional responsibility.

Most sadly, this is the course of ac-
tion the Democratic leadership has
chosen—a course that will result in
“death by a thousand cuts.”

Those who are attempting to end the
war precipitously, politically, because
they think it will score them seats in
Congress or perhaps in the White
House, are putting polls and politics
ahead of our national security. Demo-
cratic leaders have stated they intend
to pick up seats as a result of what
they have referred to as a lost war.
These comments were not just broad-
cast here in the United States; this
talk about war loss was picked up and
broadcast gleefully by al-Jazeera to
our enemies and the world.

The Los Angeles Times has reported
a top House Democrat that has said:
Our goal is to keep giving them—Repub-
licans—votes on Iraq.

The article goes on to say:

Democratic strategists also believe that
repeated votes on the war will allow the
party to expand its congressional majorities
in next year’s elections by continuing to link
GOP lawmakers with the President and his
war policies.

I am sure our troops in the field ap-
preciate very much that some of the
Democratic leadership are working to
win the war—not the war against our
sworn enemies blowing up our troops
and killing Iraqi children who rely on
our protection but against fellow Americans in coming elections. Where is their strategy to win, to leave Iraq a stable and safe country?

As I have said, the other side’s leadership, by embracing a policy of repeated votes and delaying funding, is denying our military the resources they truly need. Their enemy should be al-Qaida and its murderous insurgents, not the President and Republican opponents.

Substituting Congress for General Petraeus and his leadership, and telling him how to run a war from 8,000 miles away is a disaster. General Petraeus is executing a new plan, a plan essentially recommended by the Baker-Hamilton Iraq Study Group, which last fall our colleagues on the other side of the aisle said we should follow. But now even if some generals in Congress think they are smarter than General Petraeus and can devise in legislation a better plan, which I strongly doubt, I am very doubtful they can adjust that plan to conditions on the battlefield. This is a sad reflection of how vested the Democratic leaders are in defeat—defeat for President Bush but defeat for our troops and our safety in Iraq.

Congress attempts to put artificial political timetables on the management of the war and does nothing to accomplish the mission. The Baker-Hamilton commission explicitly rejected timetables for withdrawal, because they recognized—the bipartisan group—it was a disaster, and many Democratic leaders have previously stated a legislated timetable, laying out this strategy in legislation, is absolutely unacceptable. What the political timetable does is give al-Qaida the encouragement and information it needs to know when and where and how to attack our troops.

This January, in open session, leaders of our intelligence community came before the Senate Intelligence Committee to answer questions about establishing a political withdrawal and the consensus was alarming.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. BOND. I understand I had 7 minutes.

The PRESIDING OFFICER. The Senator did. He is down to 1 minute.

Mr. BOND. Mr. President, the intelligence community said withdrawing forces before we can provide security will result in chaos: more killing among Iraqis, an al-Qaida safe haven, and a possible regionwide declaration of war.

We need a political solution in Iraq, not in Washington, to allow the leaders in the national unity government to come together, but to get that, we need to repel the terrorists, we need to rebuild the Iraqi security forces. What won’t help General Petraeus is direction from armchair generals in Congress.

What I would say to those who want to direct the war is: If you want to run it, you will own it. When a newly revitalized al-Qaida carries out a renewed 9/11 scale attack, you will own that one, too.

Mr. President, hundreds of thousands of soldiers and their families at home will remember that. I suggest we support our troops.

As any veterans know, I hail proudly from the Show-Me-State.

If all of the rhetoric in Washington about supporting the troops is true and I suspect it is, then I suggest that the Congress show our troops that we do support this, militate them the funds and give them a chance to succeed.

Comments like “The war is lost” do not help our troops, but they do embolden the enemy.

Our actions should inspire our troops and the millions of Iraqi citizens who actually trust that Americans will not embrace defeat.

Our action should not be one that inspires al-Qaida and the murderous insurgents.

We should not pass legislation that provides our enemy the clear path to their victory, a victory which some in this body have already awarded them.

Mr. LOTT. Mr. President, I thank Senator BOND for his remarks. As the senior Republican on the Intelligence Committee, I have knowledge and information and passion maybe some of the rest of us don’t have the benefit of.

Mr. President, I rise today to oppose final passage of the emergency supplemental funding bill.

It troubles me to oppose this bill because our troops need this money right now to continue operations in Iraq, Afghanistan, and around the globe.

But there are so many things I find objectionable in this final bill that I cannot support it.

The bill still includes over $21 billion in unrequested items—$425 million for rural schools, $3.5 billion for agricultural assistance, and even an additional $3 billion more than the President requested in FEMA disaster relief for communities impacted by Hurricanes Katrina and Rita.

It is not that these programs are bad or wrong, because many of them aren’t—in fact, most of this assistance is very valid. We desperately need that FEMA money on the gulf coast to repair our communities as many communities are still struggling to get back on their feet.

But there is an emergency supplemental that is supposed to focus on the urgent needs of our military in fighting the war on terror. We should not be including money for a multitude of requirements that may be important, but are not urgent.

I am also very troubled that this bill micromanages the President’s ability and constitutional mandate to serve as Commander in Chief of the Armed Forces.

Through this bill, the Congress says to General Petraeus: “Thank you very much, General. We unanimously think that you’re the right man for the job—we just don’t believe you when you tell us what you need to do that job, or when you tell us how things are actually going on the ground.”

It tells our enemies: Just wait a few months, and the place is yours.

It tells our friends: When the going gets tough, don’t count on America to stick around.

And it tells President Malaki: Good luck with that democracy and freedom thing you are working on. Let us know how it turns out.

This is exactly the wrong message at the wrong time to send—not only to the terrorists in Iraq, but to terrorists and rogue states around the globe.

The stakes only get higher from here. I’m convinced that any further in Iraq will embolden these terrorists and ultimately threaten the security of our shores.

Don’t get me wrong—I, too, want our servicemen and women to come home as soon as possible, and take responsibility for the security of their county.

I have always supported the establishment of benchmarks to ensure that expectations are clear, and progress against those expectations can be measured.

What I don’t agree with is telling the President and the Generals on the ground how to do their job.

But this bill is even worse than that—this bill is like a bait and switch: we give the money to Iraq and our troops in Iraq. But you need to come home tomorrow because we don’t support operations in Iraq.

Which one is it? Do we support our troops and their mission, or not?

And my colleagues on the other side of the aisle want our troops to come home tomorrow, they can make that happen. It is easy. The Constitution of the United States gives the legislative branch the power of the purse.

You can cut off Iraq funding today—you can vote against this bill today.

When you start marking up the fiscal year 2008 Defense appropriation, you can cut off Iraq funding there as well.

But what we have here is political theatre. This is a “do nothing” Congress at its worst.

The President has been very clear many times—he is going to veto this bill because of the withdrawal timetable and the excessive demands. And in the Congress, there will not be enough votes to overturn that veto. Then what?

I guess we’ll get to talk about this matter again next week or the week after at some point, our inaction is going to cause some real harm—and I hope that the real harm doesn’t include the loss of more American lives around the world.

If we can’t get military and fund our troops with no strings attached, we are eventually going to impact the safety and capability of our military, not just in Iraq, but around the globe.
This should not be about the President. It should not be about the Congress. This is about funds for our troops—the men and women in uniform—who are in Afghanistan and Iraq right now. Doing the job they were directed to do. They need this money. They need the power the money would provide to do the job, and that should be our focus.

This funding was requested by the President on February 6, almost 3 months ago, and through this political theater where we are fixated on trying to embarrassment and fear, any vote we know will not become law, one that will surely be vetoed by the President. This legislation is dead before arrival. Why don’t we acknowledge that and find a way to get the job done without delaying even more, forcing our military to move funds around, to borrow from Peter to pay for Paul. It will have a negative effect on our men and women in the Navy and the Air Force and the rest of the military.

We could have turned this over to our senior members of the Appropriations Committee, my colleague from Mississippi and the other appropriators, including the Senator from Washington State, and said: Look, work through this. Let’s get something we can support in good conscience.

There are more problems with this than just artificial deadlines. The $21 billion in domestic spending was added beyond—I believe—that is approximately right—what the President asked for. Some of it is needed and justified. I know my colleague from Mississippi and the Appropriations Committee on both sides of the aisle and on both sides of the Capitol could have worked through that and come up with a bill to get the job done. It is not that some of these adds are not good and justified. The President asked for funds for Katrina recovery, and I think maybe some funds have been added to that. It is not what he asked for. It is important to me and my State, but I refuse to be trying to get funds that may be immediately needed for a disaster on the back of our troops and to delay it even more. Surely there is a way we can come to an agreement on how to achieve this result. This is an emergency supplemental. Some of the things that have been added—not just money but language—don’t relate to an emergency domestically. They relate to parts of what our troops need. That language should be stricken. We make grand speeches here on the floor about how we should not legislate on appropriations, yet things have been added in a number of categories, not just the minimum wage and small business tax cuts that don’t get the job done.

This is a classic case of micromanagement where the Congress is trying to set dates. We have an alternative. If we want to use the power of the purse to stop the war on terror and our efforts in Iraq and Afghanistan, vote no. Vote no. Vote against this. Don’t provide the troops the funds they need or any of this other money. If you want to do that, go right ahead. There is a procedure. But here we are trying to set ourselves up as the final judges.

General Petraeus was here yesterday telling us what is going on. He was honest. He didn’t say it is perfect. There is a change in strategy. It is being implemented and carried forward. We voted 100 percent for General Petraeus, and now we are saying: Oh, well, sorry about that, General. We are going to try to tell you when to do what, and we are going to get more reports from you. Wait months, our enemies are told, and the place is yours. When the going gets tough, can you count on the Americans to see it through in a responsible way? This is the wrong message at the wrong time.

Mr. President, I am an incorrigible optimist. Let’s get it done. Let’s get it on through. The President will veto it. But next week, can we get together and do the right thing for our country and for our troops? I beg my colleagues on both sides of the aisle. We have made our political points, our political statements. Then let’s get our job done. Let’s do the right thing for America, not the right thing for Republicans or Democrats but the right thing for our troops.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent that on our side the Senator from Louisiana, Ms. LANDRIEU, be recognized; following her, going back and forth, Senator Baucus for 4 minutes, and then Senator Jack Reed for 4 minutes.

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

Ms. LANDRIEU. Mr. President, I have a book which is a poignant and wonderful account of life in Louisiana after the storms. It is called “1 Dead in Attic,” written by Chris Rose, a reporter for the Times Picayune. The title refers to the unique system for identifying those who got trapped in people’s homes during the storm. The notation, sprayed on the wall for everyone to see, would explain whether there were pets or people or, in this case, someone no longer living. This symbol—this information—remains spray painted on the sides of many houses to this day.

In this book, Mr. Rose describes 2005: This was the year that defines our city, our lives, our destiny. Nothing comparable has ever happened in modern times in America, and there is no blueprint for how we do this. We just wing it. Do good works. Save some-it is an emergency.

Mr. President, I yield the floor.

Mr. REED. Mr. President, I would like to thank Senator Murray for 4 minutes.

Ms. LANDRIEU. Mr. President, I have a book which is a poignant and wonderful account of life in Louisiana after the storms. It is called “1 Dead in Attic,” written by Chris Rose, a reporter for the Times Picayune. The title refers to the unique system for identifying those who got trapped in people’s homes during the storm. The notation, sprayed on the wall for everyone to see, would explain whether there were pets or people or, in this case, someone no longer living. This symbol—this information—remains spray painted on the sides of many houses to this day.

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If there was no New Orleans, America would just be a bunch of free people dying of boredom.

A photographer for from England noted: I witnessed the destruction of one of the finest cities in the world-bared and exposed, her inequality and inefficiency laid out for all to see. And through it all I saw the grace, courage and dignity of her citizens, forced to clear their houses, their lives, their history. I trust her soul will be repaired.

I want to thank Chairman BYRD for his many courtesies and assistance in this bill. I also want to thank his staff for all of their hard work and long hours. I also want to thank Senator COCHRAN, who has done so much for the people of the Gulf and who shares so much of the hard work on the recovery with me and the other Gulf coast Senators. In fact, the entire Senate Appropriations Committee—my fellow Senators and their staff—have been so supportive of us through this process—and I thank them.

There are many provisions that will help the ongoing recovery efforts in my state and along the rest of the Gulf Coast included in this bill.

I intend to vote for this bill because it provides critical resources and removes obstacles to the recovery of the Gulf coast. In addition, the bill provides funding necessary to support our troops in Iraq.

Hurricane Katrina hit the Gulf Coast in August of 2005 and Hurricane Rita followed on its heels just a few weeks later. While a great deal of time has passed, and a lot of progress has been made, this recovery will take many, many years. I have heard me say on many occasions, the damage to the Gulf coast is unimaginable. Sometimes I think that people forget just how unimaginable the damage was. Mr. President, 1,836 people were killed. To put this in perspective, this means that out of every 3 people who work here in the Senate would have lost their lives 6008 people work for the Senate. Mr. President, 650,000 people were displaced. It would be as if every single solitary person in the District of Columbia were displaced from their homes and neighborhood.

Over 275,000 homes were damaged, with over 205,000 of those in Louisiana alone—again, this is the equivalent of every building in the Columbia being flooded, damaged, or destroyed, and 240,000 jobs were lost. Here in DC, we are lucky, there are more jobs than there are residents. However, were a similar disaster to strike DC, every other person employed in the District would have lost their job. Also, 875 schools were destroyed and there was $82 billion in property damage.

If you want to try an experiment at home, paint a chalk line at a point 3 feet from the floor and imagine that everything below that line submerged in water.

But we are coming back from that awful year. It is a long, hard struggle, but there are signs of hope. Our people are rebuilding their homes. There are new 233,000 homes—new in Orleans Parish—about 43 percent of the pre-storm population—and over 450,000 in Jefferson. Our businesses are reopening. Visitors are returning. Our schools are rebuilding—but better than before. We are creating a new health care system for the 21st century in Louisiana.

However, much work remains. This bill will help so very much with those
ongoing efforts. I want to thank all of you for supporting these measures.

Some out there have taken issue with this funding. This assistance to the gulf coast is not "extraneous". It is necessary. However, the President has called this spending "excessive non-emergency spending". This is simply untrue.

This bill provides about $3 billion in additional direct aid to the gulf coast. We spend $8.6 billion per month in Iraq, which is $286 million per day. So, we are providing the people of the Gulf Coast with the equivalent of 10 days of the funding for the war. To date; we have spent $470 billion in Iraq and Afghanistan. In Iraq only, we have spent $379 billion.

Mr. President, you tell Cameron Parish where all 6 of their grade schools were closed until October 31, 2005 and 62 percent of all school facilities were destroyed that their teachers don’t deserve a little extra money and that providing $30 million for bonuses and incentives for the grade schools in Mississippi and Louisiana is too much.

You tell Dillard University, which had $115 million dollars in physical damage and lost $26 million in revenues, which counts Ellis Marsalis and Reavis Ortiz among its alumni—whose campus is not far from the lower levee breach of the London Avenue Canal and which suffered extensive flood damage in the aftermath of Hurricane Katrina and whose main hall, Nelson Hall, was destroyed by a fire, during the flood, whose students took their normal classes at The New Orleans World Trade Center and The New Orleans Hilton Riverside Hotel until this fall, that $30 million in assistance—to be divided among the 27 universities that were closed in Louisiana and Mississippi—is "extrcessive".

You tell small businesses in St. Bernard—where there were 1,400 businesses before the storm and only about 400 have re-opened and less than 70 percent of the population has returned—that $25 million for economic injury loans is "extraneous" or unnecessary. Even Wal-Mart has not reopened in this Parish.

You tell the people of Jefferson Parish, St. Bernard Parish, Plaquemines Parish, and Orleans Parish that their levees should not be repaired and that their homes and businesses will remain vulnerable. You tell our military and our next generation that an additional $1.3 billion for their safety is too much.

What is included in the Emergency Supplemental is FAIR funding, waiver of the 10 percent match. This bill eliminates the red-tape associated with so much of the Federal money. This supplemental includes the FAIR Funding Act language which will waive the local cost share for FEMA public assistance. This is FAIR. Hurricanes Katrina and Rita were the first and third most costly disasters in the history of this country and the Federal Government has waived this local share requirement in 32 different disasters since 1985, including Hurricanes Andrew and Iniki.

Forgiveability of CDLS is included. This bill will also correct a grave inequity and allow for our community Disaster loans to have the same treatment as other loans. This is FAIR.

Levee money is included. In addition, this bill will shore up a shortfall that has been identified by the Army Corp of Engineers. They have estimated that they will be short $1.3 billion dollars per year, even after the 4th supplemental passed last Congress, for this levee work in Louisiana. However, instead of asking for money to alleviate this shortfall, the administration merely wanted to rob Peter to pay Paul. However, this committee has wisely decided to provide additional money for this necessary work. Unfortunately, I do not believe that this will be sufficient to meet the ongoing needs—or will be enough to restore, repair and rebuild our levee system.

There is support for our education system. The Universities in Louisiana have been critical to our rebuilding efforts. They have fought to come back and about 80 percent of the students have returned. More importantly, the universities have provided resources and have been critical to the rebuilding of the region. In Louisiana, they are also helping our grade schools stand up—forging new and stronger partnerships with our new school system.

Our universities suffered over a billion dollars in damage, and as a result of Hurricanes Katrina and Rita. In the 4th supplemental passed last Congress, we provided $40 million dollars for higher ed assistance—of which $33 million went to Louisiana universities. In this bill, we appropriate another $30 million, every penny of which is necessary. We also provide $30 million in order to reward the teachers who give their hearts out trying to bring normalcy to our children and prepare them for the future.

I appreciate the continued assistance that this committee and my colleagues in the Senate have given to the people of the Gulf Coast—and the hope that this legislation provides to them.

Mr. President, it is not often I disagree with my good friend from Mississippi, but I will say the people of the gulf coast don’t think they are riding on the backs of the troops; they think they are the troops. The Guard and National Guard in Iraq who are from Louisiana, 3,000 fighting in Iraq, only to come home to have their homes destroyed, have their jobs lost. They don’t think it is too much to ask of the President to include $3 billion in a $24 billion bill—$3 billion for the gulf coast resources, which is domestic emergency funding that has been included in every supplemental, even when the Republicans drafted a bill where there was money for domestic emergencies. The people of the gulf coast simply believe $3 billion is too much to ask.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds.

Ms. LANDRIEU. We are spending $8.6 billion a month in Iraq, which is $286 million a day. In this bill, we are asking the gulf coast to have 10 days—10 days of funding for the troops who are fighting in Iraq who lost their homes in the gulf coast. I don’t think it is excessive. I ask the President to rethink his veto policy.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Ms. PEINSTEIN. Mr. President, in 1999, when George Bush was a candidate for the Presidency and President Clinton was Commander in Chief, George Bush had this to say about American troops in Bosnia:

"Victory means exit strategy, and it’s im-

necessary for the President to explain what the exit strategy is.

Well, the Congress has been asking for an exit strategy year after year for 4 years now. In fact, President Bush has not put forward that exit strategy. The United States is bogged down in an impossible situation: “Shock and awe,” followed by ineffective follow-on efforts. Today, in the fifth year of this war, the United States is enmeshed in what has become a vicious and terrifying civil war.

It cannot be won through the use of American military force. This war can only be won through political accommodation between Sunni and Shia, which means only the Iraqis can settle it, which means only the Iraqi Government can settle it. To date, they appear to be unable to do what needs to be done to stop this conflict.

So without an exit strategy, the war goes on, the killings continue, and the casualties rise. Nearly 25,000 Americans injured, with tens of thousands of Iraqis killed and injured, and hundreds of thousands of people displaced from their homes by this war. Estimates put Iraqi civilian deaths in the first 3 months of this year at more than 5,500 in the Baghdad area alone.

On Monday, two truck bombs killed nine members of the 82nd Airborne Division and wounded 20 more. It was the deadliest day of combat in the division’s history since the Vietnam war.

I fear that unless Congress acts and puts forward that exit strategy, this bloodshed will continue year after year. That is intolerable.

Today, we have before us a measure that offers a solution and a strategy to fill the void left by the administration. The Iraqi supplemental spending bill responsibly funds our troops and changes the course in Iraq.

The President needs a message to the Iraqi Government that the U.S. commitment is not open-ended, that benchmarks will measure the progress, and that political accommodation is crucial.

Under this legislation, the Iraqi Gov-

ernment would be judged on how it disarms militias, pursues Sunni-Shia reconciliation initiatives, establishes fair
We cannot ask our forces, nor the Iraqi forces, to risk life and limb during their missions, unless the Iraqi legislature and the government of Iraq begins to give an equal or greater measure of commitment to perform their responsibility to achieve political solutions. The American public, as all acknowledge, will not alone achieve a strong, survivable, sovereign Iraq. A political solution and a framework of legal reconciliation is essential.

And we must, at this point in time, bring into the full political problem, which I have been told, that the Iraqi legislature might possibly take a 2-month recess during July and August. That is not acceptable. An action of that consequence would severely hinder those of us, myself and others, who are looking at the greater issue beyond Iraq as to the impact on this region if the combined efforts of our country and other nations fail.

We are seeing some progress as it relates to the international group of nations coming together, the border nations are scheduled to meet a second time. It is through only political reconciliation measures and bold leadership by the Prime Minister and each and every Iraqi legislature, that this conflict can bring forth a stable, sovereign government, that is fully functioning, and is capable of providing for its own security. In so doing, Iraq will then be able to play an integral role in the security of this region.

Further, we must again, and again, signal to Prime Minister Maliki and to each of the Members of the Iraqi legislature that they must do their job in a timely manner because every day Iraq and American lives are being lost in their heroic effort to provide the security for the Iraqi government to function.

Finally, while I will vote against this report, I pledge to work with other Senators on how to rewrite the next bill, following the veto process, for these funds are essential for our troops and as we draft the next bill, we must assure the world of our resolve and commitment to the region.

I yield the floor so that others may speak.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I rise to express my strong opposition to this measure before the Senate, and I will cast my vote against it.

This measure places undue constraints on the utilization of our brave military forces, with our allies working with us and, indeed, constraints on the utilization of the Iraqi military, which likewise has followed through with a brave performance with our forces.

This is a very complex situation on the battlefield, and in the government, with respect to Iraq. Last fall, with other Senators, I returned from my eighth visit to Iraq and I said the complexity of the battlefield has forced the sovereign nation of Iraq to ‘‘drift sideways.’’ Regrettably, it continues, in my judgment, to drift. Our forces, and indeed our allies in that country, have fought bravely and are following through on their mission to try and bring about a greater degree of security in Baghdad.

While I expressed some concerns about the ‘‘surge’’ operation when it was announced on January 10, it is an ongoing operation now. We are losing life and limb daily, and we must allow our troops to be properly funded to carry out their missions.

Now, we heard yesterday from General Petraeus, and in my judgment, he gave a very factual, pragmatic, professional military opinion, showing objectivity, I believe, is to be commended and our forces bravely fighting under his command should likewise be commended as well.

I want to bring to the attention of my colleagues a comment made by our distinguished Secretary of Defense, Secretary Gates, during his trip. He said, ‘‘our commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraqi streets open-endedly.’’ In no way does he question the long-term need for our Nation to show its resolve and commitment to give security to this region of the world. But he clearly says it is not open-ended.

It also includes the Murtha standards of readiness on our forces as they deploy, to ensure that no American unit goes into the war zone without proper equipment, proper training, and appropriate personnel. The ability to waive this under certain circumstances, so we are not unduly constraining his ability as Commander in Chief.

Then, of course, this legislation has benchmarks so that the Iraqi Government can stand up to their task. I think the one common theme that I have heard in this body is, ultimately, this is a political struggle and, ultimately, the Iraqi Government will make the decisions. These are important to the success of their efforts, which will allow us to begin a phased redeployment. But their record is very discouraging when it comes to their government.

Lynch and Petraeus published an editorial a few days ago in the New York Times. He points out the Iraqis promised to achieve by the end of last year and the beginning of this year the approval of a provincial election law but, so far, no progress. The approval of a law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official law to reintegrate official 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I think we are all committed, we hope, to a policy that will lead us and the people of Iraq to a much better day. I believe supporting this initiative will do that. The PRESIDING OFFICER. The time of the Senator has expired. The President from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this conference report is the wrong response to the President’s request for the supplemental that is urgently needed by the Department of Defense. While most of the funds—over $109 billion—are appropriated to wage the global war on terrorism, to continue operations in Afghanistan, and to support Iraqi security forces, the conference report also includes funding for continuing the recovery from Hurricane Katrina and ensuring that our veterans receive the care they deserve. I am very disappointed this bill includes language that sets forth a timetable for the withdrawal of troops from Iraq. We should be providing the President with a bill he can sign so our military forces can receive the funding they now need.

I recently brought to the attention of the Senate a letter I received from the Joint Chiefs of Staff on April 2 describing the urgency of an appropriations bill and their concerns about further delays of funding. It has been now over 3 weeks since that letter was received. It is very clear that delay is occurring, and it is undermining the ability to manage the responsibilities of the Department of Defense. We are talking about international situations and our ability to obtain equipment, armaments, and the training that is necessary by our Armed Forces to carry out their mission.

The Joint Chiefs pointed this out in their letter: Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations.

In addition, they stated: These restrictions increase the burden on servicemembers and their families during this time of war. I cannot support this effort to dictate the management of this very serious threat to our Nation’s security interests. The opponents of the President’s efforts to win the battle against the terrorists should not be permitted to hijack this supplemental appropriations bill. The responsible thing for us to do is send this conference report to the President so he can veto it. We can then revise it so it can be enacted without the offensive language. The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding that there is 8 1⁄2 minutes remaining on this side; is that correct? The PRESIDING OFFICER. That is correct.

Mr. REID. I yield 4 minutes to Senator INOUYE.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I believe that all Members of this body support the Defense appropriations section. The only area of concern and contention is that which refers to Iraq.

I think all of us agree that our forces today are caught in the middle of a civil war, and we need a change in plans. This war has dragged on too long and, incidentally, longer than our involvement in World War II. Staying the course is not working, and I, for one, am not convinced that it ever will.

The only way we can succeed in Iraq is if the Iraqis fundamentally change the dynamic. The language in the conference agreement embraces this idea of offering a new plan. This new plan eventually should allow for forces to be withdrawn from Iraq.

The proposal establishes a goal—and I repeat the word “goal”—of redeploying most of our forces from Iraq by next March. It does not mandate that all the troops be removed. To the contrary, it allows that forces remain in Iraq to protect U.S. and coalition personnel. It also stipulates that U.S. forces can continue to train and equip the Iraqis so they can better defend themselves, and it directs that we may continue targeted counterterrorism operations in Iraq.

This is a balanced plan. It recognizes that we still have responsibilities in Iraq and will continue to do so even a year from now when we will force the Iraqis to fight their own civil war if they insist on doing so.

We all know there are very few military objectives to be achieved in Iraq. We defeated the Iraqi Army 4 years ago. We should keep that in mind. I still recall the huge banner on the carrier that said: “Mission Accomplished.” Yes, the military mission was accomplished. We won that part of the war, the part the military can win. We can’t win the rest for the aftermath of direct conflict, and now we are ensnared in an untenable position.

Our military has performed remarkably. They have achieved their military objectives. But the plan to rely on the military to achieve political objectives has not worked, and what we desperately need is a political solution. And in the end, how many truly believe we will emerge victorious with a Jeffersonian democracy on the banks of the Tigris and Euphrates? What is victory? I have asked this question many times. What will constitute victory? And no one has answered that question. Or we can embrace a new plan that begins to reshape our forces in Iraq to provide those Missions that our military is best suited for with a goal, not a mandate, but a goal of redeploying the remaining forces.

If Iraq is to succeed, it must assume responsibility for its own destiny. It must decide if it wants to stop the civil war. We have let them do it for too long. This is a very modest proposal, but one that is caught up in the emotion of the debate. This conference report offers a plan, one that has much greater chance of success than staying the course. The PRESIDING OFFICER. The time of the Senator has expired. Mr. INOUYE. May I have 30 seconds? The PRESIDING OFFICER. Without objection? Mr. INOUYE. It does not mandate a timetable for ending our involvement in Iraq but provides a new way ahead which will ensure better protection for our forces and a greater chance for the Iraqis to succeed. This is a good, balanced package. It includes the best from each of our bills. It funds the critical needs of our military and provides a way ahead for our forces in Iraq. I urge all my colleagues to support this conference agreement.

I thank the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, 3 months ago, President Bush set a new course in Iraq. He proposed a plan to secure Baghdad and its resident population, and he asked GEN David Petraeus, one of our best military minds of this generation, to carry out this mission. A Democratic-controlled Congress approved the general without dissent and wished him well.

Then something strange happened. Soon after sending General Petraeus into the field of battle, the Democratic leadership began its own change in course. It decided this new mission was over before it even had time to work.

We were told in January by some of our Democratic colleagues to listen to the generals. Yet this week, with our top general in Iraq here to report on progress, most of those on the other side of the aisle covered their ears. The Speaker of the House skipped General Petraeus’s briefing altogether, didn’t even go listen to him.

This posture may be calculated to impress opponents of the war at home, but it frustrates our troops abroad, and today the Democratic leadership does further damage by passing a war spending bill that has no chance—of being signed into law, a bill that calls for withdrawing U.S. troops without regard to conditions on the ground, a bill that says we leave in October if the Iraqis have made progress and that we leave in July if they haven’t.

Let me say that again. This bill says that we leave in October if the Iraqis have made progress and leave in July if they haven’t. Either way, we are gone. It should not be this way. We should uphold our end of the bargain and pass a bill that funds our troops and gives us a reasonable period of time to judge this new strategy.

The Iraq Study Group has outlined the terms. They said premature withdrawal would “almost certainly produce a sectarian war, further exacerbate sectarian violence and further deteriorate security conditions.” The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and
a threat to the global economy. Al-Qaeda would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-term consequences could eventually require the United States to return."

That is the Iraq Study Group which has been so frequently cited by our good friends on the other side of the aisle.

Bin Laden knows the stakes, too. In a letter last year, bin Laden had this to say: "America's defeat in Iraq would mean defeat in all its wars.

Yesterday, the commander of a senior Afghan Islamist group said bin Laden is personally involved in attacks on Americans in Iraq. General Petraeus went even further. He said al-Qaida has declared war on all of Iraq.

I call on my friends on the other side to have an open mind and listen to the general. We must give this plan for winning the military component of our strategy a real chance to succeed. Without it, there is no political solution. Just 4 months old and operating at half its ultimate strength, the Baghdad security plan is already having an effect. Military leaders say the increased violence around Baghdad is a sign that the terrorists are shaken. The latest attacks were meant to be dramatic and to be visible. They were meant to force our withdrawal and ultimately our humiliation.

George Orwell said, "The only way to end a war is to lose it."

This is a road we must not take. This legislation is tragic. If the Iraqis make progress, we leave; if they don't, we leave. This is not a choice, it is a mandate for a defeat that al-Qaida desperately wants.

It is not too late to change course. I ask my colleagues to be as patient as our soldiers and marines—and, indeed, the terrorists—and draft a bill that does not arbitrarily circle a date on the calendar and trigger withdrawal without military conditions on the ground. Then we can tell our troops that help is on the way, that they can finish this mission, and that they will return with honor. If not, if we give up, we will truly have reason to fear because if we cannot win this most important battle, how will we ever win the war?

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, all time has expired on the other side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, this is meritorious legislation, important legislation. First of all, Senator Byrd, the chairman of our Appropriations Committee, and his staff for working so hard to get us where we are. I thank Congressman OBRY, chairman of the comparable committee in the House of Representatives.

I know that my friend, the distinguished senior Senator from Mississippi, does not agree with the Iraq language, but I express my appreciation to his staff. This bill has in it more than the Iraq language, and his staff has worked with us all the way to get that done. I extend my appreciation for his usual gentlemanly way doing things for nothing. He does here. Also, because she worked so hard on a lot of things that she was assigned to do by Senator BYRD, Senator PATTY MURRAY has done an outstanding job on this bill. She is in the Chamber, and I express my appreciation to her for her usual fine work but especially her fine work on this matter.

The individuals I have mentioned have delivered to us a tremendous conference report, one we can all be proud to send to the President and we should send to the President. This conference report honors and provides for our courageous men and women in uniform. This conference report doesn't forget the emergencies Americans face at home while the war wages abroad. This conference report provides more timely and secure by charting a new, more sustainable course in Iraq so we can find a responsible end to the war and return our focus to the global challenges that lie ahead.

President Bush requested $91.5 billion for continued military operations in Iraq and Afghanistan. We provided every penny of that request, but, Mr. President, more. Our bill matches the President dollar for dollar on the equipment and training he requested for the 140,000 troops in Iraq and the 20,000 deployed in Afghanistan, including hundreds of troops deployed from the State of Nevada.

This conference report doesn't stop there because we recognize the President's request shortchanges our troops and our security in a number of critical areas. For example, with the roadside bombs that have accounted for over half of the fatalities suffered by our troops in Iraq, Democrats have added $1.2 billion for mine-resistant vehicles. This is important.

My friend—and he is my friend—the distinguished Republican leader, said we should live up to our end of the bargain. Our end of the bargain? We have done pretty well, spending over one-half trillion dollars in the faraway land of Iraq, having lost more than 3,300, through death, of our finest, 27,000 wounded, a third of them missing limbs. These are the personal injuries as we have never seen before, and paralysis. We have lived up to our end of the bargain.

At a time when the health care needs of thousands of our soldiers and veterans are being ignored, Democrats have added—with the help of two courageous Republicans, who I am confident will vote with us on this matter—we have added $2.5 billion to ensure all of our troops receive the quality care they have earned; our troops deserve. This will shore up the unconscionable conditions at Walter Reed and other medical facilities around the country and greatly enhance the care provided to those who suffer from brain trauma and post-traumatic stress disorder.

Every Thursday, Senator ENSIGN and I, when we are in session, in the John- son Room, have a "Welcome to Wash- ington" for Nevadans. The Baileys were here today. They had a 27-year- old son who went to Iraq and came home with severe emotional problems. He was fine before he went. He went to a VA facility in Southern California, and it's miles away from his par- ents, where he was not taken care of. He died of a drug overdose. Not illegal drugs but drugs they gave him. What we have put in this bill to help veterans, those people returning from Iraq who have been injured, is important. It is in this bill and it should stay here.

At a time when our citizen soldiers have been pushed to their limit, and most Guard and Reserve units lack the equipment they need to conduct their mission, our bill would provide an additional $1 billion in equipment and the supplies they need. Despite the fact a majority of the American people disapprove of this administration's Iraq policy, this bill clearly takes care of the men and women who are serving us bravely in Iraq, as clearly as anyone who opposes this legislation would set back or hurt badly our efforts to support our fighting forces.

We provide for our troops, we do that, but we also believe we have an obligation to address emergencies facing Americans here at home. That is what emergency supplemental bills were at one time—emergencies that developed during the year.

President Bush has made numerous trips to the gulf region to take a look at the devastation created by Hurricanes Katrina and Rita, which dev- astated that region of the country, but he hasn't done anything about it, to speak of. We believe we have a responsib- ility to help the victims of this his- toric tragedy. We agree with the senti- ment of the people of this country, who are determined to help their fellow citizens, and that is what this bill does. We provide $7 billion for the victims of Hurricanes Katrina and Rita, whose help is long overdue.

Thousands of family farmers and ranchers from virtually every State in this country are suffering the effects of extreme drought or damaging weather conditions. These supplemental funds will help many of our farmers and ranchers. We rely upon these American farmers and ranchers for the Nation's food supply, and we believe we have an obligation to help them when disaster strikes. That is why we provide $3.5 billion to help address some of the losses suffered by farmers and ranchers caused by drought, flood, fire, hurricanes, and pestilence.

More than 5 years after the terrible terrorist attacks of 9/11, we know gaps remain in this Nation's homeland secu- rity efforts. This is an emergency. We have tried here on the Senate floor to offer amendments to cover this. We have been defeated on a straight party-
line basis. This bill has that relief. That is why we provide $2 billion for port security, mass transit security, airport security, and other initiatives to address the shortcomings identified by the bipartisan 9/11 Commission, whose recommendations came down almost a decade ago.

Tens of thousands of children across this country will lose their health care in the next several months if we don’t do something in this conference report. This, too, is an emergency. That is why we provide $650 million to keep the State Children’s Health Insurance Program running. This is health care for kids.

All of these nonmilitary investments are crucial priorities, but fully funding our troops and changing the course of the war in Iraq is this bill’s primary goal. No one wants this Nation to succeed in the Middle East more than I do. But I know that after more than 4 years of mismanagement and incompetence in Iraq by this Administration, there is no magic formula or silver bullet that will lead us to the victory we all desire. Yet I also believe there is a way forward that gives us our best chance to end the war responsibly while protecting our strategic interests, strengthening our security, and better positioning us to provide the long-term assistance Iraq will need for years to come. This way forward is consistent with what our military leaders are telling us, including General Petraeus, who repeated again yesterday, publicly—not privately but publicly—that this war cannot be won militarily. That is what General Petraeus says.

I want to talk about what is in this bill as it relates to Iraq.

First, we transition the U.S. mission from policing a civilian war to training and equipping Iraqi security forces, protecting U.S. forces and conducting targeted counterterrorism operations. As a civilian, I will not go into detail about the details of this plan. But I want to underline two things that are critical to its success:

Second, we begin the phased redeployment of our troops no later than October 1, 2007, with the goal of removing all combat forces by April 1, 2008. This is consistent with General Petraeus’s plan. This compromise was forged through thoughtful negotiation. It was forged with the firm resolve that we must do what is right for our troops, our Nation’s security, and Iraq’s future. Once we pass this bill, we will send it to the President’s desk. I know he has threatened to veto this legislation. But in the same spirit of compromise and bipartisanship with which this bill was written, we hope the President will reconsider his stubbornness and his refusal to listen to the American people. This is a good conference report. It provides for the safety of our troops, it helps Americans recover from emergencies that have plagued us here at home, and it sets us on a new course, a path of responsibility. If the President is wrong, I say that with all due respect. The choice is in our hands. Today, we have the chance to support our troops, represent the will of the American people, and lead America to a path of responsibility. If the President refuses to change direction, America risks being bogged down in Iraq for years, not months.

This President, who took us to war under false pretenses, now needs the courage to admit his policies have failed and work with us to bring the war to a responsible end. This conference report gives him that path forward, and I hope he follows it.

The PRESIDENT OF THE UNITED STATES has not expressed his support for this compromise or this bill. The question is on agreeing to the conference report.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays. The PRESIDENT OF THE UNITED STATES has not expressed his support for this compromise or this bill. The question is on agreeing to the conference report.

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As of 1:30 p.m., Thursday, April 26, 2007, there were 53 yeas and 46 nays. This conference report was agreed to.

The conference report was agreed to. Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay the rollover call on the table.

The assistant legislative clerk called the roll.

[Rollcall Vote No. 147 Leg.]

YEAS—31

Akaka (Hawaii)
Baucus (Mont.)
Bayh (Ind.)
Biden (Del.)
Bingaman (N.M.)
Boxer (Calif.)
Brown (Md.)
Brown (Maine)
Byrd (W.Va.)
Cantwell (Wash.)
Cardin (Md.)
Carper (Del.)
Clintone (N.J.)
Conrad (N.D.)
Dodd (Conn.)
Dorgan (S.D.)
Durbin (Ill.)
Mikulski (Md.)
Murray (Wash.)

NAYS—46

Alexander (Ala.)
Allard (Colo.)
Bennett (Ga.)
Bond (Mo.)
Brownback (Kan.)
Bunning (Ky.)
Burr (N.C.)
Campbell (Calif.)
Coburn (Okla.)
Cochran (Miss.)
Collins (Maine)
Corker (Tenn.)
Corker (Tenn.)
Craig (Mont.)
Crapo (Idaho)

NOT VOTING—3

Graham (S.C.)
Johnson (Wisc.)

The conference report was agreed to. Mrs. MURRAY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.
The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, for Members of the Senate, as we have announced, there will be no more rollcall votes this week.

We hope that we can move, on Monday, without any problems, to the FDA reauthorization. This is an extremely important piece of legislation which Senator KENNEDY and Senator ENZI have worked on for months. Now we hope we can move to that. We know people want to offer amendments. Certainly, that will be part of what we are doing here because the bill is imperfect. But it is a bill on which we must move forward. With all of the food safety and health safety issues that have come up during the past several years, we must do this. So we are going to move to that bill on Monday. That will be the next order of business for the Senate.

Mrs. CLINTON. Madam President, with this vote, Congress has provided funding for our troops while also putting forward sensible provisions to begin the withdrawal of troops from Iraq. Mr. President, I was privileged to work with Congress in order to ensure the troops receive these funds and that we move forward. With all of the food safety and health safety issues that have come up during the past several years, we must do this. So we are going to move to that bill on Monday. That will be the next order of business for the Senate.

I am also pleased to announce with Senator SCHUMER that after a long struggle, and thanks to the leadership of Senator BYRD and Senator HARKIN, we have secured $50 million for the monitoring, diagnosis, and treatment for the thousands of men and women whose lungs were targeted underground for several months after the attacks.

The Centers of Excellence providing care through the Mt. Sinai consortium and the Fire Department of New York with Federal funds are doing heroic work—but more and more people are walking through the doors because of respiratory problems and other debilitating conditions. These treatment centers—centers that provide essential care to those who responded in our hour of need—and help everyone whose health and lives have been affected by 9/11.

This is a great victory for the victims and heroes, for New York, and for our country. Today, we are honoring those targets of the terrorist attacks by stretching out of Federal resources in the fall. Thanks to the funding in this bill, we will be able to send a lifeline of funding before these treatment centers fall over the financial cliff.

Estimates of the Centers for Disease Control and Prevention, it would take nearly $238 million to treat 34,000 first responders and workers for just one year. And that number doesn’t take into account the treatment needs of forgotten populations, such as residents, office workers, students, and others who were also exposed to these toxic substances.

The funding contained in this legislation is a great step forward and will serve as a bridge fund until we are able to come up with a long term solution. This $50 million will be used to help provide both inpatient and outpatient treatment services for responders and workers affected by debilitating respiratory and mental health problems.

These are more than names on a list or lines in a budget. These are lives that have been turned upside down, toxicated, silent, often without public notice.

When the towers collapsed, thousands of tons of coarse and fine particulate matter were released into the air, and inhaled into the lungs of hundreds of thousands of individuals—substances that included cement dust, glass fibers, asbestos, lead, hydrochloric acid, and other toxic pollutants. The combustion of jet fuel after the attacks created a dense plume of black smoke, filled with the toxic hydrochloric acid fumes, along with other toxic pollutants. Fires at Ground Zero continued to burn underground for several months after the attacks.

In Iraq, none of our incredibly brave firefighters, police officers, emergency responders, workers, volunteers and others stopped to think about the health implications of what they were walking into—they risked their lives to help save others.

The day after 9/11, I visited Ground Zero; it was evident that the air was not fit to breathe and these conditions continued for months afterwards. Over time, it is estimated that hundreds of thousands of individuals were exposed to the dust and debris not only at Ground Zero, but also a site at Fresh Kills, the landfill in Staten Island, where workers were targeted by the toxic dust by the debris, and poisons that filled the air after the attacks of 9/11.

I am grateful for the support of Senator BYRD, Senator HARKIN and Senator SPECTER who have been steadfast in recognizing our duty to help those who helped New York in our hour of need—and help everyone whose health and lives have been affected by 9/11.

What we heard that day was nothing new. What we heard was nothing short of a devastating and all of us in the room during the hearing came away with a new sense of urgency in making sure that the workers, residents, students, volunteers and others who are experiencing adverse health effects due to exposure to 9/11 toxins get the care they desperately need.

Of particular concern: many of those who are ill are falling through the cracks of traditional health coverage. According to testimony presented at this hearing, more than 40 percent of the responders enrolled in the Mt. Sinai treatment program are uninsured, and an additional 23 percent are underinsured. New York City reports that approximately 60 percent of those enrolled at Bellevue Hospital’s treatment program are also uninsured.

Today, Congress has sent a powerful message to the police officers, firefighters, first responders, and volunteers of 9/11: You are not forgotten. We will respond to an attack on our values and way of life by honoring our values and helping the victims. But we must go further.

We need a longer-term Federal solution to provide monitoring, diagnosis, and treatment. The city and local organizations have done a tremendous service, but this was as an attack on our health and our sense of values and way of life by honoring our values and helping the victims. But we must go further.

I have introduced the 9/11 Heroes Health Improvement Act to provide $1.9 billion in grants for ongoing medical and mental health treatment and monitoring, and I will continue to work with my colleagues on the Health, Education, Labor and Pensions Committee to ensure that we have a long-term solution for 9/11 affected individuals.

We should always keep in our hearts the people who deserve our help.

Retired New York Police Detective Valentin is one of those who is living with the health effects of 9/11. He rushed to Ground Zero from his home on Long Island on 9/11 and for the first few days searched for remains in the area, later working on the pile and providing perimeter security.

Before 9/11, he was running miles a day and going to college at night to become a supervisor.

Since 9/11, he has experienced respiratory problems and breathing difficulties, asthma attacks, operations to treat tumors he has developed, and other conditions. He could no longer find the strength to attend college at night or run enough to pass even the department’s physical test. He retired officially on January 31 of this year.

Detective Valentin wanted to attend the hearing in Washington. He wanted to speak out and be heard because too many of the victims feel forgotten and left behind. Unfortunately, Detective Valentin was too sick to make the trip, and he is not alone. The tragedy of 9/11 is not over. The loss of life, the pain, and the suffering continues over and over. The tragedy continues for the families who lost loved ones and for residents, workers, volunteers, first responders and others who
have faced hardship and health consequences in the aftermath of the attacks.

Today, we have achieved a great victory—but it must only be a first step to make sure those that gave so much on that terrible day are not forgotten and receive the care they deserve.

The PRESIDING OFFICER. The Senator from California is recognized.

MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that the following Senators be recognized in the following order: Senator Shelby, 3 minutes; Senators Feinstein and Feingold, 10 minutes total; Senator Running, 15 minutes; and Senator Schumer, 15 minutes.

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

The Senator from Washington is recognized.

THANKING STAFF

Mrs. MURRAY. Madam President, before the Senator proceeds, I wish to take a minute and thank all of our staff who worked tremendously hard to get this bill to the floor, the staff on the Appropriations Committee, Senator Byrd's personal staff—many Members worked very hard, along with their staff members but particularly those people who sit in the back row back there and are not recognized who stay up very late to get this to all of us. To all of our floor staff, I say thank you for your tremendous work in getting us to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. SHELBY. Madam President, in passing this emergency supplemental appropriations bill this afternoon, the Democratic-controlled Senate has sent a message—one that the war is lost, that we have given up, and that we have no hope of victory.

Today, we have also put an arbitrary deadline on our military. I believe it is unequivocally wrong to do this, the wrong message at exactly the wrong time. I believe we must give our troops the opportunity to win. We cannot tie the hands of our commanders on the ground. We cannot have 535 general micromanaging the war from the Halls of Congress.

This war is a test of wills. Our defeatist message states that today our will has been broken. This is not the message we want our enemy to hear. Our actions in the Senate have consequences. I believe we have just sent a message—the wrong message—that our efforts were not enough. We have sent a message that the enemy has won. I believe we have sent a message of surrender, a message of submission, a message of failure. And this message was not just sent to those fighting against us in Iraq, it reverberates around the globe. Today, I believe the Senate has articulated raw partisan politics at its worst.

I believe the American people deserve better. Our troops deserve better. Our Armed Forces need the support of the people—us—who sent them into a war zone, not an obstruction. They need our confidence to succeed. Yet we are well on our way. Yet fortunately, for our troops, the President will veto this bill, and Congress will have enough votes to sustain it.

In the coming weeks, when Congress crafts a new supplemental appropriations bill, I believe we must not use the same narrow-minded approach. We must not send another message of defeat, of surrender.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

CAMPAIGN DISCLOSURE PARITY ACT

Mrs. FEINSTEIN. Madam President, I rose, along with the Senator from Wisconsin, Senator Feingold, to ask unanimous consent that the Senate take up and adopt S. 225, which was reported unanimously by the Rules Committee on March 28. Senator Alexander objected on behalf of a Republican Senator. As a result, the bill remains in limbo. To this date, that Republican Senator has declined to come forward to say why the bill should not become law.

This is such a simple, direct bill with respect to transparency. It is an idea whose time has long come. It is very hard for us to understand who could oppose this good government bill and what their reason for opposing it could be.

After last week's roadblock halted passage, the minority leader's spokesman told the Washington Post: "Senators reviewed the bill in anticipation of legislative action."

We would hope that review is complete. We could now get down to business and today, by unanimous consent, just as we did in the Rules Committee, pass this bill, send it to the House, and have it become law. At our hearing on March 14 and our markup on March 28, it was clear there was no public opposition whatsoever to this bill. It is really time for the Senate to act.

The bill is titled the "Senate Campaign Disclosure Parity Act." It is sponsored by Senators Feingold and Cochran and 33 additional Senators. It would simply require that the Senate campaign finance reports be filed electronically rather than in paper format, just as everyone else is doing now.

Currently, House candidates, Presidential candidates, political action committees, and party committees are all required to file electronically. And the Republicans? But Senate candidates, authorized campaign committees, and the Democratic and Republican senatorial campaign committees are exempt. As a result, we have a cumbersome system in which paper candidates' disclosure reports are filed with the Senate Office of Public Records, which scans them to make an electronic copy and sends the copy to the FEC on a dedicated communications line. The FEC then prints the report and sends it to the vendor in Fredericksburg, VA, where the information is keyed in by hand and then transferred back to the FEC database at a cost of approximately $250,000 to the taxpayers. This is $250,000 which is needlessly spent to archaic system. It is long past time to bring the Senate into the modern era.

I urge my colleagues on both sides of the aisle to let this bill go today.

I yield the floor to the author of the bill, the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I certainly thank the Senator from California. Mrs. Feinstein for being so committed to getting this bill passed. It has been, as she said, over a week since we came to the floor to try to get the Senate to pass the Senate Campaign Parity Act.

Last Tuesday, the senior Senator from Tennessee objected—"on behalf of a Republican Senator." Now we have waited to hear from that Senator, whoever he or she is, about his or her concerns about the bill. So far, not a word. It would not take very long to review this bill. It is very simple.

In fact, it seems as if the source of the objection is hoping never to be identified because a citizen effort to find out who the objector is, supported by a number of blogs from both the right and the left, has so far come up empty.

There has been a lot of discussion in the press and the blogs about whether the objection we heard last week constituting one of those so-called secret holds, which have rightly come under attack in recent years. Well, someone anonymously blocked the bill from being passed last Tuesday, that person has made no effort to resolve his or her concerns with us, and the Republican leadership will not tell us who that person is. Now, that is a "secret hold," in my book. It is time for some sunshine here. If someone has a problem with this bill, he or she should step forward and discuss it with us. I am hopeful the Senator for a week or so will look at the bill, the objector will have realized how completely noncontroversial it is and will let it go through this week.
This bill simply puts Senate campaigns under the same obligations to file their reports electronically that House and Presidential campaigns have been under for years. There is simply no reason the information in Senate campaign finance reports should remain hidden from the public than any other campaign finance report.

As the Senator from California said, we now have 37 bipartisan cosponsors, and not a single concern about the bill was heard in the Rules Committee. The bill passed the committee by a voice vote, and no one has come up to us with any concerns, even in this last week. So the time has come to get this done.

I once again thank the Senator from California for her persistence. It is a pleasure to work with her.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I would like to thank the Senator from Wisconsin for his leadership and for his continuing interests. Hopefully, this will pass today.

In that vein, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 96, S. 223, a bill to require Senate candidates to file designated statements and reports in electronic form, and that the committee-reported amendment be considered and agreed to, the bill as amended be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action.

Mr. BUNNING. Madam President, on behalf of the Republican side, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. I thank the Chair. We will be back and back and back again.

The PRESIDING OFFICER. The Senator from Kentucky.

IRAQ SUPPLEMENTAL

Mr. BUNNING. Madam President, I was precluded from speaking prior to the vote taken on the Iraq supplemental. I am going to speak for about 15 minutes at this time and voice my strong opposition, as Senator SHELBY, to the conference report that just passed this body. This bill is a highly irresponsible bill that adds additional nondefense funds that are not necessary right now. There is a lot of fat in this bill that the Senate should consider under the regular appropriations process. That is what appropriations bills are all about. The hurricanes of 2005 were truly devastating. I have supported the Government’s rebuilding efforts in the region. But the bill before us today includes billions of dollars in unrequested and unnecessary funding for Corps of Engineers. These provisions are inappropriate for a wartime supplemental.

Another area of extra spending relates to agriculture. I have been a strong supporter of America’s farmers, but not being long in a supplemental wartime bill. I cannot justify $20 million for dairy farmers and $60 million for salmon fisheries in the Pacific Northwest. This bill is about our troops, not our farmers. We ought to be putting our resources in this conference report: $18 million for drought assistance in the upper Midwest; $25 million for NASA facilities in the gulf region; $10 million for historic preservation funds. This bill doubles the 20 million I opposed for asbestos abatement at the Capitol power plant. The list goes on.

I am ashamed that this Congress believes it can solve its own budgetary problems on the backs of our fighting men and women.

Finally, instead of helping our troops, this supplemental bill only ends up offending them. We ought to be sending a clear message of support for our men and women in harm’s way. It should be clear that this Congress and this country will make sure that the men and women of our Armed Forces have the necessary supplies and resources to carry out their missions. Unfortunately, this legislation only serves to undermine our military mistakes. This country suffers from violent sectarian strife and is at war with a cluster of enemies, including primarily al-Qaida, Osama bin Laden, Sunni insurgents, and Shia radicals. The other side of the aisle has already said the war is lost. But we haven’t even given the President’s plan a chance to work. We still have a long way to go in Iraq, but sectarian killings have dropped dramatically since January. There is greater cooperation between the U.S. forces and the Iraqi Army, and we are beginning to see the Iraqi people work toward complete sovereignty.

We should not dictate arbitrary guidelines for the future. The Iraqi Government is still in a critical development stage. It must be given the time and room to grow with our guidance. The same Senators and Congressmen calling for an immediate withdrawal from Iraq or setting an arbitrary withdrawal date do not discuss the ramifications of such an action. It may be because they know that immediate withdrawal from Iraq would be disastrous to the Middle East and threaten international stability and conventional defense. Withdrawal is not a viable option. If we leave Iraq prematurely, we lose. Peace-loving people in Iraq lose, and Islamic radicals and al-Qaida win. That is the situation we are in today. We need to be honest about it as we proceed forward.

I have voted against past withdrawal language and voted against it again today. Setting a withdrawal deadline will have grave consequences for the United States. It will put our national security at risk. After the President vetoes this bill—and we sustain his veto—we need to refocus our attention and our productive manner on how to best help our commanders on the ground to achieve success in Iraq. No arbitrary timetable, no billions of dollars in unrelated pork—we need a clean bill that funds our men and women in uniform and gives them a chance for success.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

HEROIC NEW YORK STATE TROOPERS

Mr. SCHUMER. Madam President, I rise to speak on a very sad occasion that occurred in my State in the last 2 days and to recognize the three heroic New York State troopers shot in an act of cold-blooded violence. Sadly, one trooper, David C. Brinkerhoff, a member of the specially trained mobile response team, has been killed. Tonight my thoughts and prayers are with his family, friends, and coworkers.

Trooper Brinkerhoff and Trooper Richard Mattson were shot at about
8:45 a.m. Tuesday while searching for a gunman who was suspected of shooting a third trooper, Trooper Matthew Gambosi, during a traffic stop in nearby Margarettville, NY, a beautiful town in Delaware County. Trooper Mattson is in serious condition at a local hospital,God, praise God, Trooper Gambosi only suffered minor wounds as the bullet was caught by his bulletproof vest. We pray for their speedy recoveries.

Law enforcement raided the farm where the gunman was holed up yesterday, and the gunman was recovered late last night. Now that this man is no longer a threat, we must turn our attention to the troopers’ families and friends who have been devastated by these tragic events.

New York State troopers represent the best of all of us. They are brave, selfless heroes who put their lives on the line every day with unequalled character and dignity. They are tough, and they are just. The events of the past two days have devastated our entire State. Now we will mourn together. The entire trooper community and the people of the great State of New York have suffered an enormous loss. The greatest way we can honor them is to remember their sacrifice always and to pledge to rise above this tragedy by continuing to do exactly what they did when they got into harm’s way on our behalf. Of course, I speak of impartial, courageous, and professional law enforcement.

Trooper Brinkerhoff was born and raised in the Southtowns area of western New York and was only 29. He was an 8½-year State police veteran and joined the mobile response team in early 2006. He is survived by his wife Barbara and a 7-month-old daughter. Brinkerhoff is the second member of the New York State mobile response unit to be killed in less than a year. Trooper Joseph Longobardo was killed by serial killer Ralph “Bucky” Phillips in the outskirts of Cheektowaga near the western end of our State. Far too often our troopers and law enforcement officers are struck down by senseless violence. However, every time their mettle is tested, they return stronger and more determined to keep New York safe.

I am also pleased that the Senate will approve later today a resolution commemorating the sacrifice of the men and women of law enforcement who have lost their lives on the job. They are all true heroes. We honor each and every one of them.

My thoughts and those of my family are with Barbara and her daughter tonight, and I send them the full condolences of the Senate and the people of the State of New York. We will not forget you or the sacrifice of Trooper Brinkerhoff.

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

The PRESIDING OFFICER. The call will now be taken.

The legislative clerk proceeded to call the roll.

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

SUPPLEMENTAL APPROPRIATIONS

Mr. LAUTENBERG. Madam President, I want to take some time, as we contemplate what is going to happen with the supplemental bill we just passed because, frankly, I am in a state of shock over the casual dismissal of the opinions of the American people, in huge majorities, who say: We have had enough of this war, and we want to make a change. They want us to start to position ourselves in a manner that would allow us to bring our people home.

Not far from this Senate floor, in the middle of the National Mall, is a place of stone and water, of strength and reflection. It is a place that is important to me and, I think, important to the country as a whole. It is where we honor those who served and those who died in World War II.

I proudly wore the uniform of my country during that war. I do not consider myself in any way my country’s hero. I am in essence, I try to the best of my ability. I and 16 million others went to war because our mission was clear: defeat the enemy who attacked us. And while the battles were fought across the ocean, the enemy they are confronting today are allours. That was the message: sacrifice, sacrifice at home, use less gas, turn off the lights, reduce energy consumption, black out the beachfront places or coastal areas so the enemy could not see the lights of the cities. Even with rising injuries and casualties in World War II, America kept its resolve because we believed in our leaders.

How times have changed. There is one simple reason the American people have lost faith in this war effort: It has become clear our leaders are not providing us with the truth. And the chief purveyor of misstatements is Vice President Cheney. He chooses to say whatever he wants to, to advance his agenda. But the agenda has now, we know, resulted in the deaths of thousands of Americans, thousands of Iraqis. It is time to say: Enough is enough.

I want to review some of the outlandish statements the Vice President has made about this war. On the eve of the invasion, in March 2003, Vice President DICK CHENEY assured the Nation that “we will be greeted as liberators.” I ask the question: How dare he make a statement such as that—without any knowledge, without any idea of what the consequences of that action might be. We will be greeted as liberators? He went on to say the fight would be “weeks rather than months.”

In June of 2003, Vice President Cheney assured the insurgency in Iraq is “in the last throes.” That was almost 2 years ago. Ask our people in uniform, ask our people in combat, ask those who are facing another deployment after having been there once or even twice—ask them what they think about that statement, about the accuracy of those remarks.

Earlier this year, even after the Pentagon admitted there was no evidence at all of a connection between Saddam Hussein and al-Qaida, the Vice President said there was a connection. If you say it, maybe you can convince people, even if it is not the truth.

And now, this week, we have our Vice President speaking out against this bill we just passed, again making outlandish claims.

You have to ask yourself a question: Who is still listening to those comments and giving them any credibility? Unfortunately, there are people, despite his outrageous and unsubstantiated claims—claims such as the “insurgency, has said he regrets” those statements—people who tend to believe him. He is, after all, the Vice President of the United States. It is a prestigious job. There is an automatic assumption that credibility goes to the occupant of that position.

I may never know the real motivation behind this administration’s drive to Iraq, but we do know the following: They presented false intelligence to the American people and our allies. We have seen some of the irresponsible, credible people, who believed in the case that was being made by the intelligence reports—look at one of the great figures in American contemporary history, Colin Powell—a general, former Chief of Staff. I remember his speech at the United Nations providing evidence of materials that confirmed there were weapons of mass destruction there. And now this man, who has a lifetime built on honesty and credibility, has said he regrets those statements. But we do not hear that pause, that reflection, coming from the President or the Vice President of the United States.

This administration knowingly misled the country about Iraq’s nuclear ambitions in President Bush’s 2003 State of the Union Address.

In a recent CBS News poll, 66 percent of the American people disapproved of the way President Bush is handling this situation with Iraq. That disapproval has continued to build. If you look at some of the polling data we have seen over the last couple years, less and less of the people in the country believe we are doing a good job with the situation in Iraq, as portrayed by the President.

On Monday, President Bush said: There’s been some progress.

That statement shows the President is in an alternate reality.

On that same day—Monday—10 American troops were killed, 9 of them in a single attack. Since the beginning of this war, more than 3,300 of our people in uniform have died.

One of those people was a fellow from Toms River, NJ, Marine Cpl Thomas Saba. He served with the Marines’ Flying Tigers. He volunteered to extend
his tour of duty after his squadron was deployed to Iraq. He died with his comrades in February when their helicopter was shot down by insurgents. Corporal Saba is one of 77 people from my home State of New Jersey to see their last sunset in Iraq. Ten more have died in Afghanistan.

Beyond these casualties, nearly 25,000 of our troops have left the combat theater with serious wounds. More than 800 of them have lost at least one limb. We have spent mountains of taxpayer money in Iraq. We have spent $400 billion, going now at the rate of $3 billion a week. What have we gotten for our investment? A disaster. That is the reality of Iraq, not the endless and empty pictures of optimism the Vice President and others in the administration and the President continue to paint. "Extend our victories." What victories are they talking about? I don’t see any victories. We see more threats. Not only to our troops, but to the most serious one—not only to our reputation, but to our leadership in the world as it disintegrates in front of us as this conflict continues.

We need a new course, and we need it now. This supplemental provides that new course. We hope the President will reflect a little bit, instead of the brag-gadocio attitude and false stories about how Democrats want to surrender. That is the most offensive thing. Democrats want to surrender? Senator INOUYE, a Medal of Honor winner here, and other people who fought in Vietnam and other places. We want to surrender America? It is an outrage.

Our meetings at that time took place in the shadows of the 2006 Congressional elections and in the wake of the much anticipated Iraq Study Group report. During our discussions of that time, the atmosphere evoked a feeling of transition, a desire to get out of the constant struggle of lateral movement to a feeling of longing for a new strategy, long overdue in Iraq. On January 16, we learned the details of that new strategy. It wasn’t what many of us expected and it raised some particular concerns for me. Two weeks earlier when I was in Iraq, I met with the National Security Adviser for the Prime Minister of Iraq, Dr. al-Rubaie, and he told Senator NELSON and me he didn’t think sectarian violence was the biggest problem in Iraq. To express that kind of denial was incredible. Senator NELSON and I kind of looked at each other. His comments reflected to me at that time that I didn’t think the Iraqi Government had the commitment to reconciliation needed to warrant an increase in U.S. forces in Baghdad and in an area wracked by sectarian civil war.

Another person, Jay Miller from Rhode Island, wrote:

As we are at a pivotal point in our country’s history, our leaders must take a stand and use their constitutional powers to end this madness.

Mr. COLEMAN. Mr. President, I was in Iraq this weekend, and I was there in December, right before Christmas, with my friend, Senator NELSON of Florida. Our meetings at that time took place in the shadows of the 2006 Congressional elections and in the wake of the much anticipated Iraq Study Group report. During our discussions of that time, the atmosphere evoked a feeling of transition, a desire to get out of the constant struggle of lateral movement to a feeling of longing for a new strategy, long overdue in Iraq. On January 16, we learned the details of that new strategy. It wasn’t what many of us expected and it raised some particular concerns for me. Two weeks earlier when I was in Iraq, I met with the National Security Adviser for the Prime Minister of Iraq, Dr. al-Rubaie, and he told Senator NELSON and me he didn’t think sectarian violence was the biggest problem in Iraq. To express that kind of denial was incredible. Senator NELSON and I kind of looked at each other. His comments reflected to me at that time that I didn’t think the Iraqi Government had the commitment to reconciliation needed to warrant an increase in U.S. forces in Baghdad and in an area wracked by sectarian civil war.

We honor our soldiers for answering the call of their Nation. We must honor them and this Nation by never allowing another President to wage war as this one has.

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It is time to come home. It is time to come home, and I hope the President of the United States will follow the demands of the American people and a major number of people who oppose where we are, a huge majority. Mr. President, I support the troops.

To Prudence Hart, Jay Miller, and every American, I say: We are with you. We do honor those who have bravely taken up their task, able and willing to do it. Some of those troops are the third deployment away from their homes, children, and community. They are the ones making the sacrifice, and they are the ones whom we want to honor. We want to honor them by remembering those who paid the ultimate price, but we want to honor them further by bringing them home and giving them appropriate post-service treatment.

I wish we were treating our veterans in the same honorable manner in which they were recruited. We have failed in many instances. We failed, even as people criticize Democrats and those who disagree with them, even as they try to discredit us as wanting to surrender, when they didn’t provide the right equipment, whether the humvees were sufficiently armored, or whether they had the proper flak jackets.

I went to Iraq some years ago, and when I asked the people I met from New Jersey: What is it we could do to make their job better and protect them more, one of them said, Senator—and I will quote him: We got an administration—Senators, the flak jackets you are wearing, the body armor you are wearing is the latest and the best. We don’t have it. People who were in the coalition have it, but they don’t have it. They said: Our humvees are not sufficiently armored to protect us. We know what has happened.

So if we want to talk about honoring our troops, where was the administration while Halliburton was stealing from the country with food and shelter and an iron of millions of dollars imposed by the auditors from the Defense Department? Shame on them. In the war I fought in, there wasn’t anybody except a traitor who would do something like having a sham corporation in the Cayman Islands, a branch in Dubai where they then did business with Iran—Iran, which supplies weapons and encourage-ment to insurgents who want to kill our military. Shame on them.

I was with four other colleagues—Sen-ators—Mr. President, I put myself on record expressing my views. I wasn’t popular with a lot of my constituents. I joined
the senior Senator from Virginia, a colleague whom I respect so deeply on military matters, the former chairman of the Armed Services Committee, and I cosponsored his resolution expressing the concern over the proposed surge in Baghdad.

A slightly modified version of his resolution came before the full Senate on February 5, a little over 2 months ago. Although my colleagues in the majority at that time sought to limit our opportunity to amend this legislation through maneuvering, I believed I had a duty to follow my conscience and I supported the procedural motion to move forward on that resolution. I joined many of my colleagues, mostly on the other side of the aisle, in voting for cloture on this resolution on February 5.

Here we are, 2 short months later, and how the debate has changed. I will talk a little bit about what I have seen in Iraq but how the debate has changed would take us too long a moment to remind some of my colleagues across the aisle what they went on record as supporting on February 5. On February 5, my colleagues on the other side of the aisle said: We respect what the surge represents. We respect the constitutional authorities given to the President, that the President shall be Commander in Chief of the Army and Navy of the United States. Here we are 2 months later making an attempt to limit his constitutional authority to execute his fundamental constitutional duties.

On February 5, my colleagues on the other side of the aisle said the resolution they supported should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces.

Here we are, 2 short months later, picking an arbitrary withdrawal date without the consent of our commands on the ground and advocating a pullout.

On February 5, my colleagues on the other side of the aisle stated their belief that “the U.S. should continue vigorous operations in Anbar province.” And here we are 2 short months later and we are trying to pull our forces out and leave the Sunnis in Anbar alone to deal with the terror of al-Qaeda.

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Most importantly, on February 5, my colleagues on the other side of the aisle stated their belief that the U.S. “should not take any action that will endanger U.S. military forces in the field, including the elimination or reduction of funds for our troops.” Here we are 2 months later, conditioning that funding on withdrawal timelines to handcuff our military leaders, delaying the delivery of resources our forces need.

One of the things I heard in Anbar Province from a Marine general was that they needed these V-shaped humvee vehicles to protect against IEDs. Regular humvees are flat and they take the full force of a blast. With the use of these V-shaped humvee bottoms, we have not had many casualties. This bill the President will veto has about 8,000 of those V-shaped vehicles that we need.

I supported that resolution in February, but I did not support the bill before it became a law. I believe that the majority in this body has decided to utilize this important piece of legislation to attempt to set us on a course for failure in Iraq. When I say that, it is true this bill contains a lot of important parts of our military veterans. But it is unconscionable that our veterans would be used as pawns in a political game, where the majority seeks to ensure failure in Iraq at all costs. That is what happens when you lose the enemy; this is when we are withdrawing. I think our soldiers and our families deserve better.

My recent trip to Iraq underscored the fact that while we face formidable challenges, there are also glimmers of hope. General Petraeus said that to me in Baghdad on Saturday. He showed me the charts of the declines in the death squads and sectarian violence in Baghdad. He talks about the sheikhs in Anbar Province. He says it is still trying to persuade the Prime Minister of Iraq, and he told me the Iraqi leadership. He will come back in September with the Ambassador, whom I also had dinner with that night, to discuss the situation. They will tell us whether they have succeeded in providing security, an effort that will allow the process of reconciliation to move forward more aggressively. He used the phrase many times that “the clock in Washington ticks much faster than in Iraq.” We know that. He did say military action cannot win this war. But my colleagues on the other side, when they quote that, don’t quote the other half of the sentence. He said it is 20 percent military action, but you cannot do the other 80 percent unless you are successful in the military action. He is clear about that. I believe General Petraeus and the troops he commands deserve to be given the time they need before we arbitrarily decide the war is lost.

I continue to have my doubts about the Iraqi leadership. I met with the Prime Minister of Iraq, and he told me he was annoyed by a statement by the Secretary of Defense, saying that the need to bring Sunnis more into their Government. His comment was that the Shia is a majority and it would undermine the democracy, tell the majority what they have to do. I respect that. Specifically, I serve in the Senate. In the Senate, we protect in this country against one of the enemies of democracy, which is the tyranny of the majority. That is what has to go into the reconciliation in Iraq. I don’t believe, as I listened to bills that the kind of commitment yet we need to make reconciliation successful. So that is of concern.

For us in this body, it is hard to think that giving a voice to the minority would constitute undermining democracy. We know the perils of a tyranny of the majority, which Alexis de Tocqueville defined in 1835, and that Madison and Hamilton alluded to in the Federalist Papers. The fact we are seeing in Baghdad, that the majority is changing. Between Fallujah and Ramadi, and Taqaddum. We have a long way to go.

And our mission is succeeding at the level set by the President. Even General Petraeus has said that. Certainly our headlines here at home still echo the horrific suicide bombings and insurgent attacks we have sadly grown to expect when we read the morning paper. This is an enemy with resolve. He understands the impact of those actions on the American people.

General Petraeus told me and others in this body that he will come back to us in September. Our troops are not all deployed at this point in time and he can show the progress and the decline in the killings and sectarian violence. He talked about the elimination of some of the killing cells and some of their leadership. He will come back in September with the Ambassador, whom I also had dinner with that night, to discuss the situation. They will tell us whether they have succeeded in providing security, an effort that will allow the process of reconciliation to move forward more aggressively. He used the phrase many times that “the clock in Washington ticks much faster than in Iraq.” We know that. He did say military action cannot win this war. But my colleagues on the other side, when they quote that, don’t quote the other half of the sentence. He said it is 20 percent military action, but you cannot do the other 80 percent unless you are successful in the military action. He is clear about that. I believe General Petraeus and the troops he commands deserve to be given the time they need before we arbitrarily decide the war is lost.

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me to relay to my colleagues this war is not lost. Let me be very clear. I sat in meetings with members of the Minnesota National Guard—by the way, I am unhappy about their tours of duty being extended. They and their families heard in the press that they were being left ``on the chopping block.''

I complained about that to the Army and received an apology. In spite of that, they stood up and said to me: Use our names. Tell the Senate the war is not lost.

Meanwhile, from Moorhead, MN, said: Tell the Senate the war is not lost. Lieutenant Martin of the 134th Support Battalion in Talil, Iraq, wants the Senate to know the war is not lost. These soldiers talked about at one point it being kind of the Wild West in Anbar Province and it is being transformed.

I wish my colleagues would have heard the story from LTC Gregg Parks of Walker, MN. He told me about a suicide bomber who came into a town called Mintaka and encircled a crowd coming out of a mosque, blew himself up, and wounded or killed many Iraqis. Not a single American shed blood in that attack; yet our soldiers lined up to give blood. The next day, they repaired and local sheikhs came in and gave the names of al-Qaeda operatives and pledged to work side by side with our troops to drive al-Qaeda out of Iraq. I wish my colleagues could have heard COL David Elicerio, commander of the 1/34th Support Battalion in Talil, Iraq, wants the Senate to know the war is not lost. These soldiers talked about at one point it being kind of the Wild West in Anbar Province and it is being transformed.

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family. I know they are still searching for answers. But I hope the reverence and respect this Senate shows Sergeant Tackett will remind them that he lived and served as a hero, and his country will forever honor and remember his sacrifice.

I ask my colleagues to keep the family of SGT Joseph M. Tackett in their thoughts and prayers. I know they will be in mine.

HONORING OUR ARMED FORCES

1ST LIEUTENANT SHAUN M. BLUE

Mr. BAYH. Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Munster, Shaun Blue, 25 years old, died on April 16 while deployed in Al Anbar Province on Operation Iraqi Freedom. With his entire life before him, Shaun risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Shaun was a lifelong Hoosier, graduating among the top 10 students of his class from Munster High School in 2000. He joined the military because, as his high school principal said, “He was one of those kids who did things everyone else was afraid to do.” His valor over the course of his service in Iraq exemplifies Hoosier values and courage. His track and field coach at Munster High described Shaun as a mentally tough kid saying, “The fact that he chose the career path that he did didn’t surprise me. It was perfectly suited for him.”

Shaun was killed by an improvised explosive device while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force, based in Twenty-nine Palms, CA.

Today, I join Shaun’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example set by his father and uncle by enlisting in the Army a few months before graduation. Shaun made while dutifully serving his country.

Shaun was known for his dedication to his community and his love of country. Today and always, Shaun will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Shaun’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

“We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Neil’s actions will live on far longer than any record of these words.

I honor the life of a brave young man from La Porte, Jason Beadles, 22 years old, died on April 11th while deployed in Baghdad on Operation Iraqi Freedom.

Jason attended Kokomo’s Northwestern High School and followed the example set by his father and uncle by enlisting in the Army a few months before graduation. Jason risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Today, I join Jason’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example set by his father, David, and uncle, Jim Simmons.

As I search for words to do justice in honoring Neil’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

“We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Neil’s actions will live on far longer than any record of these words.

I honor the life of a brave young man from Fort Campbell, KY.

Today, I join Jason’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example set by his father, David, and uncle, Jim Simmons.

As I search for words to do justice in honoring Neil’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

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Jason was known for his dedication to his community and his love of country. Today and always, Jason will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jason’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

“We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jason’s actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jason J. Beadle in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope families like Jason’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jason.

PRIVATE FIRST CLASS RICHARD P. LANGENBRUNNER

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Fort Wayne. Richard Langenbrunner, 19 years old, was killed on April 17 while deployed in Rustamiyah, Iraq. With his entire life before him, Richard risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Richard was a lifelong Hoosier, graduating from Northrop High School in 2006. He completed basic training this past January and was deployed just a few weeks later. He is remembered for his love of people, life, and adventure. “He was so excited about his future before he graduated,” said a fellow classmate. “He joined the military because he wanted to drive a tanker.” Richard enlisted in the Army just before graduating high school. His valor over the course of his service in Iraq exemplifies Hoosier values and courage.

Richard died while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 152nd Infantry Regiment, 76th Infantry Brigade, Marion, IN. His obituary was posted by military.com.

Today, I join Richard’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Richard, a memory that will burn brightly during these continuing days of conflict and grief.

Richard was known for his dedication to his community and his love of country. Today and always, Richard will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Richard’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

“We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Richard’s actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Richard P. Langenbrunner in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Richard’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Richard.

STAFF SERGEANT BRADLEY D. KING

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Gas City. Bradley King, 20 years old, was killed on April 2 while deployed in Al Amiriyah, Iraq, when a roadside bomb exploded near his Humvee. With his entire life before him, Bradley risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Bradley attended Mississinewa High School, enlisting in the National Guard in 1997, a year before his graduation in 1998. Bradley enjoyed the military and felt it fitted well with his community and country. The day before he was deployed, Bradley told his mother that he felt “called to serve in the military for his country.” His aunt described Bradley as “a responsible young man determined to do his best for the people he loved.”

Bradley was killed while serving his country in Operation Iraqi Freedom.

He was a member of the 2nd Battalion, 152nd Infantry Regiment, 76th Infantry Brigade, Marion, IN. Master Sergeant Bill Wallen, King’s supervisor, told local media, “he was a heck of a human being, he’s what everybody else needs to be in this world.” Staff Sergeant Kevin Crain, he set an example for his 15-month-old son, Daethan.

Today, I join Bradley’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bradley, a memory that will burn brightly during these continuing days of conflict and grief.

Bradley was known for his dedication to his family and his love of country. Today and always, Bradley will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bradley’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

“We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bradley’s actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bradley D. King in the official RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bradley’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bradley.

SPECIALIST CODY A. PUTMAN

Mr. President, it is with a heavy heart and deep sense of gratitude that I honor the life of a brave young man from Lafayette. Cody Putman, 22 years old, was killed on April 2 while deployed in Baghdad on Operation Iraqi Freedom. With his entire life before him, Cody risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Cody was a lifelong Hoosier, graduating from Twin Lakes High School in 2003. He is remembered for his love of...
Mr. HATCH. Mr. President, today I wish to pay tribute to SPC Eric R. Sieger of Layton, UT, who died of injuries suffered while conducting operations in Iraq. He was a remarkable young man who overcame much adversity in his life. On March 9 of this year, he would have turned 19 years old.

Sergeant First Class Douglas C. Stone served in the Army Reserve, and his service in Iraq exemplifies Hoosier values and courage. A month before he died, Cody had been home on leave for 2 weeks vacating with his family in Florida. Cody is survived by his father, Harry Putnam, and his mother, Pam Mowry, and his wife, Molly Putnam, 20, and 3-year-old daughter Madelyn.

Cody died while serving his country in Operation Iraqi Freedom. He was a member of the 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team, 25th Infantry Division, based in Fort Richardson, AK.

Today, I join Cody’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that will burn brightly during these continuing days of conflict and grief.

Cody was known for his dedication to his community and his love of country. Today and always, Cody will be remembered by family members, friends, and fellow Hoosiers as a true American hero, who gave his life for the sacred cause we make while dutifully serving his country.

As I search for words to do justice in honoring Cody’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Cody’s actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Cody A. Putman in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope families like Cody’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who love him with all of you, as I know He is with Cody.

SPECIALIST ERIC R. SIEGER

Mr. HATCH. Mr. President, today I wish to pay tribute to SPC Eric R. Sieger of Layton, UT, who died of injuries suffered while conducting operations in Iraq. He was a remarkable young man who overcame much adversity in his life. On March 9 of this year, he would have turned 19 years old.

Sergeant First Class Douglas C. Stone had a lifelong connection to our Nation’s military. His father served in the Air Force. Yet, SFC Douglas Stone joined the Army Reserve later in life. As his mother Dolores Peigley said about his son, “I think he was the oldest at boot camp.”

However, his maturity was only to be an asset to which he was affirmed when he became a full-time reservist. Over the past 6 years, SFC Douglas Stone assisted in the preparation of reservists from the 96th Regional Readiness Command for deployments in support of Operations Enduring Freedom and Iraqi Freedom. As my good friend, MG Peter S. Cooke, the commanding officer of the 96th Regional Readiness Command said about SFC Stone: “There wasn’t a unit or individual sent from our headquarters that SFC Stone did not personally assist in preparing for their mobilization or deployment.”

This was not the first time SFC Douglas Stone had gone in harm’s way for his country. He also was a part of the fuel re-supply effort during the First Gulf War.

However, his life’s most important work undoubtedly was as a family man. Sergeant’s wife, Mary, was husband to his wife, Mary, and father to two sons Nathan, 13, and Cameron, 10.

SFC Douglas Stone was also a member of Fort Douglas’s Honor Guard. I understand that First Edgington, one of his fellow Honor Guardsmen who participated at his friend’s funeral said, “for me, probably one of the toughest moments was when I was standing at the head of the casket and I looked over to the side and I saw a note from his sister on the flowers that were there. It said, “To Doug, my brother, and my Hero.”

No truer words have been written.

SFC Douglas Stone was a hero. He served his country with pride and answered its call when it needed him most. All of Utah shall remember him and will be praying for this hero and his family.

SERGEANT BRANDON A. PARR

Mr. President, today I wish to pay tribute to SGT Brandon A. Parr. Sergeant Parr was a member of the 330th Military Police Company and gave his life with two other servicemen when their vehicle was struck by an improvised explosive device.

There are certain pictures that define a time and a moment in our Nation’s history. Such examples can be found in the raising of Old Glory over Mount Suribachi, Iwo Jima. I respectfully submit that a picture taken during Sergeant Parr’s funeral should be added to that category. In that photo, Sergeant Parr’s wife, Shannah, is seen holding the hand of their young son, Nicholas. Nicholas, standing on some steps, is wearing the camouflage uniform of an American soldier—a young son’s tribute to his fallen father. This is an image that I will remember for all my days and a fitting tribute to a true hero.

Sergeant Parr enlisted in the Army in 2003, and this was his second tour in Iraq. He was involved in one of the most critical tasks in this war: training Iraqi police and providing security to the Iraqi people. By all accounts, Sergeant Parr preformed these assignments at the highest standards of our Nation’s military.

Shannah Parr said of her husband, “He was very laid back and very funny. He made everyone feel good.”

His mother, Teota Dangel said, “I think he would have gone (to Iraq) even if he knew this was going to be the outcome.” Words like this can only be spoken of a true patriot.

Sergeant Parr and his entire family will always be in my prayers.

CORPORAL STEPHEN KOWALCZYK

Mr. President, I wish to pay tribute to CPL Stephen Kowalczuk, a member
of the 1st Calvary Division, who recently lost his life while on patrol in Iraq.

Upon learning of about his life, I was struck by all the adventures that Corporal Kowalczyk had undertaken. He had been the captain of the swim team at Macalester College, traveling extensively in Latin America. He submitted a formal report on his trip, which is very sober reading. It was an enthusiastic account of the Iraq war on the readiness of our military forces, and equipping Iraqi forces, and force protection for American troops.

The supplemental bill that was voted on today offers a path away from the current quagmire in Iraq, a state of bloodshed and suffering. We must never forget the enormous personal sacrifices our troops are asked to make every day. As of today, 162 Pennsylvanians and more than 3,300 Americans as a whole have given their lives in Iraq, with tens of thousands more suffering lifelong injuries, including amputations, severe burns, and traumatic brain injuries. On Monday, nine members of the 82nd Airborne Division gave their lives when a suicide bomber infiltrated their outpost in Diwali Province, the deadliest single attack on U.S. forces in Iraq since December 2005.

We pray today for our fallen heroes—today and always—but we also pray for ourselves that we may be worthy of their valor.

Our troops have done all they can. They have deposed Saddam, and they fought insurgents and foreign terrorists. They spent the last 4 years partnering with their Iraqi counterparts in a courageous effort to establish a democratic, secular, and free society. They have been asked to mediate disputes and protect innocent civilians as targets in a crossfire of a civil war.

So our troops have done their part. Now it is time for the Congress and the White House to do their part. As retired military generals, experienced diplomats, and scholars with intimate knowledge of Iraq have declared and as a bipartisan Iraq Study Group concluded just last winter, any success in Iraq requires a political and diplomatic solution and cannot be achieved through military might alone.

Just ask General Petraeus, who, upon assuming his new command in March, declared:

There is no military solution to a problem like that in Iraq, to the insurgency of Iraq . . . A political resolution of various differences . . . will determine, in the long run, the success.

GEN Barry McCaffrey recently returned from his latest trip to Iraq. One of our most widely respected former military officers, General McCaffrey fought in Vietnam with distinction, commanded a division in the Gulf war in 1991, and led U.S. operations in Latin America. He submitted a formal report on his trip, which is very sober reading. One line stands out for me, and I quote from General McCaffrey’s report:

No Iraqi Government official, coalition soldier, diplomat, or member of the nongovernmental organization, nor contractor can walk the streets of Baghdad, nor Mosul, nor Kirkuk, nor Basra, nor Tikrit, nor Najaf, nor Ramadi, without heavily armed protection.

This supplemental bill provides the Congress and the White House a chance to do their part to ensure success in our mission in Iraq. It brings to an end the “stay the course” mentality that defined our approach for the past 4 years in at least three ways.

First, the supplemental revises our mission in Iraq away from policing a civil war toward training and equipping Iraqi security forces, protecting U.S. forces, and conducting targeted counterterrorism operations.

Second, it initiates a phased redeployment of our troops no later than October 1 of this year, with a goal of removing all combat troops by April 1 of next year. These steps were called for in the bipartisan Iraq Study Group and represent the will of the American people. I am pleased that the Congress is following suit.

Third, the supplemental at least holds the Iraqi Government accountable by setting measurable and achievable benchmarks on the Iraqi Government for ending the sectarian conflict, the political reconciliation, and improving the lives of ordinary Iraqis.

If the Iraqi Government refuses to meet these benchmarks, they will put at risk future U.S. assistance and the continued presence of U.S. troops. We have repeatedly seen past benchmarks established by the Bush administration and the Iraqi Government come and go without progress and without consequence. Just this week, a revealing article in USA Today highlights the growing lack of confidence among Iraqi Parliamentarians in the al-Maliki government, and one legislator was quoted as saying:

This government hasn’t delivered and is not capable of delivering.

This bill, once and for all, establishes a series of accountable benchmarks.

Finally, the supplemental recognizes the toll this war has taken on our uniformed military, especially the Army and Marine Corps. It establishes a set of troop-readiness standards that establish minimum levels between deployments for our troops and limits the duration of those deployments.

The legislation includes a Presidential waiver authority, but it would require the President to certify that the continued strain on our military forces is in our national interest. These provisions will force the President to take the long and hard impact of the Iraq war on the readiness of our military to handle other pressing challenges, including the need to fight and kill al-Qaida terrorists wherever we find them.

The congressional debate that has helped produce this supplemental bill has been attacked by the President and his supporters. However, our Secretary of Defense last week described our debate as helpful in “communicating to the Iraqis that this is not an open-ended commitment.”

Two of my distinguished colleagues, on a recent visit to Baghdad, explicitly...
informed Iraqi leaders that growing congressional pressure on the need for a phased redeployment signaled that it was time for the Iraqi Government to get serious and start taking the hard steps needed for political reconciliation, including a fair distribution of oil wealth. With those steps this Congress has taken, without the pressure it has applied, the Maliki regime would continue to be receiving an open-ended blank check from the White House, with our soldiers paying the ultimate price.

The President has regrettably chosen to distort and malign our intentions in sending him the bill that is before us today. I wish to take a few minutes to briefly address those charges and demonstrate why it is the President—not the Congress—who has cynically held hostage the funding and well-being of our troops.

First, the President has repeatedly charged that our military forces need to be given an open-ended blank check immediate and any delay to pass the supplemental in its exact specifications would harm their readiness. A number of my colleagues already cited authoritative research from the Congressional Research Service that demonstrates that the needed funding is available to the U.S. Army from mid to late July—let me say that again, mid to late July—without jeopardizing the war effort. However, there is a much larger cynicism at play here. There would be no need for a supplemental bill at all if this President had submitted an honest, regular budget request for this fiscal year.

Four years into the war, this administration should be able to tell the American people how much the war in Iraq cost. Yet the administration has refused to incorporate wartime costs into its regular budget request, instead seeking to finance our operations in Iraq and Afghanistan through a series of supplemental bills. Of course, the President doesn’t want to do that because regular appropriations requests are subject to greater public and congressional scrutiny.

Financing the war through supplemental bills also allows the President to hide the impact of the war on our Federal budget. It is not surprising that a President who has run up the largest deficits in modern history would want to hide that fact. Doing so on the backs of our troops is outrageous.

So the President is plain wrong when he attacks the Congress on supplemental funding for our troops in Iraq. The reality is that we have exceeded the President’s request for supplemental in his exact specifications and well-being of our troops.

The second claim the President has made over and over again in recent weeks is that this supplemental bill is larded up with porkbin. Who will benefit from this supplemental spending that is unrelated to our military operation in Iraq and Afghanistan. Yet, once again, the President is distorting both his own actions and those of Congress to score political gain. We should not forget that the President’s original request for supplemental funding also included funds not related to the war in Afghanistan and in Iraq. The President’s request included money for debt relief in Kosovo, cultural exchanges, and assistance to refugees in Burundi. The President keeps calling for a clean bill, yet his own request to the Congress included extra items with no connection to Iraq or Afghanistan. In light of the President’s request, the Congress acted to ensure additional funding for a phased redeployment signified that it includes funding for our troops and other parts of the world, especially Iraq and Afghanistan. I expect there will be no controversy about the issue of funding, although we have provided more funding for the soldiers than requested by the President, but there are other portions of the legislation that are controversial. I understand that.

But I wish to talk about something that has not been talked about nearly enough as we send our soldiers to war.

William Manchester wrote a book called “The Glory and the Dream.” I remember, when I read that book, thinking about what an unbelievable commitment this country made during the Second World War. We have now been at war in Iraq longer than we were at war in the Second World War.

This country geared up. Its factories were humming. Rosie the Riveter was riveting, and we had output from our factories that was nearly unbelievable in support of the war effort. There was rationing. There were all kinds of things happening in which the country supported the war effort and supported the soldiers.

Let me quote:

From an initial keel-to-delivery time of over 290 days, Henry Kaiser cut the average work time on a liberty ship to 40 days. In 1944, he was launching a new escort aircraft carrier every week, and they were turning out entire cargo ships in 17 days. During the first 212 days of 1945, they completed 247 cargo ships, better than 1 a day.

That is what this country mobilized to do during the Second World War.

From the same book, “The Glory and the Dream,” quote:

In the 5 years following the French collapse, America turned out: 256,000 warplanes, 102,000 tanks, 2.4 million trucks, 8,700 warships, and 5,400 cargo ships.

Now, why did that happen? Because the country mobilized. This country’s factories were humming.

At a meeting, Joseph Stalin observed to the American President—the American President, FDR, Joseph Stalin, and Winston Churchill. Stalin said: We couldn’t win this war without America’s production.

This country mobilized.

Now, let me read something. Just understanding that in 1944, we were producing 4,000 warplanes a month, 50,000 warplanes a year, let me read something. Colonel Hammons came and testified last year at a policy committee hearing I chaired, and here is what he said:
Since the improvised explosive devices exploded in Iraq in the summer of 2003, we as a country have known—

I am quoting him—

we have known there are better and safer vehicles available than the armored HUMVEE—for instance, the M-1117 armored security vehicle. Yet in 3 years, the Pentagon has purchased less than 1,000 of them. I find it remarkable that a Nation that could produce 45,000 tank shells a month during World War II can produce 45 armored vehicles per month today.

Continuing to quote:

We didn't ask soldiers to invade France in 1944 with the inferior equipment they had in 1941. Why are we sending our soldiers and Marines to use the same armor that was insufficient in 2003? It's simple. The administration has refused to dedicate the resources necessary to make it happen. It is content to let our troops ride in inferior vehicles.

Continuing to quote:

The administration has failed to replace and maintain the equipment necessary for the units to be ready for other potential operations, although our units lack equipment to train, our repair depots are working single shifts and 5 days a week. The American people have a right to know what our people need in the battlefield, the administration has refused to ask for the funding. The failure to provide our best equipment is a serious moral failure on the part of our leadership.

Now, why do I raise this question today? In the Second World War, in 1944, we were producing 4,000 warplanes a month, and yet we have not mobilized. We have sent troops abroad to go to war, to train, our repair depots are working single shifts and 5 days a week. The American people have a right to know what our people need in the battlefield, the administration has refused to ask for the funding. The failure to provide our best equipment is a serious moral failure on the part of our leadership.

This is from the Marine Corps Commandant, in his memorandum to the Chairman of the Joint Chiefs of Staff:

The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. We estimate that the use of the MRAP could reduce the casualties in vehicles due to IED attacks by as much as 80 percent.

Now, think of that, 3,325 U.S. troops have been killed in Iraq, and 70 percent of those casualties have come as a result of IEDs. The Commandant of the Marine Corps says the MRAP vehicle would save 80 percent of those casualties. Now, think of that, the 3,325 have died in 300 separate attacks on MRAP vehicles by IEDs, according to BG John Allen, deputy commander of coalition forces in Anbar Province—300 attacks on MRAP vehicles and no marines have died.

Now, why do I raise all this? Well, we need about 6,700 of these MRAP vehicles if this country is intending to provide the best equipment for our troops who are on patrol in Iraq. Until recent months, we were producing about 45 a month. Let me say that again. We are sending soldiers to war, and there is a vehicle that the Commandant of the Marine Corps says will save 80 percent of the lives now being lost in IED explosions because this is a much safer vehicle than the humvee. It is called the MRAP. But we are not mobilized to produce the MRAP. No one has said: This is urgent, let's provide the best equipment for these soldiers.

So what did we do? Well, in the 2007 Omnibus appropriations bill, we added money. Yes, we in Congress added money for it. In the bill we just voted for today, we added money for it because the President wasn't requesting sufficient money. We have a need for 6,700 of them. The administration, with all of their requests, would fund less than a third of that. In their 2008 budget request, which would take effect next October, once again it is underfunded.

Let me show a picture, if I might, a photograph of what is called the MRAP vehicle. Three versions of the MRAP. The Defense Department experts say that the best is this, the current version of the MRAP 80 percent of the soldiers who would otherwise lose their lives from IED explosives will be saved. Think of that. With 300 attacks against this vehicle, not 1 life has been lost. Yet we are building in Iraq vehicles with much less safe, and 70 percent of the 3,325 troops who have been killed have been killed as a result of IEDs, riding in vehicles that are not as safe as this vehicle, and until recently we were producing 45 a month. That is unbelievable. A country that could send everyone into its factories and have those factories humming three shifts a day and produce 4,000 warplanes a month and a liberty ship a day, every single day, the country that won the Second World War with its prodigious productions, supporting its wonderful troops, that country can't mobilize? This President can't ask that country to mobilize? We have to stick money in this supplemental bill above the President’s request in order to say that this is a priority, this is urgent, this is about saving the lives of soldiers?

Again, I raise the question because we are at war. Yet you would hardly allow it, with respect to the daily lives of most of us lead. In the Second World War, it wasn't that way. Yet we have been at this war longer than the Second World War. In the Second World War, here is what we produced—the might of American production, in which a nation came together to say that we are going to support our troops and beat back the forces of fascism and defeat Adolf Hitler and where we produced 296,000 warplanes—think of it—and 8,702 warships. We didn't do that. We didn't do it. We didn't do that making 45 MRAPs a month. This country mobilized then, but it is not mobilized now.

So we passed a piece of legislation here today. It has some areas the President says will persuade him to veto it. I assume this is not one of those areas. The President didn't request this funding for MRAPs. He should have. He didn't request enough funding in the coming fiscal year. He should have. If this country is going to send its soldiers to war, then we, all of us in this country, have an obligation to send them to war with the very finest equipment available to protect them and to help them. Regrettably, that is not now the case.

Early on in this war, I received e-mail pictures, photographs from Iraq, from soldiers showing their humvees with welded pieces of metal on the doors, metal they pulled out of a scrap heap and welded to a door to try to strengthen it because those humvees weren't up-armored. Even now, how many of the humvees on patrol are up-armored. Even now, how many of those humvees are on patrol are up-armored. We know there is a much safer vehicle that will save, we think, 80 percent of the fatalities that now exist through IEDs. There is no excuse—no excuse, in my judgment—for our not having three shifts a day and producing 45 MRAPs a month. Let me say that again. We are not producing 45 a month. That is unbelievable. A country that could send everyone into its factories and have those factories humming three shifts a day and produce 4,000 warplanes a month and a liberty ship a day, every single day, the country that won the Second World War with its prodigious productions, supporting its wonderful troops, that country can't mobilize? This President can't ask that country to mobilize? We have to stick money in this supplemental bill above the President’s request in order to say that this is a priority, this is urgent, this is about saving the lives of soldiers?

Mr. TESTER. Madam President, I rise today to express my support for the conference report on the emergency supplemental bill we passed early this afternoon. This bill needs to be signed by the President. It will do a lot of good for a lot of people in this great country. It will not only help our troops serving in Iraq and Afghanistan, but also millions of Americans who have suffered over the last year due to drought and the aftermath of Hurricane Katrina.

This bill has nearly $7 billion for cleanup and recovery efforts on the gulf coast, which is, 18 months later, still dealing with the aftermath of Hurricane Katrina. There is $1.8 billion for veterans health care in this supplemental, to give our veterans the care they deserve when they return from serving our Nation. It contains $3.5 billion for agricultural assistance, assistance that is desperately needed. I have heard from several farmers in Montana about the drought and how it has devastated their farms and how they are barely hanging on.

Tom Lightner, a farmer and rancher from north of Chouteau, MT, grows...
wheat, barley, and alfalfa, and he used to run some cattle. But the continuing drought has hurt his operation. The reservoir near his operation, Bynum Reservoir, has been almost empty for the past 5 years because of this drought. Tom had to sell off his 120 head of cattle he used to run on his ranch. In February of this year, Tom wrote me this letter. What it says is:

I am writing to you in need of your assistance. I own and operate a small ranch on the ranch north of Choteau. Because of the continuing drought conditions in this area, making it from one year to the next has been a real challenge. In my present circumstances, it may become impossible [to stay in business].

Now Tom is in danger of losing his crop insurance and is looking for help from the President, to help him through these difficult times.

Another farmer in Montana, from Dagmar, wrote about conditions last year during the growing season. He writes that it was a foggy morning with no meaningful precipitation, but it cooled down some, which is good news in the heat of summer with little moisture. But the damage was done. Some of the late seeding re-crop had the top half of the head burnt right off.

What does that mean, in a nutshell? He is not going to cut much of a crop and it is not going to have much quality when he does get it in the bin. What does that mean in reality? That means no money to pay expenses, to pay for insurance, to pay for heating, to pay for seed costs; no money to buy groceries, to pay that operating loan or mortgage loan.

That is why it is so critically important that the President of the United States sign this supplemental. Farmers and ranchers in Montana and throughout this country have suffered long enough. They have dedicated their lives to feed the world, and it is the very least we can do to provide them with the assistance they need to keep going.

Before I finish, I want to talk a little bit about our great men and women who are serving in Iraq and Afghanistan. They have done everything we have asked and they have done it very well. This supplemental bill also gives our troops all the funding they need, and more, to meet the needs not addressed in the President’s request. It provides a plan to get our troops out of the Middle East in this civil war they find themselves engaged in, and back to fighting the real war, the war on terrorism.

It sets a goal, not a deadline, of being out of Iraq by the spring of 2008. But it allows our troops to continue to train the Iraqi security forces, to conduct operations against terrorist groups, and to protect United States assets. This is hardly handcuffing the President of this country. This is a responsible plan to continue our fight against terrorism while getting our troops out of this Iraqi civil war.

For these reasons, I urge the President of the United States to sign this emergency supplemental into law. No more excuses, sign the supplemental. Our troops, our farmers, the people of this country, deserve no less.

I yield to the Senator from the other side of the aisle 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. ALLARD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. ALLARD. Madam President, I understand we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

BIPARTISANSHIP

Mr. ALLARD. Madam President, I came to the floor today to express my surprise that any Member of this body could attempt to characterize the current political situation as one in which the administration is failing to work with Congress. Any realistic discussion of today’s political climate must revolve around the fact that the current majority has refused to work in any meaningful way with the minority party. The most blatant example of this is in the use of cloture by the majority leader to avoid consensus on the consideration of the nomination.

In the 110th Congress, the majority leader so far has fired 24 cloture motions. During the same timeframe in the first session of the 109th Congress, Republicans had only filed five cloture motions. In the 109th Congress, by this date Republicans had only filed five cloture motions.

Just as surprising were the circumstances that surrounded General Petraeus yesterday. What I found remarkable was the original instinct of the Speaker of the House and our Senate majority leader was to avoid meeting the general here on Capitol Hill. Can you imagine that? The most important issue of our day is Iraq and the man we unanimously approved to lead our efforts is not worth their time to hear from? The only explanation for this is that the disdain felt by the majority in working with the minority and the administration was also extended to working with our military.

Of course, once it was clear that there was public outcry in not meeting General Petraeus, they relented. But what was also evident is there was an effort to avoid actually believing anything the general had to say about the situation on the ground. General Petraeus is not giving us information that has been filtered through some political process. He is giving a factual and sobering account of what is happening, block by block, in Iraq.

Yet the other side of the aisle, with a few exceptions, wants to cover their ears and not listen to the facts. They would rather pretend they know what is going on in Iraq rather than hear it.

The situation in Iraq is a dynamic and ever-changing one, and after yesterday’s briefing, it is more clear to me than ever that we must resist arbitrary deadlines to our fight in Iraq.

But my Democratic colleagues would rather play politics with our men and women in the field and score a few points for the far left wing of their party. They would rather play politics on the Senate floor than work to pass meaningful legislation.

I ask the majority leader and the other side of the aisle to put politics aside and do the right thing, work in a truly bipartisan manner to do what the American people expect us to do.

This obstruction and unwillingness to work in a truly bipartisan effort to provide funding to our troops who are even now in harm’s way is outrageous and disappointing.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

FORMER SPEAKER JOHN O’BRIEN

Ms. CANTWELL. Madam President, I rise today to commemorate and pay tribute to the life of a great Washingtonian, a great American, and someone who in the State of Washington will be remembered for his great contributions and accomplishments. I ask unanimous consent that the record be extended to pay tribute to a man who in the State of Washington will be remembered almost an appropriate dedication to his last day of this year’s legislative session, almost an appropriate dedication for him for the remembrance of his service in our State government.

I am proud to say John L. O’Brien was a good friend, a mentor, and some-thing the general had to say about the situation on the ground. General Petraeus is not giving us information that has been filtered through some po-litical process. He is giving a factual and sobering account of what is hap-pening, block by block, in Iraq.

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Two years later his father was shot and killed while on duty. That left the young Mr. O'Brien to help his mother, also an Irish immigrant, care for their siblings. By the time he was a teenager, he was bringing home a paycheck as a truck driver for Keele's Grocery in Rainier Valley. He went on to start his own accounting firm.

But John O'Brien also was a man who thought about the future, and he has an unending list of accomplishments that literally touched the lives of thousands of Washingtonians. He changed the course of history in our State by his generosity, by his leadership, by his commitment, his inspiration.

I know my remarks will not do him justice, but I just want to say that he did a lot of things in his life, and periods of living, but I never lost track of what the constituents of his district and of our State cared about. He worked on property tax relief for seniors and low-income individuals. He fought for prescription and over-the-counter drug information labeling so that seniors knew what kind of products they were purchasing. He was a champion of state employee collective bargaining and workplace safety issues. He sponsored Washington State's first clean air act. That might sound like something lots of people do, but he actually sponsored that legislation in 1940. So he was ahead of his time in thinking about Washington State's environment and how to preserve the pristine quality of life that is so important to us.

He helped to establish one of the first procreation to conservation of a percentage of our construction budget for the creation of art. He helped save and restore Franklin High School. He worked to make sure we established a drug-free zone and got legislation passed removing the sales tax from items like charitable auctions.

John O’Brien represented one of the most diverse neighborhoods in Seattle, an area called the Rainer Valley. The Rainer Valley began as an Irish and Italian community of immigrants, and with Speaker O'Brien's leadership, it helped to incorporate various waves of new immigrants from various communities: the Chinese-American community, Japanese, Filipino, African American, Orthodox Jews, Vietnamese, East African, and Hispanic citizens. Now it is, as I said, one of the most diverse areas of our State.

When the Seattle Times ran a story about Speaker O’Brien's life and how his values were shaped, they said:

Mr. O'Brien was just 7 years old when his Irish immigrant father, a detective with the Seattle Police, came home after a particularly tough day on the job. He turned to his eldest son rhetorically, "What will ever become of you if something happens to me?"

My thoughts are with his family: his wife Mary, their six children, John O'Brien, Jr., Laurie, MaryAnn, Karen, Jeannie, and Paul, and to their grandchildren.

John O'Brien was a great Washingtonian, a great part of our community. But John O'Brien also was a man who thought about the future, and he has an unending list of accomplishments that literally touched the lives of thousands of Washingtonians. He changed the course of history in our State by his generosity, by his leadership, by his commitment, his inspiration.

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Mr. O'Brien was just 7 years old when his Irish immigrant father, a detective with the Seattle Police, came home after a particularly tough day on the job. He turned to his eldest son rhetorically, "What will ever become of you if something happens to me?"
On this sad occasion, I extend my condolences to his family, to his many friends, and to all of us who served with him. We will not forget his legacy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

IRAQ SUPPLEMENTAL

Mr. BROWN. Madam President, recently we learned the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training and inadequate equipment and with insufficient downtime.

The supplemental passed today echoes what many of us in Congress and military families across the country have been saying: We need a new direction for Iraq. Make no mistake, we take a backseat to no one in supporting the brave men and women fighting in Iraq. We absolutely support their families. However, more of the same is not a good direction for our troops and will not end this war in Iraq. This war has made our world and our country less safe. The Iraq war has cost 142 Ohioans their lives. It has wounded another 1,000 Ohioans.

Congress will continue to fight for our Nation’s military by working to see they have the resources and support they need and leadership they deserve. The supplemental did that today. The supplemental fully funds and fully supports our troops, while establishing conditions that will bring our troops home. It provides desperately needed funding to the VA, something the President simply has not asked for, to help care for the hundreds of thousands of new veterans created by the failures of this war.

In the Veterans’ Committee yesterday, we heard from families about tragedy after tragedy, from families who have lost loved ones in this war, who didn’t get the proper care from the VA because of underfunding, who didn’t get the proper direction when they returned home from Iraq because the White House simply did not schedule in the way they should have the kind of help for returning Iraqi veterans. If the President is responsible for those failures and lead our troops home, then Congress must. We owe it to our soldiers, sailors, air men and women, our marines, and especially to their families.

The Congress should listen to the military leaders and listen to the American people and work with Congress to change course in Iraq instead of threatening vetoes. I hope the President reads this legislation before he makes his final determination whether to sign or to veto it. Vetoing this legislation would deny funding that our military needs and that our veterans desperately need, such as $99 billion in emergency Department of Defense spending—$4 billion more than the President requested; $3 billion for mine-resistant, ambush-protected vehicles; $4.8 billion in military construction in part to fund Black Hawk purchase; $30 billion in Iraq supplemental to fund BRAC 2005 account, and we know all over the country how important that is; and $1.6 billion for individual body armor.

The President and the Pentagon and civilian leadership of this country have fallen shamefully short in their failures to provide the body armor for our troops. We have all heard too many stories. I have heard them in Steubenville and Toledo and Dayton about soldiers’ families telling us they didn’t have the proper body armor they needed.

The VA would get $1.7 billion more than the President’s VA proposal. We know the VA is underfunded at least that much. They have increased only about 10 percent in terms of employees but have a workload of returning Iraqi war veterans of at least 2.5 times that number. There is $39 million in our supplemental budget for polytrauma rehabilitation funding. There is $100 million for blind veterans programs. There is $100 million—and this is essential—for VA mental health services and $25 million for prosthetics. None of those did the President include in his request, and one hundred of these were prepared properly in the previous Congress and in the White House.

When we add up the numbers and we see 3,300 soldiers and marines in our country have lost their lives in the Iraq war, when you understand the tens of thousands of injuries, we see that our VA is simply not prepared. They are not prepared for this year and next year, let alone for the 50 years down the road when taxpayers are going to be taking care of these deserving veterans. This is not what we should be providing. We are going to see we are not prepared over the next 50 years to do that, either for health treatment or for treatment of mental health injuries.

In addition to the Iraq spending and the spending for our Nation’s returning veterans, there are other things in this emergency spending bill, as there were in Republican bills in the past, drafted by the White House, passed by the Republican Congress. There is other crucial emergency spending that needs to be dealt with: $1.3 billion for Katrina relief, $100 million for FEMA and emergency management performance grants, $425 million for securing rural schools, $13 million for mine safety. We have seen some of the most dangerous times in our Nation’s mines in the last couple of years. There is $625 million for pandemic flu response, something public health authorities say we need to address. There is $400 million for LIHEAP to take care of deserving elderly and indigent who simply cannot afford their heating and cooling bills and another $683 million for emergency relief grants—all of which this Congress needs to do.

The President has set our Nation on a path that leads in the wrong direction in Iraq and fails to meet the needs of our returning veterans. It is time to change paths. I ask again that the President of the United States read this bill, understand this bill, and understand how the supplemental bill addresses the needs our country faces in the years ahead.

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

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

SEPARATION OF POWERS

Mr. CARPER. Madam President, the Founders of our country did not believe in monarchy. They put up with one king for a while and didn’t want to have to put up with another one down the line. Meeting in Philadelphia about 220 years ago, about 30 miles from my home in Wilmington, DE, our Founding Fathers did not invest all power over national affairs in our national destiny in the hands of any one person. Rather, they created a separation of powers. They created, as we all know, three coequal branches of Government.

I don’t sit down every day or night and actually open the Constitution and read it. But every now and then I think a review of some of it and its parameters is instructive. For those who take the time—particularly looking at the debate we have had in recent days on whether it is appropriate for us to provide some guidance and expression with respect to the expenditure of these moneys in the supplemental appropriations, especially in Iraq—it is helpful to look at the Constitution and get a sense of what our Founding Fathers had in mind.

In looking at article II in this copy of the Constitution, section 2, there is about a sentence where it talks about the power of the President. This is what it says: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

That is what it says. You can go back a couple pages before that to article I, section 8, and our Founding Fathers talk about the powers and responsibilities of the legislative branch in this regard. Here is what it says, in part: The Congress shall have the power To . . .

Then there be all kinds of things listed, such as lay and collect taxes, borrow money, regulate commerce, and so forth, with foreign nations. It also says the Congress shall have the power:
To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;
To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer term than two years;
To provide and maintain a Navy;
To make Rules for the Government and Regulation of the land and naval Forces;
To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
To provide for organizing, arming, and disciplining the Militia, and for governing such Part of the Militia as may be employed in the Service of the United States.

It goes on and on.

The point I am trying to make is that the Constitution makes it clear that there is a division of responsibilities, a sharing of responsibilities. Part of it lies with the executive branch, and a great deal lies with the legislative branch. For those of us who are trying to figure out which is the right side to come down on with respect to this issue, keep in mind the words of the Constitution.

When it comes to charting our Nation’s course in Iraq, all three branches of Government do have responsibilities. When the President decide to go to war in Iraq, he had to come to us in Congress for approval, for authorization. Now, to continue that war he has had to come back to the Congress each and every year to request and receive approval for more funding.

Both Congress and the Supreme Court have exercised oversight over this President’s war policies—Congress through oversight hearings, and the Supreme Court through rulings on constitution of Money that to the Constitution. Concerning the detention and interrogation of prisoners. That Congress act as a coequal branch of Government, and not a rubberstamp for decisions made by the President, is what the Founding Fathers told us in Article 1, Section 7. I believe it is what most of the American people want today. It was, in part, because Congress failed in recent years to exercise adequate oversight over the President’s policies in Iraq that the American people the polls last November and demanded a change in this body and in the folks in the House of Representatives.

Let’s not debate today, at this moment, whether Congress has a role to play in charting our course in Iraq. We do. Let’s not kid ourselves that Congress can meet its responsibilities in this regard by continuing to rubberstamp the decisions of the President.

The President has come to Congress once again to request continued funding for the war in Iraq. To put matters in the most basic of terms, Congress has three options: We can say yes, we can say no, or we can say maybe. To simply say yes, after U.S. policy and conditions on the ground have drifted in the wrong direction for more than 3 years, I believe would be to abdicate our responsibility as a coequal branch of Government.

To simply say no, when we have troops on the ground in harm’s way, would be a betrayal of the very Army this Congress is charged by the Constitution to raise and support.

The responsible action is to respond to the President’s request by saying yes, but. It is to provide our troops with the tools to perform their assigned mission but at the same time to exercise our power as a coequal branch to begin to change the nature of that mission.

The first part of our response to the President’s request—our troops—should not be controversial. I don’t believe it is in this body. The President has requested the funding. We are providing that funding for our troops. Indeed, we are not only providing what the President requested, we are making some additions, particularly to improve the care of the wounded when they come home.

The second part of our response to the President—seeking a change in the nature of our mission in Iraq—should not be controversial, either. There is an old saying: The definition of insanity is doing the same thing over and over again and expecting different results. We have been approaching the challenges we face in Iraq in essentially the same manner now for close to 4 years. Over that time, conditions on the ground have grown progressively worse. It is clearly time that we change our approach.

Last year, the minority in Congress called for a change. In response, the American people, the voters of this country, made that minority in Congress last year a majority this year. That majority—this majority—has a responsibility to the people who elect us and who pay our keep to follow through and demand change from the President, from the executive branch.

The changes that we seek are not sudden nor are they rash. They reflect the sober assessments and the unanimous recommendations of the bipartisan Iraq Study Group, cochaired last year ably by Jim Baker, a prominent Republican, and former Representative Lee Hamilton, a highly regarded Democrat who also served as Vice Chair of the 9/11 Commission.

The Iraq Study Group said we need to make it clear to the leaders of the various factions in Iraq that we are not going to be there forever. That is the first message we are sending with this legislation.

The President, and some around him, equate this with surrender. But his own Secretary of Defense, Secretary Gates, said otherwise last week. He said the fact that Congress is beginning to send this message to the leadership in Iraq is having a beneficial effect on the ground in Iraq. His words, not mine.

Last year the Iraq Study Group said a political settlement between the factions in Iraq is needed to quell the sectarian violence. The legislation Congress will send to the President this week establishes benchmarks by which Congress and the American people can measure the progress of the administration and the leadership in Iraq toward achieving this political settlement.

The Iraq Study Group said that a diplomatic settlement is needed among Iraq’s neighbors to ensure regional stability. The legislation Congress will send to the President this week creates a window of opportunity, while our forces are transitioned to a new mission for a regional diplomatic offensive aimed at containing Iraq’s sectarian violence and preventing a broader regional conflict.

The President does not want to change the mission in Iraq. I believe he wants to do more of the same. The bipartisan Iraq Study Group rejected that approach, the American people have rejected that approach, and now the Congress of the United States is rejecting that approach.

For all who wonder what this debate is really about, it comes down to two points—one a point of agreement, the other a point of disagreement.

On one point, the Congress and the President do agree. Congress wants to begin to change the mission in Iraq. Unfortunately, the President apparently wants to do more of the same. We disagree on the second point of whether the time has come for a change. The question is whose view should ultimately prevail. The answer is the will of the American people should prevail. They are the ones paying for this war, not only with their dollars, they are paying for it by sending their sons and daughters to fight, in some cases to be wounded, in some cases to die in this war. As they told us loudly and clearly at the ballot box last fall, the American people want a change. Provide our troops with the support they deserve and provide the American people with the change they demand.

I realize the traditional wisdom around here is the President will veto this bill if we do not support him, and then we will all get serious about hammering something out that can become law.

With all due respect, Mr. President, legislation should become law. I urge you to drop your veto threat, pick up your pen, and sign it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VIRGINIA TECH SHOOTINGS AND KOREAN AMERICANS

Mr. DURBIN. Madam President, the shootings last week at Virginia Tech
touched every American, indeed people around the world. Those who were most deeply affected, of course, were the family and friends of the victims, the students who were injured, the entire Virginia Tech community. Our hearts go out to everyone who read the papers across this country about young lives ended too soon. We mourn with the families and their friends and students at Virginia Tech. But the ripples of pain of this terrible incident reached far beyond Blacksburg, VA. Among the others who care are the people of the Republic of South Korea, Korean Americans and Korean immigrants in our Nation. In Seoul, South Korea, more than 1,000 people gathered last week to sing hymns and pray for the victims. Closer to home in Chicago, in my State of Illinois, leaders of the Korean-American community held a candlelight vigil last Thursday at the headquarters of the Korean-American Association to express their condolences to the families of those who died. These vigils were everywhere—from Illinois to California to Korea. Around the world, sympathy and compassion felt for the victims, their families, and Virginia Tech and its community.

In addition, a coalition of Korean-American organizations has joined together to form a foundation to assist the families and the Virginia Tech community in this time of healing. The Korean American Coalition, the Korean American League for Civic Action, the Korean American Students Conference, the Korean Foundation for Southern California Korean College Student Association, the Korean Academy for Educators, the Network of Korean American Leaders, and others have joined to create the Virginia Tech Memorial Fund to support those who have been affected by the recent tragedy. This is another example of the amazing compassion communities throughout our Nation and the world feel for these victims.

Korean Americans do not need to apologize for the tragedy at Virginia Tech. To those members of the Korean-American community who have been so pained by this terrible tragedy, I repeat what one young woman said in the Washington Post Special Edition last week.

The actions of Seung Hui Cho are no more the fault of Korean Americans than the fault of African Americans.

I agree with what she said. The actions of this 23-year-old young man is no more the fault of Korean Americans than the fault of every 23-year-old young man who will we move away from racial tensions that sometimes threaten to break apart our national community? We are all part of a greater community that feels tremendous sorrow and grief, as Americans of all ethnic backgrounds, no matter what our nationality may be.

If there are any glimmers of hope to come out of these horrible events at Virginia Tech, they are, first of all, the great courage, faith, and compassion demonstrated by these Hokies and the extended Virginia Tech family.

One other glimmer of hope is the fear that many Korean Americans and Korean immigrants have expressed of being blamed for the tragedy, that Virginia Tech is somehow being blamed. Rather than blaming a group of people, Americans of all ethnic backgrounds are showing a deeper understanding of what it means to be one community to mourn together, to work together so that this may never happen again.

One man was responsible for the tragedy at Virginia Tech, but we all share responsibility to do what we can to prevent such a horrific loss from ever occurring again.

Mr. DURBIN. Madam President, in April, students all across the Nation will make final decisions about where they want to go to college, and with college costs higher than ever, they are figuring out how they are going to pay for school. For most, the financial aid package at their chosen school is their only guide through the complex world of higher education funding.

Students are making financial decisions and choosing their colleges. They are making choices that will affect them for 20 or 30 years after they graduate. They are making these decisions based on what they believe to be impartial advice from their future school's financial aid officers. Unfortunately, we have learned over the last few weeks, the advice given to many may not have always been passed on with the student's best interest in mind.

Where is the student loan industry today? Here is where we are: Student loans are an $85 billion industry. Lenders have been clamoring to be placed on schools' preferred lenders' list. Financial aid officers of prominent schools have been placed on leave over allegations of conflict of interest and financial interest in the parent company of a lender they have been recommending to students.

A top official at the Department of Education's Federal student aid office resigned after it was disclosed that he held a significant amount of stock in a parent company of a lender.

Let's go back in history for a moment to 1965, the year that Congress began guaranteeing loans to needy students and paying the interest while the student was in school. To entice the financial industry to loan money to students without a credit history, lenders were given a helping hand from the Government. Congress created the Federal Family education loan program, the FFEL program, which subsidizes lenders and guarantees them against default. Congress also chartered the Government-sponsored entity then known as the Student Loan Marketing Association, euphemistically called Sallie Mae, to create a secondary market for lenders participating in the loan program. Sallie Mae would purchase loans from the lenders, thereby providing liquidity so that the FFEL lenders could continue loaning money to each new class of students.

However, the private lenders went into effect, and the Federal Government began loaning money directly to students. The General Accounting Office, the Congressional Budget Office, and even President Bush found that the Direct Loan Program cost the Federal Government a lot less than the FFEL program. Using the President's numbers, for every $100 private lenders loaned to students in 2006, it cost the Federal Government $13.81 for the FFEL Government loans, while the same amount borrowed through the Direct Loan Program cost the Federal Government only $3.85—$13.81 for the private lender per $100 in loans.

For a few years, the Direct Loan Program grew quickly, capturing one-third of the student loan market. My predecessor in office, Senator Paul Simon of Illinois, was one of its strongest advocates. However, the private lenders weren't going to go down without a fight. They were making too much money on these students. They didn't want to lose this opportunity. They wanted this market to be there for them to come. Over time, the students, who had a profit motive in doing that. They sued to prevent the Direct Loan Program from becoming more competitive. Their efforts paid off. The direct loan market has shrunk. Now fast-forward to 1994 when the Direct Loan Program was crafted. By then, Sallie Mae had a profit motive in doing that. They had a profit motive in doing that. They had a profit motive in doing that. They sued to prevent the Direct Loan Program from becoming more competitive. Their efforts paid off. The direct loan market has shrunk.

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To those members of the Korean-American community needed to repent. He even went so far as to suggest that fast he could go in his community. 1 day for each of the victims of the Virginia Tech gunman, would prove that Koreans were "a worthwhile ethnic minority in America."
now is one of the most dominant players in the student loan market in America. Its shareholders and executives have benefitted handsomely.

Let me show what has happened to the stock price of Sallie Mae, SLM if you are long lucky enough to track it up on the Internet. Stock prices from 2001 to the present have appreciated 281 percent. This is the industry loaning money to our students across America? He was for his own personal and private gain. When he told them that the 244 acres he had enough personal wealth to lead a different project, they disabused them of the notion that this would cause traffic congestion associated with the golf course, so they agreed to the dramatic increase in the cost of higher education during this same period of time. We will save that topic, as important as it is, largely for another day.

Speaking to the student loan industry, with higher government subsidies and higher college costs, something is wrong with this picture. Remember Mr. Albert Lord I mentioned earlier, the former CEO and now chairman of the company called Sallie Mae? Mr. Lord has done pretty well loaning money to students across America, so well that he recently got into a little controversy in the Washington area.

He proposed the construction of a golf course, and people in Anne Arundel County didn’t like the idea much. They didn’t want the traffic that might be associated with this golf course, so they started complaining. Mr. Lord, however, disabused them of the notion that this would cause traffic congestion when he told them that the 244 acres he was setting aside for the golf course was for his own personal and private golf courses.

Doing quite well, isn’t he, at the expense of students across America? He had enough personal wealth to lead a serious but unsuccessful bid to purchase the Washington Nationals baseball team. Yes, Mr. Lord, appropriately named, was ranked first in the Washington Post’s executive compensation survey of local companies, and Sallie Mae’s current CEO, Thomas Fitzpatrick, was ranked second. What a terrific business it is loaning money to students struggling to get their education.

In 2004, Mr. Lord was ranked second on total compensation. Not a bad year. Yes, Sallie Mae’s executives have come quite fair from the days when they worked as a quasi-governmental operation. Sallie Mae’s dramatic financial growth has happened without some financial help. Since the start of the Bush administration, Federal officials have turned a blind eye to problems surrounding private lenders. And why wouldn’t they? The Bush administration rewarded loan industry officials with key positions in the Department of Education.

There isn’t anything inherently wrong having people with experience in the loan industry working in the Department of Education. What I am asking, though, is the cozy relationship that developed between the Bush administration, the Republican-led Congress, and the lenders has left the loan industry essentially unregulated.

If I was a lender who heard Representative BOEHNER, former chairman of the House Education Committee, say to the loan industry, “know that I have all of you in my two trusted hands,” what do you think I would do? Exactly what the lending industry has done—do whatever it takes to push the student loan industry in my favor—especially at a time when I knew no one would be there to stop me.

This is when revenue-sharing arrangements between colleges and lenders began. Sallie Mae led the way with one of the most offensive schemes called “opportunity pools.” Here is how it works. A lender provides a school with a fixed amount of private loan money the school can lend a student who otherwise wouldn’t qualify for loans. These loans come at higher interest rates. In return, the college agrees to make the lender its exclusive provider of federally backed loans.

Some of Sallie Mae’s competitors complained to the inspector general; however, Department officials chose not to take any action, insisting that the loan industry could regulate itself. What do you think Sallie Mae’s competitors did? They wrote a petition of opportunity pools? They did what any business would do to compete—they began offering similar deals to schools.

But they didn’t stop at opportunity pools. Lenders have loaned financial aid officers staff and have operated call centers on behalf of schools. Students and their families seeking information and advice on tuition financing options are talking to individuals they believe to be school officials but are actually employees of the lenders. Lenders have set up opulent office trinkets, such as post-it pads and pens. No harm done. However, in recent years the little trinkets have turned into gifts, such as iPads and trips to exotic locations for so-called educational conferences.

Let me give you one example. Last year, EduCap, a nonprofit lender who offers loans under the name, Loan to America, invited the college staff and their spouses or guests from all across the Nation to an educational, all-expense paid “summit” held at the luxurious, beachfront Four Seasons Resort in Nevis in the West Indies.

The resort, by the way, has been rated as one of the top luxury resorts by Travel and Leisure magazine.

Between symposiums, forums, and roundtable discussions on the importance of addressing student loan and higher education, guests could enjoy snorkeling, water and beach sports, sailing, kayaking, volleyball, sailboarding, access to an 18-hole championship golf course, a 10-court tennis complex, an 18-hole golf course, and a beachfront oceanfront. Not a bad deal for college officials being entertained by the student loan industry. News of the trip generated such negative response from the public that EduCap had to cancel it, unfortunately, before it occurred.

After reading about the West Indies trip, I asked the inspector general of the Department of Education to investigate whether lenders are offering kickbacks or inducements to school officials in return for loan business. My staff passed along information provided to us by constituents regarding these inducements. You can imagine my disappointment when a member of my staff received an e-mail from the inspector general’s office.

The buyers, two private investment funds, J.P. Morgan Chase and Bank of America, have agreed to pay $22 billion for this company at $60 a share for its stock. In case you are wondering how much that is over the stock price that is published, it is 50 percent, a 50-percent premium over Sallie Mae’s share price before negotiations were reported. Let’s see how much Mr. Lord and Mr. Fitzpatrick are going to do if this deal goes through.

Well, it looks like Mr. Lord is going to end up with $47.2 million, and Mr. Fitzpatrick, a little better, with $58.6 million. They are riding high. They are riding high at the expense of students all across this country.
There was a time when this Congress cared enough about students in this country to create a program called the National Defense Education Act. It was a time when Sputnik had been launched. We were afraid of the Soviet Union and what it might do with its satellite capacity, and Congress, for the first time, said let's create a student loan program, the first time ever.

I know a little about this program because I was one of the participants, one of the borrowers. I borrowed money to go to college and law school from the National Defense Education Act and paid it back after graduation at 3 percent interest. I couldn't have afforded better treatment and better consideration from those who were lending money.

Those were the early days when we were just thinking about students and education. Now we are talking about big business, fat profits, basically indefensible compensation for the CEOs who run these companies. I hope someone is able to uncover what other fees and payments Sallie Mae subsequently did with the information.

4 years and explain what they subsequently did with the database to sell other lenders using this information gathered in ways that violated to the company private. Will this deal be good for students? Sure, Sallie Mae and many other lenders have long touted that they have been able to offer better deals for students through loan fee and interest rate discounts. Of course, they can offer a discount. They are obviously still making enough money off student loans. Look at their profitability. Look at what has happened to their stock price and how much they are being paid. Yet they made sure the Direct Loan Program, cheaper for the Federal Government, better for the students, could not compete.

Now we know why they have been able to make money off students. The Washington Post recently reported that some lending companies with access to the National Student Loan Data System, which includes confidential information on millions of student loan borrowers, have repeatedly searched the database in ways that violate the Federal rules on privacy. It appears the lenders were giving unauthorized users, such as marketing firms, collection agencies, and loan brokerage firms, access to this database.

Lenders are allowed to access information contained in the database only if they have the permission of the student and a financial relationship with the student, but the Department of Education recently decided to cut off outside access to the database. Were lenders using this information gathered from the database to sell other nonrelated loan products to students? We don't know for sure, but I intend to find out. I have sent letters to the largest student loan companies asking them to reveal how many times they have accessed the database in the last 4 years and what they subsequently did with the information. I am concerned about the proposed sale of Sallie Mae. A private Sallie Mae could lead to even less information being disclosed to the public. Sure, lenders are required to provide certain information in order to participate in the Federal loan program, but we should make sure all lenders are held to the same standard, regardless of whether the lender is a school or a nonprofit, a private or a publicly traded company.

Let me conclude by saying that tuition of our public institutions has risen by 42 percent in the last 5 years. Students and their families are struggling to pay off college debt. Students are leaving college, on average, with nearly $20,000 in debt, and many much more. We must take serious steps to help these students achieve the American Dream.

On the Democratic side of the aisle we are proposing a $1,090 increase in the maximum Pell grant over 5 years, be able to pay a student loan at 3 percent interest, to have a cap on loan repayments at 15 percent of an individual's income, and reducing the student loan interest rate. How will we pay for it? By cutting $22.3 billion from the lenders' subsidies, which we give to those like Sallie Mae. Sure, it is more than the Bush Administration proposed cut, but only a little bit, $2.3 billion. Of course, lenders are claiming that the proposed cut goes beyond what they think is sustainable and that lenders will decide to leave the student loan business. It is difficult to be moved by these claims when a company like Sallie Mae is worth $25 billion and its buyers are willing to pay a 50-percent premium, knowing that the lenders' subsidies will likely be cut.

It is time we return to the day when the Federal Government makes a serious investment in one of its most valuable assets, its children. The future of our country depends on it. We need to be asked to be involved in this business of student loans to keep in mind first these students and their families.

THE RETIREMENT OF JOHN C. HICKMAN, JR.

Mr. DURBIN. Mr. President, one of the ways Congress maintains its contact with the American people is by the official report of the business we do. Through its recent modern history, we have published a CONGRESSIONAL RECORD so that people across this country, online and in printed form, can read the words of Senators and can follow the debate on the floor of the Senate. None of this effort would be productive or even possible were it not for those in the Office of the Official Reporters of Debates who come here and follow every word that is spoken on the floor, so other veterans and other families do not lose track of our wars.

One of the families had come from Iowa and the other from California to talk about the tragedy of each son's death and to seek ways to ensure that other families might avoid such tragedies. The Iraq veteran, a combat medic, spoke eloquently on his own problems acknowledging and treating his PTSD and the similar problems of fellow soldiers in his platoon.

One father testified that after his son died of an overdose in VA care, he and his wife went to claim his son's personal effects, and the items were handed to them in a plastic garbage bag. I was shocked and outraged. I knew that it would seem heartless to cut their panel short and not let these parents and this veteran share their full story so I volunteered to stay and listen so that the full story could be given in committee. These families already feel that this is our government do not care, and that is sad. I needed to stay to chair the hearing and let these courageous witnesses continue their testimony.

I am very glad I did. Despite the tragedy and grief these individuals face, they are speaking out boldly in hopes of changing the current system so other veterans and other families do
not face the same ordeals they have faced. These are stories that must be told and, more importantly, must be heard in public by those who can and must make changes. These witnesses had good ideas and suggestions on how to change the delivery system for the mental health care of our returning veterans. They spoke passionately about how soldiers are trained to serve bravely and not show weaknesses. I could not walk away from this important hearing about issues crucial to our soldiers who have returned from Iraq and Afghanistan.

I am very grateful to veteran Patrick Campbell, Mr. and Mrs. Randall Omvig, and Mr. Tony Bailey for their compelling personal testimonies. I am committed to pushing hard for action to change the VA system for future veterans and their families.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 5, 2006, in Fairfax County, VA, Leslie Carver was charged with murder for killing Marvin Greenwell. Greenwell was one of nine gay men murdered in what was known as the "pickup murders" of 1993 and 1994. The "pickup murders" were a series of attacks against gay men in the Washington, DC area. While most of these murders remain unsolved, DNA evidence was able to link Carver to the Greenwell murder.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I firmly believe that the death penalty should be abolished, at all levels of government. Just a few months ago, I introduced the Federal Death Penalty Abolition Act of 2007 toward that end. The bill would abolish the death penalty at the Federal level; it would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

I first introduced my bill in 1999, and since then only a few Members of the Senate have signed on to join me in this cause. Not too long ago, some believed that opposition to or criticism of the death penalty was politically dangerous. But times have changed. The American people are expressing greater and greater concerns about the death penalty. A May 2006 Gallup poll reported that for the first time, when given a choice between the two sentencing alternatives, Americans prefer life without parole than the death penalty. The American public understands that the death penalty raises serious and complex problems.

Leaders across the country are publicly expressing their opposition to the death penalty—leaders such as Governor Corzine of New Jersey, Governor O'Malley of Maryland, and Governor Kaine of Virginia. State legislatures in Maryland, Montana, Nebraska, and New Mexico have all given serious consideration to abolition bills in the past 3 months alone. In fact, each of these four measures failed to move to the next step of the process by only one vote. In Maryland, an abolition bill passed by the Senate and was killed by one vote. In Montana, a bill to repeal the State's death penalty passed the senate and then failed by just one vote to move out of a house committee. In Nebraska, the unicameral legislature passed an abolition bill forward by just one vote. And in New Mexico, an abolition bill passed the house and then lost in a senate committee by one vote.

Other States have taken important steps. Pennsylvania recently created a commission to study the administration of the State's death penalty, joining many other States that have already done so. Moratoriums on executions remain in place in Illinois and New Jersey and are under consideration in other States. New York's death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature. Along with New York, four other States that have abolished the death penalty technically on their books have not executed any individuals since 1976. In addition, there are 12 States, plus the District of Columbia, whose laws do not provide for capital punishment at all. And in 11 more States, executions have been halted while the courts grapple with the issue of whether the lethal injection process used by these States is unconstitutional.

At the same time, the number of executions has continued to rise. The number of inmates imposed, and the size of the death row population have decreased for the second year in a row. In the prosecutors' offices, jury boxes, and legislative chambers, it seems that consensus is growing that it is time for a change. In this connection, I think it is significant that the editorial boards for two major newspapers in very geographically diverse locations, Chicago and Dallas, recently called for an end to the death penalty. The Chicago Tribune editorial page has been a leader for years in calling for reforms to the capital punishment system, yet it has never called for abolition—until now. Explaining its decision to renounce the death penalty, the editorial board stated, "The system is arbitrary, and the system just plain gets it wrong." And the Dallas Morning News reversed its century-old stance on the death penalty, which is particularly notable because Texas has been a bedrock of support for the death penalty and is the State with the dubious distinction of leading the Nation in executions. Even in a jurisdiction where support for the death penalty runs deep—even there—this strong voice of dissent rose to proclaim, "we do not believe that any legal system devised by inherently flawed human beings can determine with moral certainty the guilt of every defendant convicted of murder."

For these editorial boards, opposition to the death penalty sprang from concerns that mistakes might be made and innocent individuals executed. Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,060 executions across the country, including three at the Federal level. During that same time period, 123 people on death row have been exonerated and released from death row. Three times the number of people should have been convicted in the first place.

Consider those numbers. One thousand and sixty executions and one hundred and twenty-three exonerations in the modern death penalty era. Had those 123 exonerations happened in the modern death penalty era, had those 123 people been executed, those executions would have represented an error rate of greater than 10 percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced the Federal Death Penalty Abolition Act, 46 death row inmates have been exonerated throughout our country.

The continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right" applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just as we did away with these punishments as con- trary to our human sentiments, it is time to abolish the death penalty. It is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people requires that we do so, as does our Nation's commitment to freedom, liberty, and equality.

I applaud those leaders, be they in State government or in the media, who are stepping forward to challenge a practice that has no place in this day and age. Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As each new voice joins us, we become
stronger, and together we will one day find success.

Providing Small Businesses with Targeted Tax Relief and Regulatory Reform

Ms. SNOWE. Mr. President, I rise today to 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 simply cannot understate the vital role of small business in our Nation’s economy. There was a time when “what was good for General Motors was good for America.” But the fact is what’s truly good for this country—what built it, what sustains it, what drives it, and what represents its core—are the small businesses that each and every year create nearly three million new net jobs and contribute 51 percent of all net new employment, creating 75 percent of net new business, representing 99 percent of all businesses, and making up nearly 67 percent more than the combined gross domestic product of the three largest industrialized countries. And small businesses spend an average of $5 million during the tax year. Specifically, the Small Business Tax Flexibility Act of 2007, S. 270, will permit start-up small business owners to use a taxable year other than the calendar year. If they spend more than $5 million during the tax year, specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the calendar taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnership and S corporations, many of which are small businesses, to adopt a December 31st year for tax purposes. The Tax Code provides alternative depreciation rules under the tax code. By simplifying the Tax Code, small business owners will be able to satisfy their tax obligations in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

I have introduced legislation, S. 269, in response to the repeated requests from small businesses in Maine and from across the Nation to allow them to expense more of their investments, like the purchase of essential new equipment. My bill modifies the Internal Revenue Code by doubling the amount small businesses can expense from $100,000 to $200,000, and make the provision permanent as President Bush proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employees, creating 75 percent of all new jobs and contributing 51 percent of private-sector output, their size is the only “small” aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases, offsetting 5, 7, or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. This is a win-win for small businesses and the economy as a whole and I am pleased to have Senators LOTT, ISAKSON, CHAMBLISS, and COLLINS join me as sponsors of this legislation.

Another proposal I have introduced, with Senators LINCOLN and LOTT, the Small Business Tax Flexibility Act of 2007, S. 270, will permit start-up small business owners to use a taxable year other than the calendar year if they spend more than $5 million during the tax year. Specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the calendar taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31st year for tax purposes. The Tax Code provides alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize. Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A so-called C corporation can adopt either a calendar year or a fiscal year for tax purposes as long as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with few resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business. To provide relief and equity to our nation’s 1.5 million retail establishments, most of which have less than five employees, I have introduced a bill, S. 271, with Senators LINCOLN, HUTCHISON, and KERRY, that reduces from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. Under current law, only retailers that lease their property are allowed this accelerated depreciation, which makes it exceedingly difficult for small businesses that own or own the property in which they operate. My bill simply seeks to provide equal treatment to all retailers.

Specifically, this bill will simply conform the tax codes to the reality that retailers on Main Street face. Studies conducted by the Treasury Department, Congressional Research Service and private economists have all found that the 39-year depreciation life for buildings is too long and that the 27.5-year depreciation life for building improvements is even worse. Retailers generally remodel their stores every five to seven years to reflect changes in customer base and compete with newer buildings. The accelerated depreciation for improvements such as interior partitions, ceiling tiles, restroom accessories, and paint, may only last a few years before requiring replacement.

Finally, I joined Senator BOND in introducing S. 296 that will simplify the tax code by permitting small business owners to use the cash method of accounting for reporting their income if they generally earn fewer than $10 million during the tax year. Currently, only those taxpayers that exceed the $500,000 threshold to $10 million per year are able to use the cash method. By increasing this threshold to $10 million, more small businesses will be relieved of the burden of record keeping requirements that they currently must undertake in reporting their income under a different accounting method.

Earlier this year, I was very pleased when the Senate passed small business tax relief that included portions of my proposals on small business expensing, cash method accounting, and accelerated depreciation for improvements to retail-owned property. Sadly, I must report that on the very same week of ‘National Small Business Week,’ cash method accounting and my proposal to bring depreciation equity for retailer-owned property were stripped from the small business tax relief package in conference negotiations between the House and Senate. This is extremely unfortunate especially when one considers that the Senate-passed package, which was fully offset, was both modest and fiscally responsible. In the coming months, I will continue to fight for these proposals and am hopeful that Congress will enact them into law.

This package of proposals are a tremendous opportunity to help small enterprises succeed by providing an incentive to reinvestment and leaving them more of their earnings to do just that. Notably, providing tax relief by passing these simplification measures will also help us reduce the tax gap by increasing compliance. I urge my colleagues to join me in supporting these proposals.

In addition to reforming the tax code, we in Congress should level the...
regulatory playing field for small businesses. Over the past 20 years, the number and complexity of Federal regulations have multiplied at an alarming rate. For example, in 2004, the Federal Register contained 75,675 pages, an all-time record, and the number of rules doubled over a period of 14 years. These rules impose a much more significant impact on small businesses than larger businesses.

To illustrate this conclusion, a recent report prepared for the SBA’s Office of Advocacy that said that in 2004, the per-employee cost of Federal regulations for firms with fewer than 20 employees was $7,647. In contrast, the per-employee cost of Federal regulations for firms with 500 or more workers was $5,282, which results in a 44 percent increase in burden for smaller businesses compared to their larger counterparts. Clearly, we must find ways to ease the regulatory burden for our nation’s small businesses so that they may continue to create jobs and drive economic growth. Small businesses do not maintain the staff, or possess the financial resources to comply with complex Federal rules and regulations. This puts them at a disadvantage compared to larger businesses, and reduces the effectiveness of the agency’s regulations. If an agency can not describe how to comply with its regulation, how can we expect a small business to figure it out?

This is why I have offered bipartisan legislation, the Small Business Compliance Assistance Enhancement Act, S. 246, with Senators KERRY, ENZI, and LANDRIEU, which would clarify small business requirements that exist under Federal law. Our measure is drawn directly from recommendations put forth by the Government Accountability Office and is intended only to clarify an already existing requirement under the Small Business Regulatory Enforcement Fairness Act, SBREFA, which unanimously passed the Senate in 1996. Specifically, this legislation would clarify that a small business compliance guide is required, how a guide shall be designated, and how and when a guide shall be published, and that the agency make the guide available on the Internet. It would not create any new rules or requirements. This commonsense, good government reform would provide a major regulatory reform for small businesses at virtually no cost to the Federal Government.

It is clear that in order to ensure our small businesses are able to grow, thrive, and, most importantly, create jobs, we need to simplify the tax code and reduce the regulatory burden. Over the coming months, I will continue to fight to accomplish these commonsense objectives.

WORKERS MEMORIAL DAY
Mr. DODD. Mr. President, April 28, is Workers Memorial Day. Tomorrow, working men and women around the world will gather to remember their millions of brothers and sisters who have been injured or killed on the job. I join them in their grief and in their determination to secure a safer future.

Work-related accidents kill Americans with a regularity that calls us to question our very way of life. Fifteen deaths every day, and more than 11,000 injuries: They are grimly predictable and often preventable.

Today is for men like Eleazar Torres-Gomez, a laundry worker who was dragged by a movable belt into a 300-degree industrial dryer, where he burned to death. Sadness at his death is matched by an equal anger—especially when we learn that, in the two years preceding it, his employer was cited more than 170 times for unsafe, illegal working conditions. We remember Eleazar today.

Today is for the 12 miners killed last year in Sago, West Virginia, when an explosion trapped them underground for two days. Only a few years before, the Mine Safety and Health Administration struck down 17 new safety rules for trapped miners—rules that might have saved the miners in Sago. We remember them today.

Today is for the 28 union construction workers killed in Connecticut, 20 years ago this month, when the apartment towers they were building collapsed with a roar, within seconds, into ruined concrete and steel. In the wake of their deaths, we outlawed the dangerous lift-slab construction method that led to the collapse. But we can never replace those lives; today we remember them, too.

How can we honor them? I know this much: Words alone would be an insult. The men and women we remember this Saturday risked their lives so we could lie down and wake up in health and safety and comfort, and merely speaking our gratitude would be emptier than doing nothing. We owe them action.

We owe them action equal to the historic Occupational Safety and Health Act (OSHA), which was passed 37 years ago tomorrow and has saved an estimated 350,000 lives. We need to cover more workers—because more than 8.5 million are not protected by OSHA. We need more resources for inspection and enforcement—because, at the current rate, federal inspectors are only able to examine workplaces, on average, once every seven years. We need stiffer penalties for employers who knowingly put their workers’ lives at risk—because employers like those who compromised Mr. Torres-Gomez’s life now face a maximum penalty of a simple misdemeanor.

And we need the Occupational Safety and Health Administration to take its work more seriously—because, according to a New York Times report released this week, “the agency has killed dozens of existing and proposed regulations and delayed adopting others.”

Taking these vital steps for workers adds up to more than increased resources or stronger oversight—ultimately, it translates to respect. We owe their memories nothing less. Five thousand seven hundred workers were killed on the job last year, and our economic prosperity is built on their flesh and blood.

More than a half a century ago, George Orwell remarked on the disregard that so often greets manual labor: “It keeps us alive, and we are oblivious of its existence. . . . We are capable of forgetting it as we forget the blood in our veins.”

Today we pledge ourselves as the exception to that rule. And if we mean our words, we will be the exception tomorrow, and the day after that. For America’s working men and women deserve nothing less than our eternal gratitude and diligence in preventing future workplace tragedies.

INTERNET GAMBLING
Mr. KYL. Mr. President, I rise to express concern that serious violations of the law appear to be occurring and should be aggressively pursued by the IRS and, in turn, prosecuted by the Department of Justice. Specifically, numerous Internet gambling websites may be violating statutes such as 26 U.S.C. 4401 et seq. Section 4401 requires an excise tax equal to 2 percent of the amount of unauthorized wagers. Section 4404 makes clear that the tax applies to wagers “placed by a person who is in the United States with a person who is a citizen or resident of the United States.”

I applaud the indictment in United States v. BETonsSPORTS.COM and the inclusion of tax evasion charges in counts 14, 15, and 16.

These counts charge that the defendants attempted to “evade and defeat the . . . wagering excise tax” in three ways: (1) by failing to make any wagering excise tax returns; (2) by failing to pay to the Internal Revenue Service said wagering excise tax; and (3) by directing that the wagering funds be sent outside the United States—all in violation of Title 26, United States Code, Section 7201, and Title 18, United States Code, Section 2. It is my support of the Department of Justice to enforce the wagering excise tax and pursue any persons in violation.

Additionally, it is important to note that extremely large sums of money are at issue: count 14 charges that from January 29, 2001 to on or about February 3, 2002, the sum of approximately $1,094,669,000.00 in taxable wagers were had and received; count 15 charges that from February 4, 2002 to on or about February 2, 2003, the sum of approximately $1,228,874,000.00 in taxable wagers were had and received; and count 16 charges that from February 3, 2003 to on or about February 1, 2004, the sum
of approximately $1,236,734,000.00 in taxable wagers were had and received. That is over $3.5 billion in three years, and Internet betting has increased significantly in the last two years.

I would like to point out that significant income taxes and excise taxes appear to be underpaid. Collecting these amounts would be an important component of the Administration's efforts to address the "tax gap."

Further, with such large sums at issue, the IRS and the Department of Justice should see if money laundering is involved.

The State Department has expressed strong concern that Internet gambling operations could be used not only for tax evasion, but also for other criminal activities such as money laundering and terrorist financing.

Internet gambling is particularly well-suited for the laying and integration stages of money laundering, in which launderers attempt to conceal the nature or ownership of the proceeds by concealing or blending transactions within the mass of apparently legitimate transactions. Due in large measure to the volume and speed of transactions, as well as the virtual anonymity offered by the Internet, offshore gambling websites are an area of considerable money laundering concern.

The Internet gambling operations are, in essence, the functional equivalent of wholly unregulated offshore banks with the bettor accounting as bank accounts for account holders who are, in the virtual world, virtually anonymous. For these reasons, Internet gambling operations are vulnerable to be used, not only for money laundering, but also for criminal activities ranging from terrorist financing to tax evasion. (State Department, International Narcotics Control Strategy Report, released March 2004.)

The Department of Justice has echoed these concerns. At a hearing before the Senate Banking Committee, John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, testified:

Another major concern that the Department of Justice has about on-line gambling is that Internet gambling businesses provide criminals with an easy and excellent vehicle for money laundering due in large part to the volume, speed, and international reach of Internet transactions and the offshore locations of most Internet gambling sites, as well as the fact that the industry itself is already cash-intensive.

It is a fact that money launderers have to go to financial institutions either to conceal their identity or to recycle those funds back into the economy for their use. Because criminals are aware that banks have been subjected to greater scrutiny and regulation, they have hived off these transactions to other non-bank financial institutions, such as casinos, to launder their money. On-line casinos are a particularly inviting target because, in addition to using the gambling that casino offers as a way to hide or transfer money, casinos offer a broad array of financial services to their customers, such as providing credit accounts, cash withdrawal services, check cashing services, and currency exchange services.

Individuals wanting to launder ill-gotten gains or launder money to an on-line casino can do so in a variety of ways. For example, a customer could establish an account with a casino using illegally-derived proceeds, conduct a minimal amount of betting or engage in off-setting bets with an overseas confederate, and then request repayment from the casino, thereby procuring a transfer of the funds. If a gambler wants to transfer money to an inside source in the casino, who may be located in another country, he can just play until he loses the requisite amount. Similarly, if an insider wants to transfer money to the gambler, perhaps as payment for some illicit activity, he can rig the game so thebettor wins.

The anonymous nature of the Internet and the use of encryption make it difficult to trace the transactions. The gambling business maintains transaction records, in which case tracing may be impossible. While regulators in the United States can visit physical casinos, observe their operations, and examine their books and records to ensure compliance with regulations, this is far more difficult, if not impossible, with virtual casinos. (John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice, March 18, 2003.)

Again, there should be strong enforcement efforts to ensure that Internet gambling entities are not violating the law.

AMERICA COMPETES ACT

Mr. OBAMA. Mr. President, I congratulate Senator Bingaman and Senator Alexander for the passage of America COMPETES, legislation which they crafted carefully to enhance American innovation and competitiveness. I also appreciate the three amendments which I offered, which will help expand the range of innovative possibilities by which America faces its competitive challenges.

Let me explain this. The president of the National Academy of Engineering once said that innovation is a profoundly creative process, and that like other creative processes, it depends on the life experiences of the people involved. If we include a more diverse community population, we will derive more varied and more innovative design options. We become more competitive by embracing our diversity, by involving a more representative cross-section of our populace in science, technology, and engineering endeavors. To increase participation, I have offered three amendments that have been accepted into America COMPETES.

The first establishes a mentoring program to support women and underrepresented groups through science and technology education programs, increasing the likelihood of their success. I also propose that groups representing women and minority scientists and engineers be involved as strategies are developed to increase America's competitiveness. Also accepted was an amendment to increase the math and problem solving skills of young learners, by providing summer learning opportunities for students in elementary grades. This amendment was the same one that I introduced earlier, with Senator Mikulski, the STEP UP Act, S. 116. This legislation responds to evidence showing that students may lose several months equivalent of math skills during the summer, if not provided learning opportunities when not in school. This is particularly important for children of poverty, for whom summer learning losses are an ongoing concern. These programs combat this loss in knowledge and skills, and well-designed programs can fuel the curiosity of children, helping them become active problem solvers and learners when they return to school in the fall.

I thank my colleagues for their support of these amendments.

FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

Mr. GREGG. Mr. President, the Food and Drug Administration, FDA, plays a major role in ensuring that the American people have access to the safe and effective drugs and medical devices they need. In fact, FDA-regulated products account for about 25 cents of every consumer dollar spent. At the heart of all FDA's regulatory activities is a judgment about whether a product's benefits to users will outweigh its risks. These judgments must be science-based to allow the agency to provide the most health promotion and protection at the least cost to the public. As we work on FDA legislation this year, we need to keep that science-based mission at the forefront of our decision making.

Last week, the HELP Committee reported S. 1082, the Food and Drug Administration Act, FDARA. The bill couples must-pass reauthorizations of the Prescription Drug User Fee Act, PDUFA, and the Medical Device User Fee and Modernization Act, MDUPMA, with tour additional pieces of legislation that I am unable to support at this time. It is my hope that we can continue to work in a bipartisan way to improve this bill as it moves to the floor.

The Prescription Drug User Fee Act, PDUFA, first enacted in 1992, gives the FDA the authority to collect user fees from pharmaceutical manufacturers in order to enhance their ability to ensure timely access to safe and effective medicines. By reducing the length of review time required to approve a drug, PDUFA has clearly been a success.

Following the success of PDUFA, Congress enacted the Medical Device User Fee and Modernization Act, MDUFMA, in 2002. Like with prescription drugs, MDUFMA has been essential to reducing the length of time of the approval process and other improvements critical to the success of the device review process.

This year, both the PDUFA and MDUFMA reauthorizations have been negotiated between the FDA and industry and are worthy of support. In fact, I believe these agreements improve both programs and will improve the safety of these products in the marketplace. If we do not renew these programs by September 30, we risk losing this essential source of funding and patients may face longer review times and
diminished access to much needed medicines and devices.

However, the Kennedy-Enzi language also includes provisions on drug safety and pediatric medicines and devices. All are important issues, but each title of the provisions that have been considered could do more harm than good.

Originally, drug safety legislation was intended to address legitimate concerns many had about how long it took the FDA to identify unexpected complications after a drug was approved and to provide FDA with additional authorities to act in those instances.

The Kennedy-Enzi language attempts to address the length of time it can take to identify problems by including language that directs the FDA to establish an active surveillance system. This is essential to addressing any potential problems with postmarket drug safety. I strongly support this in concept but feel the language needs to be strengthened to ensure that the FDA has the tools it needs to implement a robust system in an expedited timeframe.

Information collected must be standardized, and the overall system should be validated. Without these and other important benchmarks included in the bill, we are potentially setting the FDA up for failure.

While not going far enough on drug surveillance, the bill goes too far on providing FDA with new authorities. The Kennedy-Enzi language imposes new reporting requirements on manufacturers to develop Risk Evaluation and Mitigation Strategies, REMS, and gives the FDA the authority to require them in both the preapproval and postmarket settings. Importantly, the standards by which FDA can impose REMS are very broad and lack specific requirements through which this standard is triggered. This gives the FDA excessive discretion on imposing REMS on manufacturers even when a drug has a low risk profile.

While clearly the FDA needs new authorities, it is critical to strike a balance, and I fear the Kennedy-Enzi language has gone too far and will slow the approval of new medicines and thereby reduce access.

Instead, the language should be modified so that REMS only applies when the Secretary determines that the new active surveillance system has signaled a risk. At that point, FDA should have the authority to require manufacturers to judiciously minimize risks without encumbering drug availability or interfering with drug research, development, and delivery. Any expansion of FDA authority should respect this approach.

The Kennedy-Enzi language also gives the FDA the authority to require preapproval of direct-to-consumer advertising, specific drug advertising disclosures, and a 2-year moratorium on direct-to-consumer advertising. As drafted, these provisions raise a variety of first amendment issues, specifically the 2-year ban on advertising. Much can be done to ensure that consumers receive information that is not false or misleading without banning patient access to health care information.

The Kennedy-Enzi language also includes three separate pediatrics bills: the reauthorization of the Best Pharmaceuticals for Children Act (BPCA), the reauthorization of the Pediatric Research Equity Act (PREA), and the Pediatric Medical Device Safety and Improvement Act.

To encourage the study of more drugs in the pediatric population, BPCA as originally enacted as part of the Food and Drug Administration Modernization Act in 1997, and reauthorized in 2002, grants an additional 6 months of patent life to a product or pediatric exclusivity in exchange for the voluntary studies of prescription drugs conducted on children. Since its enactment, BPCA has been viewed as a highly successful program and has produced at least 132 completed studies, leading to at least 115 pediatric label changes.

Under the Kennedy-Enzi language, the pediatric exclusivity would be capped at 3 months if annual sales for all drugs with the same active ingredient are over $1 billion in any year. This cap further segments patient protection regimes by making more successful drugs subject to reduced incentives. Our health care system needs to enhance research into children’s drugs, not reduce the pool of factories that produce them. Simply put, the current program is working, and imposing a “cap” on the pediatric exclusivity award will reduce the incentive to conduct pediatric studies and, however formulated, would significantly complicate the administration of the program.

Enacted in 2003, PREA gives the FDA authority to require pediatric studies on the same approved indication of a drug if BPCA and PREA work hand in hand to encourage the further study of prescription drugs in pediatric populations. It is because of the great success of these two programs that I am pleased that the bill requires both programs to be reauthorized together in 2012. This joint sunset date allows for further reauthorizations to continue to balance the incentives and authorities that drive pediatric study.

One troubling aspect of the BPCA and PREA reauthorizations is the creation of an internal review committee. Nobody would argue that pediatric populations should not get special consideration within the inner workings of the agency; however, as drafted, the internal review committee could create conflicts with the current staff functions of the FDA.

The Pediatric Medical Device Safety and Improvement Act aims to improve the process for approving pediatric medical devices and encourages research, development, and manufacture of pediatric devices through demonstration grants and incentives. It modifies the human device exemption for medical devices to allow manufacturers to earn a profit for HDE-approved pediatric devices but maintains the requirement that a humanitarian use device is limited to one that treats and diagnoses diseases or conditions that affect fewer than 10,000 individuals in the United States. This is a good policy, which will help foster the development of pediatric devices. Unfortunately, the bill also expands FDA’s authority to require companies to conduct postmarket surveillance of medical devices, even in circumstances in which the manufacturer has no intent to market the device to pediatric populations. Forcing companies to conduct studies on their products for unintended and unapproved use diverts resources that could be used for further innovation, research, and development.

Of additional concern is that at this time, many provisions of the bill have never been scored by CBO. The provisions in this bill have a significant impact on the FDA and require a number of changes at the agency that will require significant dollars. Because PDUFA and MDUFMA are based on negotiations between industry and the administration, any changes that impact that careful compromise need to be fully vetted and understood. Unfortunately, at this time we do not have that information.

It is clear to all that there are numerous complicated issues involved. Some provisions provide a great benefit, while others may have graver consequences than even the bill’s sponsors would intend. It is my hope that as we deal with these issues, we can do so in a manner that is science based and favors patient access over regulatory burden.

I ask that the following statement of HHS Secretary Leavitt be printed in the RECORD.

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

SECRETARY OF HEALTH AND HUMAN SERVICES,

Hon. Edward M. Kennedy,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

Dear Chairman Kennedy: I am pleased to share the Department’s views on the Chairman’s mark to S. 1082, the Food and Drug Administration Revitalization Act. We appreciate the commitment of you and the Congress in addressing some of the critical issues facing the Food and Drug Administration. We support many of the provisions of the bill and note the many changes made in response to HHS comments. However, we continue to have significant concerns with a number of provisions and hope to work with you to address these before the measure is considered on the floor.

Overview

The Administration strongly supports the reauthorization of the prescription drug user fee and medical device programs. These user fee programs expire at the end of the current fiscal year and their timely reauthorization is critical to the ability of FDA to continue to speed new products and devices to market to benefit the health of the American people.
We are pleased that the bill is consistent with our PDUFA IV proposal by providing the sound financial footing for FDA, enhancing premarket review, creating a new program for physicianuniformance videos, and significantly strengthening the post-market drug safety system. However, we are troubled by the proposal to fund drug safety research. We believe that with the increased resources, the Senate Committee on Health, Education, Labor, and Pensions, appropriate scientific and academic experts, health care professionals, patients, representatives, consumer advocacy groups, and the regulated industry in developing recommendations for PDUFA reauthorization. We have compiled with the request of our PDUFA IV proposal, and we are pleased that the bill draft reflects the Administration’s PDUFA IV proposal. We believe that the proposed place and supporting scientific tools, enhance premarket review, and create a modern post-market drug safety system that follows products across their life cycle. Importantly, the proposal also supports new user fees to support the review of direct-to-consumer television advertisement voluntarily submitted to FDA for review prior to air.

**Title II—Drug Safety**

**Subtitle A—Risk Evaluation and Mitigation Strategies (REMS)**

New drugs, biologics, devices, and diagnostic products opportunities currently available to improve health care and the way medicine is practiced. The number of lives saved are prolonged by new therapies outweighs the risks that the treatments themselves pose. It is also true that all such products pose potential risks. Thus, a drug safety system of the highest possible safety quality that is built into the system in which drugs are risk free. Because there are risks whenever anyone uses a medication, safety considerations involve complex judgments by the healthcare community, patients, and consumers, who must constantly weigh the benefits and assess the risks before deciding to use a medical product. Attempts to address these risks must balance access and innovation with regulatory steps to improve the approach to safety issues. We need to assess such steps do not impede access to new medical products that can be used safely and effectively by patients suffering from unmet medical needs. This bill provisions seem fixed on process changes and structural changes in government programs, and not on making fundamental improvements in the science of drug safety. Some changes preclude specific Agency action when the science of drug safety may not require such intervention, such as the requirement to present all new information to advisory committees for discussion. Such changes could limit access to needed medicals and slow down new innovations while doing little to address the core issues of drug safety. Improved drug safety is not simply a matter of extending new legal authorities to FDA or requiring the Agency to engage in certain detailed activity. Indeed, extending these interventions or expanding the use of REMS is unlikely to result in improvements in drug safety as desired by the bill’s sponsors.

**Subtitle B—Reagan-UDall Foundation for the Food and Drug Administration**

This subtitle would amend chapter VII of the Federal Food, Drug, and Cosmetic Act to...
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establish the Reagan-Udall Foundation for the Food and Drug Administration, for purposes of advancing the FDA’s mission to modernize the medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety. We believe that the proposed Foundation may accelerate the national effort to modernize product-related sciences with some additional changes. Another salient concern is the creation in statute of the Office of the Chief Scientist. This is redundant to existing organizations and may conflict with the functions of the current Chief Medical Office position. We look forward to working with you to continue to refine this legislation.

SUBTITLE C—CLINICAL TRIALS

Subtitle C would establish a publicly available database to improve opportunities for enrollment in clinical trials and to enhance access to clinical trials results for the benefit of patients, health care providers and researchers.

We support the goal and concept of enhancing access to clinical trials and providing a mechanism to enable health care professionals and the public to obtain information about trial results. We believe that this important area might be better emphasized by minimizing costs and administrative burdens and build on current efforts; utilize available technology to streamline and minimize costs of clinical trial enrollment; ensure such activities improve the public health; and recognize legal or funding limitations of the affected federal agencies.

In conclusion, we have concerns with the mandated negotiated rule making process which is time consuming and resource intensive.

The draft language takes important steps to addressing concerns previously raised by the department, and we look forward to continuing to work with the Committee on these issues.

SUBTITLE D—CONFLICTS OF INTEREST

FDA’s advisory committees play an essential role in FDA’s activities to protect and promote public health through the regulation of new animal drug, biologic drug and medical device products, medical devices, and, foods. It is important that any legislation concerning review of conflicts of interest for advisory committees be crafted to emphasize the need for participation in meetings afford FDA the flexibility to obtain needed external expertise while minimizing the potential for a conflict of interest. We appreciate the improvements to the draft legislation to address these important issues. We note that some concerns remain regarding the scope and applicability of the waiver provision, the limitation on waivers if a member’s own scientific work is under consideration, preclearing requirements and the scope of financial disclosures by advisory committee members. We look forward to working with the Committee to address these remaining issues.

SUBTITLE I—MEDICAL DEVICE USER FEES

FDA’s review of medical device applications is essential to FDA’s mission to protect and promote the public health. In 2002 Congress enacted MDUFMA, intending to reduce the review time for new medical device application review. As you know, the current user fee program is scheduled to expire on September 30, 2007. Similar to PDUFA, FDA was directed to consult with stakeholders in developing recommendations for MDUFMA reauthorization. We have complied with these requirements by submitting our recommendations to MDUFMA III, and we are pleased that the draft bill is consistent with the Administration’s draft MDUFA II recommendations as laid out in the Federal Register notice.

As we announced on April 16, FDA is holding a public meeting on April 30 and providing the public with a 30-day period in which to comment on the Administration’s legislative recommendations in accordance with Section 105 of MDUFMA. We look forward to working on the final recommendations shortly after the public comment period closes.

SUBTITLE IV—PEDIATRIC MEDICAL PRODUCTS

The Administration supports reauthorization of the Best Pharmaceuticals for Children Act. The incentive for pediatric studies provided in this legislation has had a positive impact on the rate of drug development for pediatrics. The creation of an internal review committee and other program changes will make the BPCA virtual reality. For this reason, the Administration would favor a straight reauthorization over the enactment of these provisions. I will now review some of our specific concerns.

First, as mentioned above, the current incentive of the 6 month period of exclusivity has worked well and should be maintained. Second, we have been able to affect important labeling changes on 122 different products. Any weakening of this incentive can only have the effect of reducing its effectiveness. Accordingly, the proposal to shorten this incentive or to only provide exclusivity to drugs with one or more years left of patents and exclusivity life are of significant concern.

FDA supports greater internal cooperation; however, the draft bill’s creation of an internal review committee is of concern for a number of reasons. First, we are concerned with the objective intent of the written request. We recommend keeping the two functions separate. Third, we believe that tracking pediatric studies and pediatric indications on the theory that allowing profit will stimulate the production of more pediatric drugs for limited populations. Allowing profits up to a sales cap is an impractical policy tool. Our view is that this amendment to the HDE exemption would be administratively burdensome and costly for industry and the FDA, and would have a questionable impact on the incentive to develop new pediatric devices.

CONCLUSION

In conclusion, this letter has cited many problems with provisions in the draft bill—some we believe will not achieve their policy objectives; some are unduly burdensome on the industry and the FDA. Still others appear to be unworkable or potentially costly. In addition to these concerns, the Administration may have additional concerns in connection with this legislation.

We have raised many serious objections in our comments above and it is our hope that we can work with you and others to resolve these before the bill is considered on the floor. We look forward to our collaboration with you on this legislation.

Sincerely,

MICHAEL O. LEVITT.

ANNUAL CRAWFISH BOIL IN GILLETTE, WYOMING

Mr. ENZI. Mr. President, I would like to speak about community spirit. In the Senate, we work day in and day out to pass good policy that will provide for the safety, security, and health of
the Nation, but we are not alone in our effort to make our country better. In fact, we are but a small part. There are great events taking place every day in our country that are examples of neighbor helping neighbor, people who do not wait and do not ask for help but take it upon themselves to act. I would like to tell you about one such example that has been going on for years in Wyoming in the small community I call home.

When people think about my hometown of Gillette, WY, many images come to mind—sagebrush as far as the eye can see, coal trucks, and cattle herds. We have deer, antelope, and some buffalo in the neighboring community of Wright. Our kids are great basketball players, and we work hard to get the methane gas and minerals that power this country. The list goes on. But after living in Gillette for more than three decades, what stands out about home are the people themselves, their character, their sense of community, and how they come together to help each other. And then there is the crawfish. Yes, I said crawfish.

This week, Gillette will be kicking off a 24-year tradition of flying in 10,000 pounds of crawfish for the annual Crawfish Boil. The event raises money for local families with medical hardships and was started in 1989 by the Society of Petroleum Engineers. The event raised $117,000 last year to help people get medical treatment. This weekend we hope to top that number.

Wyoming is small in population, but our families know how to help each other out more than any other State in the Nation. Wyomingites do not just rely on government for help—they talk to neighbors, they come up with a good idea, they organize, and they follow through. The crawfish feed is an example for the Nation on how to pull yourself and your neighbor up by the bootstraps and have fun doing it.

Gillette not only raised $117,000 at last year’s Crawfish Boil, the Festival of Trees raised $51,500 for hospice and lifeline services, the Chili Cook-Off raised $29,800 for the Council of Community Services, the Black Cat Ball raised $26,000 for the Hospice Hospitality House, the Chuckles for Charity event raised $24,000 for the Gillette Area Refuge, and the Rotary Ball raised $18,000 for the Festival of Trees. Many of these events were coordinated by the Gillette Chamber of Commerce. I want to extend my congratulations to Cody Carithers for his determination, drive and incredible school attendance record. He exemplifies Highland High School’s motto, “A tradition of excellence.”

I ask my colleagues to join me in applauding Cody Carithers for his determination, drive and incredible school attendance record. He exemplifies Highland High School’s motto, “A tradition of excellence.”

TRIBUTE TO DR. DAVID M. GIPP

Mr. President, I am proud to pay tribute to Dr. David M. Gipp. Dr. Gipp is the president of United Tribes Technical College in Bismarck, ND. After receiving a 3-year degree in agribusiness, Dr. Gipp was endowed by the American Indian Higher Education Consortium as its first executive director. He served as its president for 10 years, instrumental in the formulation of the Tribal Colleges or Universities Assistance Act, which recognized the critical role of tribal colleges for agricultural education. Under Dr. Gipp’s leadership, UTTC has grown from just over 100 students and 12 programs of study to more than 1,018 students for the 2006–2007 school year with 24 different 2-year and certificate programs and bachelor’s programs. In this time, Dr. Gipp has led the college’s transition from traditional two-year programs to programs geared toward the labor needs of Indian Country. He also propelled UTTC into becoming the first tribal college in the Nation to be authorized to offer full online degree programs. In recent years, Dr. Gipp has led the fight to restore funding for the college that was cut from the Department of Interior’s budget.

Dr. Gipp has been an agent of positive change in the lives of thousands of students, who have ascended to a leadership position at United Tribes Technical College. He is a true champion for higher education and a powerful national advocate for the tribal colleges. His passion is infectious, and he has empowered individuals to reach their goals no matter how small or large.

John Quincy Adams once said “[I]f your actions inspire others to dream more, learn more, do more and become more, you are a leader.” Dr. Gipp is a leader in every sense of the word. I want to extend my congratulations to Dr. Gipp on 30 years as president of United Tribes Technical College.

TRIBUTE TO CECIL E. WILLIAMS, JR.

Mr. Pryor. Mr. President, today I wish to honor the life of a man revered as the most influential man in Arkansas agriculture. Cecil E. Williams, Jr., who passed on April 12, was respected by his peers and seen as an unparalleled advocate for farmer’s interests, who tried to someday take care of others, their lives, but also their jobs and livelihood.

Undoubtedly, agriculture is the backbone of rural Arkansas and rural America. Today, Arkansas agriculture provides nearly one in every five jobs in my State, and we rank in the top 10 nationally in production of many commodities, including rice and cotton, where we rank No. 1 and No. 2 respectively. Much of Arkansas’ success in agriculture can be directly attributed to Cecil Williams and his hard work.

Mr. Williams worked hard during his lifetime to make Arkansas agriculture a force to be reckoned with while establishing workable, sensible, and sound farm policy. For nearly 40 years, Cecil Williams, known as the “Dean of Farm Bills,” served as the director of the Agricultural Council of Arkansas, ACA, where he took great pride in serving what he considered a worthwhile cause: farmers and agriculture.

After receiving an agribusiness degree in 1960 from Louisiana State University, Mr. Williams began his career as a fieldworker for the National Cotton Council and gained valuable insight into the production, business, and policy angles of agriculture. After an impressive 5 years with the National Cotton Council, the Agricultural Council of Arkansas recognized his talents and heavily recruited him to join their ranks. Once at the council, he quickly ascended to a leadership position within the organization and went on to fight for farm policy that made sense for Arkansas, improve checkoff programs for

ADDITIONAL STATEMENTS

CODY CARITHERS

Mr. Pryor. Mr. President, it is with the greatest pleasure that I honor and congratulate Cody Carithers who is a senior at Highland High School, Gillette, Wyoming, and will graduate on May 18, 2007. Cody has accomplished an amazing feat—he has never missed a day of school. Since kindergarten at Cherokee Elementary School in Highland until now, never missed a day.

This accomplishment has not been easy. Cody was diagnosed with a brain tumor near his optic nerve a little over 2 years ago. Mr. President, Cody’s frequent headaches and required many trips to Arkansas Children’s Hospital in Little Rock. Cody was adamant about maintaining his perfect attendance, and the hospital worked with him to schedule his appointments on school holidays or in the evening so he wouldn’t miss a day of school. What a determined young man.

Cody is involved in a number of school activities, clubs and organizations. He is an active member of Future Farmers of America and is president of the Rebels Against Drugs Program at Highland High School. He has also participated in sports.

During the summer, Cody volunteered at the Sharps County Library. He has been employed for the past 2 years at Ivey’s Automotive Center in Highland. Cody’s plans after graduation are to attend United Tribes Technical College and pursue a degree in aviation maintenance or automotive technology.

I ask my colleagues to join me in applauding Cody Carithers for his determination, drive and incredible school attendance record. He exemplifies Highland High School’s motto, “A tradition of excellence.”

Mr. Conrad. Mr. President, today I pay tribute to an extraordinary scholar, leader, and friend, Dr. David M. Gipp.

On May 2, Dr. Gipp will celebrate 30 years at the helm of United Tribes Technical College in Bismarck, ND. Under Dr. Gipp’s leadership, UTTC, is the only intertribally owned postsecondary vocational institution in the Nation. Since its founding in 1969, the college has served more than 10,000 students representing 75 federally recognized tribes.

During his tenure as president, Dr. Gipp has spearheaded an incredible transformation of the college and in higher education for American Indians. Dr. Gipp was the founding executive director of the American Indian Higher Education Consortium and later he served as its president. He was instrumental in the formulation of the Tribal Colleges or Universities Assistance Act, which the Federal Government’s obligation in providing higher education for American Indians.

Under Dr. Gipp’s leadership, UTTC has grown from just over 100 students and 12 programs of study to more than 1,018 students for the 2006–2007 school year with 24 different 2-year and certificate programs and bachelor’s programs. In this time, Dr. Gipp has led the college’s transition from traditional two-year programs to programs geared toward the labor needs of Indian Country. He also propelled UTTC into becoming the first tribal college in the Nation to be authorized to offer full online degree programs. In recent years, Dr. Gipp has led the fight to restore funding for the college that was cut from the Department of Interior’s budget.

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crops, and provide better insurance programs. One of Williams’ most storied accomplishments was getting the average farmer involved in the leadership and policy development process, most notably by developing the National Cotton Council’s Producer Steering Committee. To this day, the Steering Committee continues to ensure producers have an active voice on policy issues. He never underestimated the knowledge and influence carried by the producer. Farmers all over Arkansas appreciated that and never forgot the respect he gave their opinions.

Cecil Williams took each event in stride and persevered with leadership and optimism. His ability to develop and foster leadership among the producer ranks was and still is an impressive feat. His relentless defense of agriculture, and the years he spent cultivating active and knowledgeable producers in Arkansas will be long remembered by those whose lives he touched through his tireless devotion. I am always proud to see Arkansas farmers when they make their way to Washington or when I am traveling the state. These are, without a doubt in my mind, the best farmers in America thanks to the leadership of people like Cecil Williams.

During his lifetime, Williams always led by example and stayed true to his cause; rarely will you find such a noble and grounded leader. This was a man who could see the big picture and still thoroughly understand the components needed on the ground. He believed firmly in what he represented and remained active in production agriculture and the legislative arena up until his last days.

Arkansas agriculture has suffered a great loss with the passing of Cecil Williams, but we will continue to remember this great man and benefit from his foresight and leadership. During his lifetime, Cecil Williams saw the passage number one farm bills and agricultural laws. From his active role in production agriculture and agricultural policy, he was also able to see the consequences of both good and bad farm policy. As Congress works on drafting the 2007 farm bill, let us not forget the legacy Cecil Williams left behind and take heed from the wisdom of his decades of experience.

I pay my tribute to this legend of Arkansas agriculture and express my greatest condolences to his family. He will be missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceeedings.)

MESSAGES FROM THE HOUSE

At 9:15 a.m., a message from the House of Representatives, delivered by Mr. Noland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the “Gerald W. Heaney Federal Building and United States Courthouse and Customhouse”.

The enrolled bill was subsequently signed by the President pro tempore (Mr. Byrd).

ENROLLED BILL SIGNED

At 11:18 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1881. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. Byrd).

At 1:32 p.m., a message from the House of Representatives, delivered by Mr. Noland, 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. 249. An act to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

H.R. 1678. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 7. Calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.

H. Con. Res. 121. Concurrent resolution recognizing the benefits of school-based music education, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

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–1702. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Commission’s annual report covering the fiscal year from October 1, 2005, through September 30, 2006, to the Committee on Commerce, Science, and Transportation.

EC–1703. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Removal of Two Chemical Substances from Preliminary
Assessment Information Reporting and Health and Safety Data Reporting Rules’ (FRL No. 8302-5) received on April 26, 2007, to the Committee on Environment and Public Works.

EC-1705. 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 ‘Change in Deadline for Rulemaking to Address the Control of New Marine Compres-

sion-Ignition Engines at or Above 30 Liters per Cylinder’ (FRL No. 8306-7) received on April 26, 2007, to the Committee on Environment and Public Works.

EC-1706. 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 ‘Approval and Prolongation of ImplementationPlans; Illinois’ (FRL No. 8306-5) received on April 26, 2007, to the Committee on Environment and Public Works.

EC-1707. A communication from the Coordinator, U.S. Assistance to Europe and Eurasia, Department of State, transmitting, pursuant to law, the organization’s annual report relative to U.S. assistance and cooperative activities with Eurasia for fiscal year 2006; to the Committee on Appropriations.

EC-1708. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report relative to applica-
tions for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2006; to the Committee on the Judiciary.

EC-1709. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Office’s Annual Report for fiscal year 2005; to the Committee on the Judiciary.

EC-1710. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of draft legislation enti-
lled ‘Denying Firearms and Explosives to Dangerous Terrorists’; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Intelligence:

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. HAGEL:
S. 1225. A bill to establish a program for aliens who meet certain conditions to be granted permanent resident status; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Hatch, Mrs. Lincoln, Mr. Bingaman, Mr. Coleman, and Mr. Salazar):
S. 1249. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and deliv-
ery of pediatric care; to the Committee on Finance.

By Mr. KERRY:
S. 1227. A bill to amend the Clean Air Act to establish national ambient air quality standards for nitrogen dioxide, to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself and Mr. OBAMA):
S. 1228. A bill to amend section 485(f) of the Higher Education Act of 1965 regarding law enforcement emergencies; to the Committee on Environment, Health, Labor, and Pensions.

By Mrs. BOXER:
S. 1229. A bill to amend the Agricultural Marketing Act of 1946 to provide for the application of mandatory minimum maturity standards applicable to all domestic and imported Hass avocados; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD:
S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs; to the Committee on Finance.

By Mr. REED:
S. 1231. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:
S. 1232. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school emergency management plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. CRAIG):
S. 1233. A bill to provide and enhance inter-
vention, rehabilitative treatment, and serv-
ices to veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON):
S. 1234. A bill to strengthen the liability of
parent companies for violations of sanctions, for whistleblowers, to increase penalties for
producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. MENENDEZ, and Mr. DURBIN):
S. 1235. A bill to impose appropriate pen-
alties for the assault or murder of a Federal law enforcement officer or Federal judge, for the retaliatory assault or murder of a family member of a Federal law enforcement officer or Federal judge, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNY:
S. 1236. A bill to impose appropriate pen-
alties for the assault or murder of a Federal law enforcement officer or Federal judge, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:
S. 1237. A bill to increase public safety by permitting the Attorney General to deny the
transfer of firearms or the issuance of fire-
arms and explosives licenses to known or
suspected dangerous terrorists; to the Com-
mittee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. STabenow):
S. 1238. A bill to amend the Elementary and Secondary Education Act of 1965 regarding language programs, and parental involve-
ment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. WARNER):
S. 1239. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other pur-
poses; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. MENENDEZ, Mrs. BOXER, Ms. CANT-
well, Mr. KERRY, Mrs. MURRAY, and Mr. LAUTENBERG):
S. 1240. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare program for a program of emergency contraceptives to women who are survivors of sexual assault; to the Com-
mittee on Finance.

By Mr. GRASSLEY:
S. 1241. A bill to amend the Internal Revenue Code of 1986 to clarify student housing eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

By Mr. TESTER:
S. 1242. A bill to amend the Federal Crop Insurance Act and Farm Security and Rural Investment Act of 2002 to establish a biofuel pilot program to award pro-
ducers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. MENENDEZ, and Mr. DURBIN):
S. 1243. A bill to amend the United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINT-
TON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. INOUYE, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEIN-
gold, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CASY, and Mrs. McCaskill):
S. 1244. A bill to amend the Occupational Safety and Health Act of 1970 to expand cov-
erage under the Act, to increase protections for whistleblowers, to impose stiffer penalties on certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Ms. KULSKI, and Mr. WARNER):
S. 1245. A bill to reform mutual aid agree-
ments for the National Capitol Region; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, and Mr. AKAKA):
S. 1246. A bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:
S. 1247. A bill to amend the Weir Farm Na-
tional Historic Site Establishment Act of 1990 to continue the development of any prop-
erty acquired by the Secretary of the Inter-
ior for the development of visitor and ad-
ministrative facilities for the Weir Farm Na-
tional Historic Site, and for other purposes; to the Committee on Energy and Natural Re-
sources.
SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW:
S. Res. 173. A resolution designating August 20 as "National Marina Day": to the Committee on the Judiciary.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, Ms. CANTWELL, Mr. LEIBERMAN, Mr. BAYH, Mr. VITTER, Mr. COLEMAN, and Mr. CARDIN):
S. Res. 174. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning April 22, 2007; considered and agreed to.

By Mr. BROWNBACK (for himself, Ms. MIKULSKI, Mr. LEIBERMAN, Mr. COLEMAN, Mr. LOTT, Mr. CHAMBLISS, Mr. CRAIG, Mr. VITTER, Mr. KYL, Mrs. FEINSTEIN, Mrs. DOLE, Mr. ISAKSON, Mr. BUNNING, Ms. MURKOWSKI, Ms. CANTWELL, Mrs. BOXER, Mr. CASEY, Mr. BAYH, Mr. LUTENBERG, Mr. RINGELMAN, Mr. HATCH, Mr. SMITH, Mr. CARDEN, Mr. MARTINEZ, Mr. DURBIN, Mr. SPECTER, Mr. BIDEN, and Mr. MCCONNELL):
S. Res. 175. A resolution recognizing the 50th anniversary of the independence of the State of Israel; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. REID, Mr. LEAHY, Mr. SPECTER, Mr. OBAMA, Mrs. CLINTON, Mr. BROWNBACK, and Mr. MARTINEZ):
S. Con. Res. 29. A concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 23rd of each year; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 223
At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 351
At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 351, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 413
At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 522
At the request of Mr. BAYH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 535
At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 625
At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 648
At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. ROBERTS) 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. 703
At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 703, a bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act.

S. 727
At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 766
At the request of Mrs. CLINTON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 823
At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) 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. 879
At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 901
At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 902
At the request of Mr. HARKIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 935
At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) 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. 950
At the request of Mr. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 950, a bill to develop and maintain an integrated system of coastal and ocean observations for the Nation’s coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Niño events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes.

S. 961
At the request of Mr. NELSON of Nebraska, the names of the Senator from Arkansas (Mr. PHYOR), the Senator from Kansas (Mr. ROBERTS) and the Senator from Minnesota (Mr. COLEMAN) 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. BAUCUS, his name was added as a cosponsor of S. 961, supra.

S. 979
At the request of Mr. SMITH, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 979, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.
At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

At the request of Mr. BOND, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ‘‘Priority 8’’).

At the request of Mr. CARDIN, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. Murray) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

At the request of Mr. THOMAS, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1200, supra.

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit hospital payments under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

At the request of Mr. LUgar, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of 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.

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of 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.

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. Res. 125, a resolution designating May 18, 2007, as 'Endangered Species Day', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

At the request of Mr. ALEXANDER, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors 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.

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 154, a resolution demanding the return of the USS Pueblo to the United States Navy.

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 155, a resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala.

At the request of 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.

Mr. KENNEDY. Mr. President, when we enacted the Children's Health Insurance Program a decade ago, we made a promise to low-income working families to assist them in obtaining health insurance coverage for their children, and we must continue to keep that promise. Today, with Senators ROCKEFELLER and SNOWE, I am pleased to introduce the Children's Health Insurance Program Reauthorization Act of 2007.

CHIP has been a significant success, and has made a real difference in many children's lives. Over the past decade, the percentage of uninsured children has dropped dramatically, even though more and more of their parents have been losing coverage because employers decide to reduce it or drop it entirely.

In its first year, the program enrolled nearly a million children, and enrollment has grown ever since. Average monthly enrollment is now 4 million, and over 6 million have been enrolled for at least part of the year.

With CHIP, all states will have insurance coverage for their children, and we also know that this is no time to rest on past success. We can and must do more to enroll the 6 million uninsured children who are eligible but not enrolled for CHIP and to expand coverage so that all children can obtain the health care they need.

The bill we are introducing today reauthorizes the program and it will make sure that states have enough funds to provide health care to all children who need this assistance. No parents should be faced with the impossible decision of whether they can afford to take their sick child to the doctor.

The bill establishes a strong, reliable financing structure for CHIP. It more than doubles the Federal resources currently available over the next 5 years for covering children through CHIP. It ensures that all states will have the Federal matching funds needed both to sustain their existing programs and to move forward to cover the millions of children who are eligible for CHIP and Medicaid but remain uninsured.

The millions of uninsured children in America isn't just wrong. It's unacceptable. We need to act now in getting to guarantee them the health coverage they need.

This bill adopts a variety of approaches to help states increase their enrollment. It strengthens CHIP by expanding the current program, improving its outreach, and making sure that all children have access to dental care and mental health services, so that good health care can be a reality for every child in America.

Quality health care for children isn't just a good option or a nice idea. It's not merely something we wish we could do. It's something we have to do. It's an obligation. We started earlier this year by dedicating what is needed in the budget, but we also need a CHIP reauthorization that gives children the coverage we've promised them for the healthy future they deserve. The bill we're introducing today does that.

There's a reason the CHIP program has always enjoyed bipartisan support.
It's because all of us know how important it is that all children have the chance to get a healthy start in life. I look forward to working to make sure all children get the health care they need, and I urge my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, this week is Cover the Uninsured Week. And, I cannot think of a more appropriate time to introduce the legislation that Senators OLYMPIA SNOWE, Ted Kennedy, and I introduced yesterday to reauthorize the Children's Health Insurance Program (CHIP) Reauthorization Act of 2007 (S. 1224). There are more than 45 million uninsured people in our country today, and 9 million of them—20 percent—are children. This is an embarrassing statistic for the wealthiest country in the world, and it has catastrophic consequences for our children.

In 1964, when I first came to West Virginia as a VISTA volunteer in Emmons, I was shocked to learn that many of the school-age children living there had never been to a dentist before. I made raising health care standards one of my first priorities in Emmons, and we ultimately got a bus to bring children to the Tiskelwah grade school for dental care. Now, more than 30 years later, there are still children in West Virginia and throughout the Nation without access to adequate dental care.

Several weeks ago, millions across the country mourned the death of twelve year old Deamonte Driver, whose lack of dental care led to fatal brain infection. His death was a sad reminder of how our country continues to fail in its efforts to ensure access to vital medical care for our nation's youth. Yet, Deamonte was not the only child to succumb to the perils of inadequate health care. There are countless other children who have suffered the same fate. We must make universal access for children a national priority and reauthorization of CHIP is the first step in that process.

When CHIP was established in 1997, nearly 10 million children were uninsured. Congress responded by making a landmark, bipartisan commitment to help states provide comprehensive health insurance coverage to millions of these children. As a result, 6 million children have access to medical benefits through CHIP that they would have otherwise been forced to do without. I am proud to have been a part of CHIP's creation, and I am especially proud of the progress this program has made in providing working families an affordable and dependable option for protecting the health and well-being of their children. A healthy start in life is a necessary component in preparing our children to lead healthy, happy and productive lives in the future.

Today, however, we find ourselves in a situation strikingly similar to the dilemma we faced in 1997—more than 9 million children are currently without health insurance in this country. In fact, in 2005, the number of uninsured children increased for the first time since CHIP was enacted. This means that, despite our best efforts, we have taken a step backwards in terms of covering children. We cannot allow this trend to continue. Instead, we must make covering children a top priority—just like we did prior to CHIP.

The CHIP Reauthorization Act makes health insurance coverage for children a priority. Not only does this important legislation renew and strengthen CHIP, it also provides significant new Federal resources for states to reach the 6 million additional children who are currently eligible for Medicaid and CHIP, but unenrolled. With many states already leading the charge on children's health and the additional federal support this legislation provides them, the Nation will be able to take another substantial step forward toward ensuring that all of America's children have comprehensive health insurance.

Our bill strengthens the underlying CHIP financing formula to provide states a stable and reliable source of funding for their efforts to cover more uninsured children. It also combines a variety of approaches, such as Express Lane eligibility, to help states enroll more uninsured kids who are currently eligible for CHIP or Medicaid. These innovative approaches will allow states to reach millions of additional children, particularly in rural parts of the country.

I am especially proud of our efforts to permit states to provide more meaningful coverage for children by including other vital benefits like dental care and mental health services. I have already talked about the importance of oral health for a child, but I'd also like to say something about children's mental health. I spend a lot of time with veterans, many who suffer from Post-traumatic Stress Disorder (PTSD), and I've learned when those veterans get home, their children often suffer as well. We also need to consider the mental health of our children more broadly. Children are living in very tough times. They face enormous amounts of mental pressure from a variety of sources. If the Virginia Tech tragedy taught us anything, it taught us that we need to hug our children everyday and that we need to get appropriate help for our children when they have mental health needs, no matter how small.

While I had hoped that we could require Early Periodic Screening Diagnostic and Treatment (EPDST) services as part of this bill, I believe we were able to reach an appropriate compromise that will help us to achieve broad bipartisan support. I am still as committed as I ever have been to including EPDST services in CHIP. However, Senators SNOWE, KENNEDY, and I wanted to craft a bill that could pass the Senate, and we believe we have achieved that objective.

A final component of our legislation that I would like to highlight are the important steps we take to develop child-focused quality measures that will directly improve the coverage provided to children enrolled in CHIP. We establish a new child health quality initiative to enhance data collection, identify best practices, develop a pediatric electronic medical record, and disseminate health quality information. We hope this new initiative will greatly improve the health outcomes of children.

In closing, I'd like for our country to get to the point where we never have to have another Cover the Uninsured Week again. Of course I greatly appreciate all the wonderful work the Robert Wood Johnson Foundation has done over the years to raise awareness about the uninsured problem. My hope is that we will eventually have universal coverage for all. Certainly, we can take the first step toward achieving that goal by providing health care coverage for all of our Nation's children.

With this reauthorization bill, Congress now has an opportunity to make profound positive changes in the lives of millions of American children and their families. I urge my colleagues to join us in support of the passage of the CHIP Reauthorization Act of 2007. I ask that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1224

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

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program (CHIP) Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment 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 that section or other provision of the Social Security Act.

(c) MEDICAID; CHIP; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XV of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; table of contents.
Sec. 2. Findings.
Sec. 3. Title I—Making Children's Health Coverage a National Priority.
Sec. 4. Title II—Improving CHIP Financing.
Sec. 207. Requiring responsible CHIP enrollment.

Sec. 204. Improving funding for the territories.

Sec. 203. Establishment of timely and responsive redistribution process.

Sec. 202. Information technology connections to simplify health coverage determinations.

Sec. 201. “Express Lane” option for States to determine components of a child’s eligibility for Medicaid or CHIP.

Sec. 301. Information technology connections to simplify health coverage determinations.

Sec. 302. Enhanced administrative funding for translation or interpretation services.

Sec. 303. Enhanced assistance with coverage costs for States with increasing or high coverage rates among children.

Sec. 304. Elimination of confusing program requirements related to CHIP enrolment.

Sec. 305. Elimination of counting Medicaid costs against title XXI allotments for all States and territories.

Sec. 306. State option to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid.

TITLE IV—START HEALTHY, STAY HEALTHY

Sec. 401. State option to expand coverage of certain pregnant women under Medicaid and CHIP.

Sec. 402. Coordination with the maternal and child health program.

Sec. 403. Optional coverage of legal immigrants under Medicaid and CHIP.

Sec. 404. Improving benchmark coverage options.

Sec. 405. Requiring coverage of dental and behavioral health services.

Sec. 406. Clarification of requirement to provide EPSDT services for all children in benchmark benefit packages under Medicaid.

Sec. 407. Childhood obesity demonstration project.

TITLE V—IMPROVING ACCESS TO HEALTH CARE FOR CHILDREN

Sec. 501. Promoting children’s access to covered health services.

Sec. 502. Institute of Medicine study and report on children’s access to health care.

TITLE VI—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

Sec. 601. Strengthening child health quality improvement activities.

Sec. 602. Application of certain managed care quality safeguards to CHIP.

TITLE VII—OTHER IMPROVEMENTS

Sec. 701. Strengthening premium assistance programs.

Sec. 702. Permitting coverage of children of State employees.

Sec. 703. Improving data collection.

Sec. 704. Moratorium on application of PERM requirements related to eligibility reviews during period of independent study and report.

Sec. 705. Elimination of confusing program requirements.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

SEC. 2. FINDINGS.

Congress makes the following findings:

(A) When CHIP was created in 1997, Congress makes the following findings:

(a) The Federal government should serve as the critical health care safety net for 34,000,000 children over the course of a year, with 28,000,000 children enrolled in Medicaid and more than 6,000,000 children enrolled in CHIP.

(b) CHIP and Medicaid have accounted for a 1/3 decline in the rate of uninsured low-income children since 1997. During the recent economic downturn, and as the number of uninsured people has climbed to the highest number ever recorded in the United States, CHIP and Medicaid offset losses in employer-sponsored coverage that affected children and parents alike.

(C) While the number of children living in low-income families in the United States between 2000 and 2006, the number of uninsured children fell due to Medicaid and CHIP.

(D) Children enrolled in CHIP or Medicaid are much more likely to have a usual source of care than uninsured children, and are much more likely than uninsured children to receive well-child care, see a doctor during the year, and get dental care. Studies have found that children enrolled in public insurance programs experienced significant improvement in measures of school performance.

(E) Since CHIP was created, coverage rates have increased significantly among children of all ethnic and racial groups.

(F) According to one Federal evaluation of CHIP, uninsured children who gained coverage through the program received more preventive care, and their parents reported better access to and improved communications with their children’s doctors.

(G) Even with the success of CHIP and Medicaid, more needs to be done to improve the health status of our nation’s children.

(1) There are currently 9,000,000 uninsured children under age 19, accounting for nearly 20 percent of our Nation’s uninsured.

(2) Approximately 7 out of every 10 uninsured children are eligible for CHIP or Medicaid.

(3) The cost of unmet health needs among uninsured children is estimated at $200,000 per uninsured child per year.

(4) We must reach the uninsured children who are already eligible for CHIP or Medicaid.

(B) In some States, it is estimated that up to 50 percent of children covered through CHIP do not remain in the program due to reenrollment barriers.

(C) Difficult renewal policies and reenrollment barriers make seamless coverage in CHIP unsustainable. Studies indicate that as many as 67 percent of children who were eligible but not enrolled in CHIP in 2006 as part of the reauthorization of CHIP should provide States with the tools and resources necessary to identify, enroll, and maintain coverage for children who are eligible for CHIP or Medicaid.

(5) We must encourage and encourage States that are leading the way with initiatives to cover more children.

(A) States in every region of the country are seeking to move forward in covering more children, either by reaching already eligible children or further expanding eligibility.

(B) The Federal government should serve as a partner in these efforts by providing sufficient funding to solidify and strengthen this momentum.

(6) We must promote high-quality health care that promotes children’s healthy development.

(A) Children and adolescents deserve better quality care than what they currently receive.

(B) Most States report using some kind of measure to evaluate and improve the quality of care children receive through their CHIP and Medicaid programs. However, State efforts are often hampered by budget constraints, limitations on information technology systems, and a need for improved measurement tools and performance measurement standards.

(C) As we improve access to health coverage as part of CHIP reauthorization, Congress also has an opportunity to enhance quality by improving and standardizing data collection efforts.

(7) We must support policies that strengthen and expand health insurance coverage.

(A) There are more than 46,000,000 uninsured Americans today.

(B) No one who is currently covered should lose coverage because of changes to CHIP or Medicaid as part of the reauthorization of CHIP.
(C) Coverage of parents through family coverage waivers furthers the objectives of CHIP in that it promotes children’s enrollment, positively impacts children’s utilization of services, and improves family well-being.

(D) Coverage of parents through family coverage waivers is also consistent with long-standing CHIP policy—the explicit authorization in the CHIP statute for the Secretary to grant waivers that are consistent with the objectives of CHIP, the parent waiver guidelines for CHIP issued by the Secretary, and the flexibility broadly accorded states through CHIP.

(E) Parent coverage waivers have been granted in the past. The current flexibility under CHIP that permits family coverage waivers to cover parents, while assuring that children remain the primary focus of CHIP.

TITLE I—MAKING CHILDREN'S HEALTH COVERAGE A NATIONAL PRIORITY

SEC. 101. PROVIDING NECESSARY FUNDING FOR CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking “and” and inserting “or” and “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting a colon; and

(3) by adding at the end of the new paragraph—

“(i) FISCAL YEAR 2008.—For fiscal year 2008, $8,525,000,000.00;

“(ii) FISCAL YEAR 2009.—For fiscal year 2009, $10,075,000,000.00;

“(iii) FISCAL YEAR 2010.—For fiscal year 2010, $11,250,000,000.00;

“(iv) FISCAL YEAR 2011.—For fiscal year 2011, $13,150,000,000.00;

“(v) FISCAL YEAR 2012.—For fiscal year 2012, $16,000,000,000.00; and

“(vi) FISCAL YEAR 2013 and each fiscal year thereafter, the total allotment amount appropriated under this subsection for the preceding fiscal year, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year under subsection (1)(2)(C).”.

SEC. 102. IMPROVING CHIP FINANCING AND RESPONSE TO HEALTH CARE COSTS, POPULATION GROWTH, AND THE NEED FOR LOW-INCOME UNINSURED CHILDREN.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following:

“(1) ANNUAL ALLOTMENTS FOR STATES OTHER THAN TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—

“(i) IN GENERAL.—Subject to paragraph (4), the total allotment amount appropriated under section (a) for a fiscal year beginning with fiscal year 2008 and remaining available after application of subsection (j) and subsection (c)(5), the Secretary shall allot to each State (as defined for purposes of this subsection in paragraph (5)) the sum of the following:

“A. The coverage factor, as determined under paragraph (2), based on the State’s prior spending adjusted for health care cost growth and child population growth.

“B. The uninsured children factor, as determined under paragraph (3), based on the number of low-income children without health insurance in the State, adjusted for geographic variation in health care costs.

“(2) COVERAGE FACTOR.—

“A. In general.—For purposes of paragraphs (b) and (d), the coverage factor determined for a State is equal to the following:

“(i) Fiscal year 2008.—For fiscal year 2008, the higher of the following:

“(A) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(B) The amount allotted to the State for fiscal year 2007, as reported by the Secretary to the State as of November 2006, subject to subparagraph (B), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(C) The projected total Federal payments to the State under this title for fiscal year 2007, as reported by the Secretary to the State as of November 2006 (or the projected total Federal payments to the State under this title for fiscal year 2007, as reported by the Secretary to the State as of May 2006 if the projected total Federal payments to the State under this title for such fiscal year were at least $55,000,000 higher than such projected payments as of November 2006), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(ii) The amount determined under clause (i), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(iii) The projected total Federal payments to the State under this title for fiscal year 2008, as reported by the Secretary to the State as of February 2007, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as reported by the Secretary to the State as of February 2007, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(v) Fiscal year 2009 and each second succeeding fiscal year; providing for rebasing—Subject to subparagraphs (B) and (D), for fiscal year 2010 and each second succeeding fiscal year, the total Federal payments to the State under this title for the preceding fiscal year attributable to any allotments available to the State in such fiscal year under paragraph (1) and subsection (b) multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(vii) Fiscal year 2011 and each second succeeding fiscal year;—For fiscal year 2011 and each second succeeding fiscal year, the amount determined under clause (ii) for the preceding fiscal year, multiplied by the annual adjustment determined under subparagraph (C) for the State for that fiscal year.

“(B) LIMITATION AND MINIMUMS.—

“(i) IN GENERAL.—Subject to clause (ii), if the total of the amounts determined under subparagraph (A) for all States exceed in any fiscal year the total allotment amount under subsection (a) for a fiscal year beginning with fiscal year 2008 remaining available after the application of subsections (c)(5) and (j)(2)(C), each State’s coverage factor shall be equal to the total allotment amount under subsection (a) for a fiscal year beginning with fiscal year 2008 remaining available after application of such subsections, multiplied by the ratio of—

“(A) the amount of the State’s coverage factor determined under subparagraph (A); to

“(B) the total of such coverage factors for all States for such fiscal year.

“(ii) MINIMUM COVERAGE FACTOR.—At a minimum, the coverage factor for a State for a fiscal year shall not be less than the lesser of—

“(A) The State’s total Federal payments attributable to any allotments available to the State in the prior fiscal year under paragraph (1) and subsection (b), multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year; and

“(B) The total allotment for the State under paragraph (1) for the prior fiscal year, multiplied by the annual adjustment determined under subparagraph (C) for that fiscal year.

“(C) ANNUAL ADJUSTMENT FOR HEALTH CARE COST GROWTH AND CHILD POPULATION GROWTH.—The annual adjustment with respect to a State for any fiscal year is equal to the product of the amounts determined under clauses (i) and (ii):

“(i) PER CAPITA HEALTH CARE GROWTH.—I plus the percentage increase (if any) in the per capita health costs, as estimated by the Bureau of National Health Expenditures for such fiscal year over the preceding fiscal year, as most recently published by the Secretary before the beginning of the fiscal year involved.

“(ii) CHILD POPULATION GROWTH.—1.0 plus the percentage increase in the population of children under 19 years of age in the United States from July 1 of the previous fiscal year to July 1 of the fiscal year involved, as determined by the Secretary based on the most recently published estimates of the Bureau of the Census available prior to the beginning of the fiscal year involved.

“(D) REBASING RULE FOR FISCAL YEAR 2010 AND EACH SECOND SUCCEEDING FISCAL YEAR FOR CERTAIN STATES.—

“(i) IN GENERAL.—For fiscal year 2010 and each second succeeding fiscal year, a State receiving reallocated funds under subsection (j) in the prior fiscal year shall receive an additional spending amount equal to the proportion (determined under clause (ii)) of the total allotment amount (a) for such fiscal year remaining available after the application of subsections (c)(5) and (j)(2)(C), and subparagraphs (A) and (B), if any, multiplied by the following:

“(I) the total Federal payments to the State under this title for the previous fiscal year attributable to any funds made available to the State in the previous fiscal year under subsection (j), multiplied by the annual adjustment determined under subparagraph (C) for the fiscal year;

“(II) the total of such payments for all States for the previous fiscal year.

“(ii) PROPORTION.—For purposes of clause (i), the proportion shall equal—

“(I) for fiscal year 2010, 20 percent; and

“(II) for fiscal year 2012 and each second succeeding fiscal year, 40 percent.

“(E) UNINSURED CHILDREN FACTOR.—

“(A) IN GENERAL.—For purposes of paragraph (1)(b), subject to subparagraph (b), the uninsured children factor for a State is equal to the total allotment amount under subsection (a) for a fiscal year beginning with fiscal year 2008, remaining available after application of subsections (c)(5) and (j)(2)(C) and paragraph (2), multiplied by the following:

“(I) Fiscal year 2008 and each second succeeding fiscal year.—In the case of fiscal year 2008, and each second succeeding fiscal year, the ratio of—

“(A) the uninsured children adjustment for the State determined under subparagraph (b); to

“(B) the sum of the uninsured children adjustments for all States determined under subparagraph (b).

“(II) Fiscal year 2009 and each second succeeding fiscal year.—In the case of fiscal year 2009, and each second succeeding fiscal year, the ratio determined under clause (i) for the previous fiscal year.

“(B) UNINSURED CHILDREN ADJUSTMENT.—

The uninsured children adjustment determined under this subparagraph for a State is equal to the product of the following:

“(1) the number of low-income children without health insurance for a fiscal year, as reported and defined in the most recent March supplement to the Current Population Survey of the Bureau of the Census available prior to the beginning of such fiscal year.
SEC. 202. 2-YEAR INITIAL AVAILABILITY OF CHIP FUNDS FOR ALL STATES AND TERRITORIES.

Section 210(e) (42 U.S.C. 1397dd(e)) is amended—
"(a) IN GENERAL.—Subject to paragraphs (3) and (4) of subsection (j), amounts allotted to a State pursuant to subsections (b), (h), and (i)—
"(1) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and
"(2) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the first succeeding fiscal year.

SEC. 203. ESTABLISHMENT OF TIMELY AND RESPONSIVE REASSIGNMENT PROCESS.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended—
"(1) by inserting "fiscal year 2008" for "fiscal year 2007" in the third sentence; and
"(2) by adding at the end the following new subsection:

"(j) TIMELY AND RESPONSIVE REASSIGNMENTS BEGINNING WITH FISCAL YEAR 2008.—
"(1) REASSIGNMENTS TO STATES FACING FEDERAL FUND SHORTFALLS.—
"(A) IN GENERAL.—Notwithstanding subsection (f), in each fiscal year quarter of fiscal year 2008 and each subsequent fiscal year, the Secretary shall reallocate to a shortfall State described in subparagraph (D) from the funds available under paragraph (2) an amount equal to the projected amount of the shortfall for the fiscal year. The Secretary shall only make such a reallocation under this paragraph to the extent that there are amounts available under paragraph (2).
"(B) PRIORITY RULE.—If the amounts available under paragraph (2) for any fiscal year quarter for reallocation under subparagraph (A) are less than the total shortfall amount determined under subsection (d), the reallocated amount to each shortfall State shall be reduced proportionally.

"(2) AVAILABILITY OF REALLOCATED FUNDS.—Any funds made available to a shortfall State described in subparagraph (D) shall remain available to such State through the end of the fiscal year in which such funds are reallocated.

SEC. 204. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) UPDATE OF CHIP ALLOTMENTS.—Section 2104(c)(2) (42 U.S.C. 1397dd(c)(2)) is amended—
"(1) by inserting "or (4)" after "or (3)"; and
"(2) by adding at the end the following new paragraphs:

"(5) ANNUAL ALLOTMENTS FOR TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—If the total amount available under subsection (a) for a fiscal year beginning with fiscal year 2008 and remaining available after the application of subsection (j), the Secretary shall reallocate to each of the Commonwealths and territories described in paragraph (3) the following:
"(A) FISCAL YEAR 2008.—For fiscal year 2008, the higher of the amount necessary to support the Commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the annual adjustment determined under subsection (i)(2)(C) for the fiscal year.
"(B) FISCAL YEAR 2009 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2009 and each subsequent fiscal year, the amount determined under clause (i), multiplied by the annual adjustment determined under subsection (i)(2)(C) for the fiscal year.
allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007 and inserting "any allotment under subsection (b) or (i) of section 2104 for a fiscal year".

SEC. 206. STATE OPTION TO EXPAND COVERAGE OF CHILDREN UNDER CHIP UP TO 300 PERCENT OF THE POVERTY LINE.

Section 2110(b)(1)(B) (42 U.S.C. 1397ff(b)(1)(B)) is amended—

(1) by striking clause (I), by striking "or", and at the end inserting a semicolon;

(2) in clause (ii), by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following new clause:

"(iii) a child--

(A) whose family income exceeds 300 percent of the poverty line but does not exceed 50 percentage points above the effective income level (as expressed as a percent of the poverty line and considering applicable income disregards) applied under the State child health plan on the date of enactment of this clause; and

(B) whose family income exceeds 300 percent of the poverty line but does not exceed 50 percentage points above the effective income level (as expressed as a percent of the poverty line and considering applicable income disregards) applied under the State child health plan on the date of enactment of this clause; and

SEC. 207. REQUIRING RESPONSIBLE CHILD ENROLLMENT GROWTH.

(a) LIMITATION ON APPROVAL OF PROPOSED PLAN AMENDMENTS.—Section 2106(b)(3)(B) (42 U.S.C. 1397ff(b)(3)(B)) is amended by adding at the end the following new clause:

"(I) establish a threshold percentage of the Federal poverty level that shall exceed the income eligibility level applicable for a population of individuals under this title by 30 percentage points (as a fraction of the Federal poverty level) or such other higher number of percentage points as the State determines reflects the typical application of income methodology by the program administered by the Express Lane agency and the State plan under this title.

(b) APPLICATION TO WAIVERS.—Section 2107(f) (42 U.S.C. 1397ff(f)) is amended—

(1) by striking "the Secretary" and inserting "the Secretary and the:

"(I) The Secretary; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for a child whose family income exceeds the highest income eligibility level permitted under section 2110(b)(1)(B)(iii) (in this clause referred to as an "expansion amendment") if the Secretary determines that the conditions described in each of subclauses (I) through (IV) of section 2106(b)(3)(B)(iii) are met (and determines on an ongoing basis, that such conditions continue to be met while the expansion waiver is in effect)."

TITLE III—ENROLLING UNINSURED CHILDREN ELIGIBLE FOR CHIP AND MEDICAID.

SEC. 90. "EXPRESS LANE" OPTION FOR STATES TO DETERMINE COMPONENTS OF A CHILDS ELIGIBILITY FOR MEDICAID.

(a) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

"(19)(A) The option of the State, notwithstanding any other provision of law, including subsection (a)(46)(B) and sections 1101(d) and 1102(c), the State may rely on a presumptive eligibility period, the State may provide presumptive eligibility to individuals or families determined by the Secretary on the basis of information furnished pursuant to this paragraph.

(19)(B) The State may—

(1) allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for a child whose family income exceeds the highest income eligibility level permitted under section 2110(b)(1)(B)(III) (in this paragraph referred to as an "expansion waiver") if the Secretary determines that the conditions described in each of subclauses (I) through (IV) of section 2106(b)(3)(B)(iii) are met (and determines on an ongoing basis that such conditions continue to be met while the expansion waiver is in effect)."

(b) CHILDREN ELIGIBLE FOR MEDICAID.—The State has implemented the option.

(c) OPEN ENROLLMENT; MAINTENANCE OF ELIGIBILITY STANDARDS.—The State does not impose any numerical limitation, waiting list, or similar limitation on eligibility for targeted low-income children described in section 2110(b)(1)(B)(III) under the State child health plan, or to make more restrictive the eligibility for such children, while the expansion amendment is in effect.

(d) IMPLEMENTATION OF SIMPLIFIED OUTREACH AND ENROLLMENT PROCEDURES.—The State shall submit to the Secretary the expansion amendment that has implemented procedures to effectively enroll and retain children eligible for medical assistance under title XIX and children eligible for medical assistance pursuant to this title by adopting and effectively implementing with respect to such children at least 3 of the following policies and procedures that are described in this section and are required to be delivered under this title:

"(aa) joint application and renewal process that permits application other than in person.—The application and renewal process that is delivered under this title if such individual (or, in the case of an individual under age 19, or if the State elects the
option under subparagraph (A), age 20 or 21) who is not authorized to consent to medical care, the individual’s parent, guardian, or other caretaker relative) has acknowledged, in writing, the individual’s participation in targeting or screening activities under this paragraph; and

(ii) in the case of an individual enrolled in a program under federal or State authority (if the State elects the option under subparagraph (A), age 20 or 21), the individual’s parent, guardian, or other caretaker relative (if the State elects the option under subparagraph (A), age 20 or 21) has acknowledged, in writing, the individual’s participation in targeting or screening activities under this paragraph;

(iii) the requirements of section 1939 are satisfied.

(b) CHIP.—Section 2107(e)(1) (42 U.S.C. 1396a(e)(1)) is amended by redesignating section 1939 as section 1940; and

(b) by inserting after section 1938 the following new section:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 39. (a) In general.—Notwithstanding any other provision of law, a Federal or State agency or private entity administering the State plan to use the data and information described in this section only if the following requirements are met:

(1) such data or information are used only to establish or verify eligibility or provide coverage under this title; and

(2) an interagency or other agreement, consistent with standards developed by the Secretary, prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security.

(b) REQUIREMENTS FOR CONVEYANCE. Data or information may be conveyed pursuant to this section only if the following requirements are met:

(1) the individual whose circumstances are described in the data or information (or such individual’s parent, guardian, or other caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

(2) such data or information are used solely for the purposes of—

(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling such individuals in the Medicaid program; and

(B) verifying the eligibility of individuals who are potentially eligible or who are enrolled in a program under this title and enrolling such individuals in the Medicaid program.

(3) such data or information are not used in any manner, or to any extent not authorized by Federal law, for any purposes under this title and enrolling such individuals in the Medicaid program.

(4) such data or information are not used to identify an individual as an eligible individual under this title and enrolling such individual in the Medicaid program.

(c) PRESUMPTION OF ELIGIBILITY. Section 1920a(b)(3)(A)(i) (42 U.S.C. 1396t-1(b)(3)(A)(i)) is amended by striking "or (IV)" and inserting "(IV)".

(d) SIGNATURE REQUIREMENTS.—Section 1920a(a) (42 U.S.C. 1396a(a)) is amended by adding after the following paragraph—

"Notwithstanding any other provision of law, a signature under penalty of perjury shall not be required on an application form for medical assistance as to any element of eligibility for which eligibility is based on information received from a source other than an applicant, rather than on representation of the applicant. Notwithstanding any other provision of law, any signature requirement for an application for medical assistance may be satisfied through an electronic signature, if so defined in section 1710(i) of the Government Paperwork Elimination Act (4 U.S.C. 3504 note)."

SEC. 102. INFORMATION TECHNOLOGY CONNECTS TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS.

(a) ENHANCEMENTS FOR MFP TO USE SIMPLIFIED DETERMINATIONS.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)) is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iv) 75 percent of so much of the sums expended during such quarter as are attributable to inpatient hospital services provided under the Medicaid program (as defined in section 1396d(a)(1)(A)(i) of the Internal Revenue Code of 1986) is increased by inserting or "(title XXI) after "the State plan".

(b) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 39. (a) In general.—Notwithstanding any other provision of law, a Federal or State agency or private entity administering the State plan to use the data and information described in this section only if the following requirements are met:

(1) such data or information are used only to establish or verify eligibility or provide coverage under this title; and

(2) an interagency or other agreement, consistent with standards developed by the Secretary, prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security.

(b) REQUIREMENTS FOR CONVEYANCE. Data or information may be conveyed pursuant to this section only if the following requirements are met:

(1) the individual whose circumstances are described in the data or information (or such individual’s parent, guardian, or other caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

(2) such data or information are used solely for the purposes of—

(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling such individuals in the Medicaid program; and

(B) verifying the eligibility of individuals who are potentially eligible or who are enrolled in a program under this title and enrolling such individuals in the Medicaid program.

(3) such data or information are not used in any manner, or to any extent not authorized by Federal law, for any purposes under this title and enrolling such individuals in the Medicaid program.

(4) such data or information are not used to identify an individual as an eligible individual under this title and enrolling such individual in the Medicaid program.

(c) PRESUMPTION OF ELIGIBILITY. Section 1920a(b)(3)(A)(i) (42 U.S.C. 1396t-1(b)(3)(A)(i)) is amended by striking "or (IV)" and inserting "(IV)"

(d) SIGNATURE REQUIREMENTS.—Section 1920a(a) (42 U.S.C. 1396a(a)) is amended by adding after the following paragraph—

"Notwithstanding any other provision of law, a signature under penalty of perjury shall not be required on an application form for medical assistance as to any element of eligibility for which eligibility is based on information received from a source other than an applicant, rather than on representation of the applicant. Notwithstanding any other provision of law, any signature requirement for an application for medical assistance may be satisfied through an electronic signature, if so defined in section 1710(i) of the Government Paperwork Elimination Act (4 U.S.C. 3504 note)."
of subsection (y)(2) in the preceding fiscal year, by the number of percentage points determined under subparagraph (D) of that subsection, and, in the case of a State described in subparagraphs in the preceding fiscal year, by the greater of the number of percentage points determined under paragraph (1)(B) or (2)(D) of subsection (y) before the preceding fiscal year and

(2) by adding at the end the following new subsection:

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(IV) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.
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(2) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.

(3) DETERMINATION OF INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN FOR CERTAIN STATES.—

(i) FOR STATES SIGNIFICANTLY INCREASING ENROLLMENT OF ELIGIBLE CHILDREN.—

```
(A) SIGNIFICANT INCREASE IN ENROLLMENT OF ELIGIBLE CHILDREN.—

(i) IN GENERAL.—For purposes of clause (5) of the first sentence of subsection (b), a State described in this paragraph is a State that satisfies the reporting requirements described in clause (iii) and has a percentage increase in the child caseload in the reference year over the initial reference year that exceeds the benchmark rate of growth.

(ii) DEFINITIONS.—For purposes of clause (1):

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(I) CHILD CASELOAD.—The term ‘child caseload’ means the average monthly enrollment of individuals under age 19 in the State plan under this title or title XXI for a State for a fiscal year in accordance with paragraph (1)(B) or (2)(D) of subsection (y) before the preceding fiscal year and

(ii) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.

(3) DETERMINATION OF INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN FOR CERTAIN STATES.—

(i) FOR STATES SIGNIFICANTLY INCREASING ENROLLMENT OF ELIGIBLE CHILDREN.—

```
(A) SIGNIFICANT INCREASE IN ENROLLMENT OF ELIGIBLE CHILDREN.—

(i) IN GENERAL.—For purposes of clause (5) of the first sentence of subsection (b), a State described in this paragraph is a State—

(I) for which the percentage of low-income children without private health coverage who are uninsured (as determined under subparagraph (D)) is at least 90 percent; and

(ii) that satisfies the conditions described in subparagraph (B) (with respect to coverage of children under this title and title XXI) and paragraph (1)(A)(iii).

(B) CONDITIONS DESCRIBED.—The conditions described in this subparagraph are the following:

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(1) CONTINUOUS ELIGIBILITY REQUIREMENT.—The State has elected the option of continuing enrollment of children under age 19 for a State for a fiscal year in accordance with subsection (b)(5) for a fiscal year, the Secretary shall inform each State on the extent to which the child caseload in the most recent reference year will not be greater than the benchmark rate of growth for such fiscal year.

(ii) FOR STATES THAT HAVE ACHIEVED AT LEAST A PARTICIPATION RATE OF COVERAGE UNDER SECTION 1902(a)(13) OF THE CHILD HEALTH ACT OF 2007.—The term ‘benchmark rate of growth’ means, for purposes of payments under section 1903 with respect to medical assistance provided to individuals who have not attained age 19 and shall not apply with respect to—

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(1) disproporionate share hospital payments described in section 1923;

(2) payments under title IV or XXI; and

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(3) any payments under this title that are based on the enhanced FMAP described in section 2105(b).
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SEC. 306. ELIMINATION OF COUNTING MEDICAID CHILD PRESCRIPTION ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) (42 U.S.C. 1396a(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ‘‘(or, in the case of expenditure described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1903(b))’’;

(ii) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.

(3) DETERMINATION OF INCREASE.—

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(i) DETERMINATION OF INCREASE.—For purposes of clause (5) of the first sentence of subsection (b), in the case of a State described in subparagraph (A), the number of percentage points determined under this subparagraph is equal to the number of percentage points by which the percentage described in subparagraph (A)(1) exceeds 90 percent.

(ii) LIMITATION ON INCREASE.—In no event may the Federal medical assistance percentage for a State for a fiscal year exceed 85 percent as a result of an increase under this paragraph.
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(4) SCOPE OF APPLICATION.—The increase in the Federal medical assistance percentage determined under this subsection (B) shall only apply for purposes of payments under section 1903 with respect to medical assistance provided to individuals who have not attained age 19 and shall not apply with respect to—

(i) payment made to Medicaid program administrative costs under section 1903(b),

(ii) payments under title IV or XXI;

(iii) any payments under this title that are based on the enhanced FMAP described in section 2105(b); and

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(4) DETERMINATION OF INCREASE.—

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(i) IN GENERAL.—For purposes of clause (5) of the first sentence of subsection (b), in the case of a State described in this paragraph is a State—

(IV) BENCHMARK RATE OF GROWTH.—The term ‘benchmark rate of growth’ means, for purposes of payments under section 1903 with respect to medical assistance provided to individuals who have not attained age 19 and shall not apply with respect to—

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(i) disproporionate share hospital payments described in section 1923;

(ii) payments under title IV or XXI; and

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(3) any payments under this title that are based on the enhanced FMAP described in section 2105(b).
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(4) DETERMINATION OF INCREASE.—

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(i) IN GENERAL.—For purposes of clause (5) of the first sentence of subsection (b), in the case of a State described in this paragraph is a State—

(III) REFERENCE YEAR.—The term ‘reference year’ means the 12-month period preceding August 1, 2007.
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(iii) REVIEW AND VERIFICATION OF CHILD CASELOAD DATA.—The child caseload data provided by States for purposes of this paragraph shall consist of data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct data matches on a periodic basis to conduct
SECTION 401. STATE OPTION TO EXPAND OR ADD MEDICAID AND CHIP TO TARGETED LOW-INCOME PREGNANT WOMEN UNDER MEDICAID AND CHIP.

(a) MEDICAID.

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(i)(2)(A)(i) (42 U.S.C. 1396a(i)(2)(A)(i)) is amended by inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1901 (42 U.S.C. 1396c) is amended—

(A) in paragraph (5), by striking "; and" after "sections (a)(10)(A)(i)(I) and (l)(2)(A) of section 1905(u)(4)(A)" and inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))";

(B) in subsection (a), by striking subparagraph (E); and

(C) by inserting at the end the following new paragraph:

"(4) For purposes of the fourth sentence of paragraph (B) and section 2105(a), the expenditures described in this paragraph are the following:

(C) DEFINITION OF POVERTY LINE.—In this subparagraph are the following:

(i) The State plans under this title and the Medicaid program for services described in section 1905(h)(1)(A)(i)(III) or (l)(2)(A) of section 1902 of the Social Security Act (as in effect during such period, but, who would have been determined eligible for such assistance if such subsections, as amended by this section, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be eligible for such medical assistance on such basis.

TITLE IV—START HEALTHY, STAY HEALTHY

SEC. 402. ADDITION OF MEDICAID AND CHIP TO ALLOTMENTS FOR STATES.

(a) MEDICAID.

(1) COVERages.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new subsection:

"(i) The State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

(2) the State meets the conditions described in section 1905(u)(4)(B).

(b) DEFINITIONS.—For purposes of this title:

(1) PREGNANCY-RELATED ASSISTANCE.—The term "pregnancy-related assistance" has the meaning given the term "child health assistance" in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women in accordance with this section, but only if—

(i) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

(2) the State meets the conditions described in section 1905(u)(4)(B).

(C) SATISFYING REQUIREMENTS.—The term "targeted low-income pregnant woman" means a woman—

(A) during pregnancy and through the end of the period in which a reference to such pregnant woman begins on the last day of her pregnancy;

(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 of the Social Security Act, for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of any reference to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under section (a), the following special rules apply:

(i) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

(3) Any such reference to child is deemed a reference to a woman pregnant during the period described in subsection (b)(2)(A).

(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State Medicaid plan under title XIX is deemed a reference to pregnant women.

(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and waiting period (including any waiting period related to carry out subsection (b)(2)(B)).

(6) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage through this section, the provision that total annual aggregate cost sharing shall be applied to such pregnant woman.
``(7) The reference in section 2107(e)(1)(F) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women)."

``(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for medical assistance under the State child health plan and to have been found eligible for such assistance under such plan or for applied for medical assistance under such plan or to have been found eligible for such assistance under title XIX and to have been found eligible for such assistance under title XXI (relating to child health assistance under the State plan) and the woman remains (or would remain if the State issues a separate identification number for the child before such period expires)."

``(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PROVISION TO APPLY TO PREGNANCY-RELATED BENEFITS.—Section 2103(c)(1)(B), (C), and (F) (42 U.S.C. 1396a(c)(1)(B), (C), and (F)) is amended—

(1) in the heading, by inserting "PREGNANCY-RELATED SERVICES"; and

(2) by inserting before the period at the end the following: "or for pregnancy-related services";

(B) NO WAITING PERIOD.—Section 2103(c)(1)(B) (42 U.S.C. 1396a(c)(1)(B)) is amended—

(1) in clause (i), by striking "and" and insertion: "at the end and inserting a semicolon; and"

(2) in clause (ii), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new clause: "(iii) may not apply a waiting period (including a waiting period to carry out paragraphs (2) and (4)) in the case of a targeted low-income pregnant woman.";

(c) OTHER AMENDMENTS TO MEDICAID.—

(1) A NEWBORN.—Section 1902(a)(4) (42 U.S.C. 1396a(a)(4)) is amended in the first sentence by striking "as long as the child is a member of the woman's household and the woman is participating (or would remain (if pregnant) eligible for such assistance)."

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396b–1(b)) is amended by adding after paragraph (2) the following new flush sentence: "The term 'qualified provider' includes a qualified entity as defined in section 1920a(b)(3)."

SEC. 402. COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 2102(b)(3) (42 U.S.C. 1397bb(b)(3)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.;"

(b) CONFORMING MEDICAID AMENDMENT.—

Section 1920a(a)(1) (42 U.S.C. 1396a(a)(1)) is amended—

(1) by striking "and" before "(C)"; and

(2) by inserting after the semicolon at the end the following: "and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.

SEC. 403. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND MEDICAID PROGRAMS AVAILABLE TO ALIENS.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396v(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)A State may elect in a plan amendment under this title to provide medical assistance to lawfully residing aliens, who are lawfully residing in the United States and who are described in section 1931(c) of such Act and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the first day of pregnancy);

(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1926(a)(2)."

(b) EPSDT SERVICES.—Section 1926(c)(2) (42 U.S.C. 1396r–1(b)(2)) is amended by inserting before the period at the end the following: "or for pregnancy-related services";

(c) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1920a(a)(4)(B) (42 U.S.C. 1396r–1(b)(4)) is amended—

(1) by redesigning paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following new paragraph (5):

"(5) OTHER REQUIRED SERVICES.—The child health assistance provided to a targeted low-income child shall include coverage of the four categories of health services described in paragraph (2).

"(A) DENTAL SERVICES.—Dental services described in section 1903(f)(3) and provided in accordance with section 1925(a)(4).

"(B) MENTAL HEALTH SERVICES.—Mental health services.

(b) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2103(c)(2) (42 U.S.C. 1396c(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services"

(c) CONFORMING AMENDMENTS.—Section 2103(c)(2) (42 U.S.C. 1396c(c)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by inserting at the end the following new subparagraphs:

"(A) State option to provide additional benefits.—A State, at its option, may provide such additional benefits to benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2) as the State may specify;

and

(3) by adding at the end the following new subparagraph:

"(E) REQUIRING COVERAGE OF EPSDT SERVICES.—Nothing in this section shall be construed as affecting a child's entitlement to benchmark services described in subsection (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1905(a)(3) whether or not provided through benchmark coverage, benchmark equivalent coverage, or otherwise.

and

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 604(a) of the Deficit Reduction Act of 2005.

SEC. 404. IMPROVING BENCHMARK COVERAGE.

(a) LIMITATION ON USE OF SECRETARY-APPROVED COVERAGE.—Section 2103(a)(4) (42 U.S.C. 1396r–1(a)(4)) is amended by striking the period at the end and inserting "only if such determination was made before March 1, 2007."

(b) STATE EMPLOYEE COVERAGE BENCHMARK.—Section 2103(b)(2) (42 U.S.C. 1396t(b)(2)) is amended—

(1) by striking "A health benefits coverage plan;" and inserting "The health benefits coverage plan;" and

(2) by inserting "and that has the largest enrollment among such employees with dependent coverage in either of the 2 previous plan years" before the period.

SEC. 405. REQUIRING COVERAGE OF DENTAL AND MENTAL HEALTH SERVICES.

(a) REQUIREMENT.—Section 1903 (42 U.S.C. 1396c(c)(1)) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(2) in subsection (c)—

(A) by redesigning paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4), the following new paragraph (5):

"(5) OTHER REQUIRED SERVICES.—The child health assistance provided to a targeted low-income child shall include coverage of the four categories of health services described in paragraph (2).

"(A) DENTAL SERVICES.—Dental services described in section 1903(f)(3) and provided in accordance with section 1925(a)(4).

"(B) MENTAL HEALTH SERVICES.—Mental health services.

(b) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2103(c)(2) (42 U.S.C. 1396c(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services"

(c) CONFORMING AMENDMENTS.—Section 2103(c)(2) (42 U.S.C. 1396c(c)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by inserting at the end the following new subparagraphs:

"(A) State option to provide additional benefits.—A State, at its option, may provide such additional benefits to benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2) as the State may specify;

and

(3) by adding at the end the following new subparagraph:

"(E) REQUIRING COVERAGE OF EPSDT SERVICES.—Nothing in this section shall be construed as affecting a child's entitlement to benchmark services described in subsection (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1905(a)(3) whether or not provided through benchmark coverage, benchmark equivalent coverage, or otherwise.

and

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 604(a) of the Deficit Reduction Act of 2005.

SEC. 407. CHILDHOOD OBESITY DEMONSTRATION PROJECT.

(a) AUTHORITY TO CONDUCT DEMONSTRATION PROJECT.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

(1) identify, through self-assessment, behavioral risk factors for obesity among children;

(2) identify, through self-assessment, needed preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;
provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and
(B) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;
(C) training health professionals on how to identify at-risk children and intervene with overweight and obesity risk factors;
(D) providing community education by a health care professional to establish appropriate levels of physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight and obesity;
(E) providing through qualified health professionals, training and supervision for community health workers to—
(B) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;
(C) develop and guide parents regarding the ability to model and communicate positive health behaviors.
(d) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to awarding grants to eligible entities—
(1) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent chronic disease and conditions that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;
(2) that will carry out programs or activities that seek to accomplish a goal or set of goals by the State in the Healthy People 2010 plan of the State;
(3) that provide non-Federal contributions, either in cash or in kind, to the costs of funding activities under the grants;
(4) that develop comprehensive plans that include a strategy for extending program activities developed and under grants in the years following the fiscal years for which they receive grants under this section;
(5) located in communities that are medically underserved, as determined by the Secretary;
(6) located in areas in which the average poverty rate is at least 150 percent or higher than the poverty rate in the State involved, as determined by the Secretary; and
(7) that submit plans that exhibit multi-sectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—
(A) community-based organizations;
(B) local governments;
(C) local educational agencies;
(D) the private sector;
(E) State or local departments of health;
(F) accredited colleges, universities, and community colleges;
(G) health care providers;
(H) State and local departments of transportation and city planning; and
(i) other entities determined appropriate by the Secretary.
(e) Program Design.—
(1) Initial Design.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish the demonstration project. The demonstration should draw upon promising, innovative models and interventions that reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Office of Minority Health, the heads of other Federal agencies, and the heads of State agencies to determine appropriate models and interventions to reduce the incidence of childhood obesity.
(f) Authorization of Appropriations.—Not later than 2 years after the date of enactment of this Act, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this section should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI of the Social Security Act in order to reduce the incidence of childhood obesity among such population.
(g) Definitions.—In this section:
(1) FEDERALLY-QUALIFIED HEALTH CENTER.—The term "Federally-qualified health center" means a combination of sections 1905(b)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B));
(2) INDIAN TRIBE.—The term "Indian tribe" means the meanings given to such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1863);
(3) SELF-ASSESSMENT.—The term "self-assessment" means a form that—
(A) includes questions regarding—
(i) behavioral risk factors;
(ii) needed preventive and screening services; and
(iii) target individuals' preferences for receiving follow-up information;
(B) is assessed using a computer-generated assessment program; and
(C) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate;
(4) ONGOING SUPPORT.—The term "ongoing support" means—
(A) to provide any target individual with information, feedback, coaching, and recommendations regarding—
(i) the results of a self-assessment given to the individual;
(ii) behavior modification based on the self-assessment; and
(iii) any need for clinical preventive and screening services or treatment including medical nutrition therapy; and
(B) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and
(C) to provide the information described in subparagraph (A) to a health care provider, if designated by the target individual to receive such information.
(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2012.
Sec. 4251.
SEC. 4251.
"(b) Duties.—
"(1) REVIEW OF ACCESS POLICIES AND ANNUAL REPORTS.—MACPAC shall—
"(A) review policies of the Medicaid programs established under this title (in this section referred to as "Medicaid") and the State Children's Health Insurance Program established under title XXI (in this section referred to as "CHIP") affecting children's access to covered items and services, including topics described in paragraph (2);
"(B) make recommendations to Congress concerning such policies;
"(C) by not later than March 1 of each year (beginning with 2009), submit a report to Congress containing the results of such reviews and MACPAC's recommendations concerning such policies; and
"(D) by not later than June 1 of each year (beginning with 2009), submit a report to Congress containing an examination of issues affecting Medicaid and CHIP, including the implications of changes in health care delivery in the United States and in the market for health care services on such programs.

"(2) SPECIFIC TOPICS TO BE REVIEWED.—Specifically, MACPAC shall review and assess the following:
"(A) MEDICAID AND CHIP PAYMENT POLICIES.—Payment policies under Medicaid and CHIP affecting—
"(i) the factors affecting expenditures for items and services in different sectors, including the process for updating hospital, skilled nursing facility, physicians, Federally-qualified health center, rural health center, and other fees;
"(ii) payment methodologies; and
"(iii) the relationship of such factors and methodologies to access and quality of care for Medicaid and CHIP beneficiaries.

"(B) MEDICAID AND CHIP PAYMENT POLICIES WITH HEALTH CARE DELIVERY GENERALLY.—The effect of Medicaid and CHIP payment policies on access to items and services for children and other Medicaid and CHIP populations other than under this title or title XXI and the implications of changes in health care delivery in the United States and in the general market for health care items and services on Medicaid and CHIP.

"(C) OTHER ACCESS POLICIES.—The effect of other Medicaid and CHIP policies on access to covered items and services, including policies relating to transportation and language barriers.

"(3) CREATION OF EARLY-WARNING SYSTEM.—MACPAC shall create an early-warning system to identify provider shortage areas or any other factors that threaten access to care or the health care status of Medicaid and CHIP beneficiaries.

"(4) COMMENTS ON CERTAIN SECRETARIAL REPORTS—The Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to access policies, including with respect to payment policies under Medicaid or CHIP, the Secretary shall transmit a copy of the report to MACPAC. MACPAC shall review the report and, not later than 6 months after the date of such report—
"(A) comment on the report to Congress, and submit such comments to the appropriate committee of Congress (or a committee of Congress); and
"(B) provide recommendations to Congress (or a committee of Congress) on any issues related to access to care or the health care status of Medicaid and CHIP beneficiaries.

"(5) AGENDA AND ADDITIONAL REVIEWS.—MACPAC shall consult periodically with the chairmen and minority members of the appropriate committees of Congress regarding MACPAC's agenda and progress towards achieving the agenda. MACPAC may conduct informal meetings, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the program under this title or title XXI as may be requested by such chairmen and members and MACPAC deems appropriate.

"(6) AVAILABLE INFORMATION.—MACPAC shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

"(7) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term ‘appropriate committees of Congress’ means the Committees of the House of Representatives and the Senate to which are referred any bills or resolutions affecting Medicaid or CHIP payment policies on access to items and services in different sectors, in- integral to quality of care for Medicaid or CHIP beneficiaries, and with respect to matters falling within the jurisdiction of the Committees of the House of Representatives and the Senate to which are referred any bills or resolutions affecting the program. MACPAC shall include, by member, the results of that vote in the report containing the recommendations.

"(8) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, MACPAC shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(9) MEMBERSHIP.—
"(1) NUMBERS AND APPOINTMENT.—MACPAC shall be composed of 17 members appointed by the Comptroller General of the United States.

"(2) QUALIFICATIONS.—
"(A) MEDICAID AND CHIP PROVIDERS.—Individuals who have had direct experience as enrollees in Medicaid or CHIP and individuals with national recognition for their expertise in Federal safety net health programs, health finance and economics, actuaries, health management, health plans and integrated delivery systems, reimbursement of health facilities, health information technology, pediatric physicians, dentists, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

"(B) INCLUSION.—The membership of MACPAC shall include individuals who have direct experience as enrollees in Medicaid or CHIP and individuals with expertise in the delivery of health care, including, but not limited to, physicians and other health professionals, employers, third-party payers, and individuals with expertise in the delivery of health care. MACPAC shall also include consumers representing children, pregnant women, the elderly, and individuals with disabilities, current or former representatives of State agencies responsible for administering Medicaid, and current or former representatives of State agencies responsible for administering CHIP.

"(C) IMPARTIALITY.—Individuals who are directly involved in the provision, management of the delivery, of items and services covered under Medicaid or CHIP shall not constitute a majority of the membership of MACPAC.

"(D) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of MACPAC of financial and other potential conflicts of interest relating to such members. Members of MACPAC shall be treated as employees of the agency for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95-521).

"(3) TERMS.—
"(A) IN GENERAL.—The terms of members of MACPAC shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

"(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that term until a successor has been appointed and has taken office. A vacancy in MACPAC shall be filled in the manner in which the original appointment was made.

"(4) COMPENSATION.—While serving on the business of MACPAC (including travel time), a member of MACPAC shall be entitled to compensation at the per diem equivalent of the rate provided for an individual participating in an Executive Schedule under section 5305 of title 5, United States Code; and while so serving, shall receive travel, subsistence, and other travel expenses, subject to the laws administered by the Comptroller General of the United States, in the same manner as Government physicians may be provided such an allowance by an agency under section 5948 of title 5, United States Code, and for such purpose subsection (1) of such section shall apply to MACPAC in the same manner as it applies to the Tennessee Valley Authority. For purposes of pay (other than pay of members of MACPAC) and employment benefits, rights, and privileges, all personnel of MACPAC shall be treated as if they were employees of the United States Senate.

"(5) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate a member of MACPAC, at the time of appointment of the member as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General of the United States may designate another member for the remainder of that member’s term.

"(6) MEETINGS.—MACPAC shall meet at the call of the Chairman.

"(7) DIRECTORS AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of MACPAC, MACPAC may—

"(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General of the United States) and such other personnel as may be necessary for the conduct of the work of MACPAC (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(2) seek such assistance and as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of MACPAC (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(4) make advance, progress, and other payments, which relate to the work of MACPAC;

"(5) provide transportation and subsistence for persons serving without compensation; and

"(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of MACPAC.

"(8) REIMBURSEMENT FOR TRAVEL.—If the Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to access policies, including with respect to payment policies under Medicaid or CHIP, the Secretary shall transmit a copy of the report to MACPAC. MACPAC shall review the report and, not later than 6 months after the date of such report—
"(A) comment on the report to Congress, and submit such comments to the appropriate committee of Congress (or a committee of Congress); and
"(B) provide recommendations to Congress (or a committee of Congress) on any issues related to access to care or the health care status of Medicaid and CHIP beneficiaries.

"(9) COMMITTEE CONCERNS.—Before making any recommendations, MACPAC shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(10) MEMBERSHIP.—MACPAC shall include, by member, the results of that vote in the report containing the recommendations.

"(11) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, MACPAC shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(12) MEMBERSHIP.—MACPAC shall include, by member, the results of that vote in the report containing the recommendations.

"(13) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term ‘appropriate committees of Congress’ means the Committees of the House of Representatives and the Senate to which are referred any bills or resolutions affecting Medicaid or CHIP payment policies on access to items and services in different sectors, in-
"(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with section 602.

(b) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate.

(c) adopt procedures allowing any interested party to submit information for MACPAC’s use in making reports and recommendations.

(3) ACCESS OF GAO TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations and nonproprietary data of MACPAC, immediately upon request.

(4) PERIODIC AUDIT.—MACPAC shall be subject to periodic audit by the Comptroller General of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) REQUEST FOR APPROPRIATIONS.—MACPAC shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for MACPAC shall be separate from amounts appropriated for the Comptroller General of the United States.

(2) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(b) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than January 1, 2008, the Comptroller General of the United States shall appoint the initial members of the Medicaid and CHIP Payment and Access Commission established under section 1900 of the Social Security Act (as added by subsection (a)).

(c) AUTHORIZATION.—Not later than January 1, 2008, and annually thereafter, the Secretary shall report to Congress on the results of the study conducted.

(1) STUDY.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences (in this section referred to as the “Institute”), to update the data and analyses of the June 1998 report of the Institute entitled, “America’s Children: Health Insurance and Access to Care in the First Years of Life,” the Institute shall—

(A) examine the extent of health insurance coverage for children in the United States; and

(B) analyze the extent to which there is evidence of the relationship between health insurance coverage and children’s access to health care.

(2) REQUIREMENT.—In carrying out the study required under paragraph (1), the Institute shall focus on a broad range of providers that offer health care services to children, including the quality of care and the adequacy of provider payments relative to costs and access to preventive, acute and chronic care, and other quality measures.

(3) SUPPORT.—The Secretary shall provide to the relevant data available to the Secretary during the period in which the study required under paragraph (1) is conducted.

(b) REPORT.—Not later than 18 months after enactment of this Act, the Secretary and the Institute shall submit a report to Congress on the results of the study conducted under subsection (a).

(c) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2008 such sums as may be necessary for the purpose of carrying out this section, not to exceed $1,000,000. Funds appropriated under this subsection shall remain available until expended.

SEC. 502. INSTITUTE OF MEDICINE STUDY AND REPORT ON CHILDREN’S ACCESS TO HEALTH CARE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences to study access to health care for children and to establish a program to enhance the HEDIS measures updated and published, where possible, consultative measures and perform comparative analyses.

(B) ENCOURAGE VOLUNTARY REPORTING.—In consultation with States, develop procedures to encourage States to voluntarily report the same set of measures with respect to the quality of health care for children under Medicaid and CHIP.

(C) ADOPTION OF BEST PRACTICES.—Develop programs to identify best practices with respect to the quality of health care for children and to facilitate the adoption of such best practices, including in areas such as provider reporting compliance, successful quality improvement strategies, and improved efficiency in data collection using health information technology.

(D) TECHNICAL ASSISTANCE.—Provide technical assistance to States to help them comply with the measures updated in accordance with subparagraph (A) and adopt the best practices identified in accordance with subparagraph (C).

(b) DISSEMINATION OF HEALTH QUALITY INFORMATION.—

(1) STATE-SPECIFIC REPORT ON CHILD HEALTH QUALITY MEASURES.—Not later than January 1, 2008, and annually thereafter, the Secretary shall collect, analyze, and make publicly available State-specific data on child health quality measures, including State-specific data collected on external quality review activities related to managed care organizations under Medicaid and CHIP.

(2) AGENCY REPORT.—Not later than January 1, 2008, and every 3 years thereafter, the Secretary shall report to Congress on—

(A) the status of the Secretary’s efforts to improve—

(i) children’s health care, including children’s needs with respect to preventive, acute, and chronic health care; and

(ii) all domains of quality, including safety, family experience of care, and elimination of disparities; and

(B) the quality of care furnished to medically and developmentally delayed children, including children with mental, or developmental condition recognized as having an effect on growth and development in children and adolescents.

(c) DEVELOPMENT, ENDORSEMENT, AND UPDATING OF CHILD-SPECIFIC HEALTH QUALITY MEASURES.

(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to support the development of quality measures for children’s health care services.

(2) AUTHORITY TO AWARD GRANTS AND CONTRACTS.—As part of such program, the Secretary shall establish grants and contracts for the—

(A) development of new child health quality measures to supplement or replace, as appropriate, the HEDIS measures updated and enhanced in accordance with subsection (a)(1)(A); and

(B) advancement (through validation and consensus among the entities described in paragraph (3) of such new measures and of child health quality measures used as of the date of enactment of this Act; and

(C) updating of such measures as necessary.

(3) CONSULTATION REQUIRED.—In carrying out the program required under this subsection, the Secretary shall consult with the following:

(A) ESTABLISHMENT OF AREAS OF NEED AND PRIORITIES.—For purposes of identifying gaps in child health quality measures used as of the date of enactment of this Act and establishing priorities for development:

(i) States.

(ii) Medicaid and CHIP pediatric organizations.

(iii) Consumers.

(iv) Other entities with expertise in pediatric quality measures, such as quality improvement organizations.

(B) ESTABLISHMENT OF PORTFOLIO OF MEASURES.—For purposes of developing a portfolio of child health quality measures for use by States, other purchasers, and providers, an organization involved in the advancement of consensus on evidence-based measures of health care, such as the National Quality Forum.

(C) ESTABLISHMENT OF MEDICAID AND CHIP CORE PEDIATRIC QUALITY MEASURES.—For purposes of identifying a core pediatric data set that includes specific quality measures for Medicaid and CHIP, States, health care providers, consumers, purchasers, child health experts, and public and private organizations with experience in developing measures to enhance the HEDIS measures and other quality measures for Medicaid and CHIP, including with respect to at least the following:

(i) State-specific quality measures for Medicaid and CHIP (including State-specific data on enrollment and retention of eligible children; coordination of Medicaid and CHIP children’s coverage; measures of children’s access to preventive, acute and chronic care, including the availability of providers and adequacy of provider payments relative to private coverage).

(ii) Quality measures and data for health plans and providers at the State, plan, and provider levels of care.

(iii) QUALITY MEASURES.—In identifying quality measures for Medicaid and CHIP, the Secretary shall—

(A) identify measures specific to managed care plans and providers of primary care case management services; and

(B) build on the core set of quality measures reported by States as of the date of enactment of this Act, including HEDIS measures and evidence-based measures (to the extent such measures are available).

(3) C O N S U L T AT I O N R E Q U I R E D .—In carrying out the program required under this subsection, the Secretary shall—

(A) ensure that the measures identified and selected from measures that have been approved through an independent process that includes a broad consensus determined by a voluntary, standard setting organization, with broad participation by providers, patient advocates, health plans, and purchasers;

(B) assure that the measures place an emphasis on physical and mental conditions for which amelioration is necessary to promote growth and development;

(C) assure that the measures are evidence-based and risk adjusted;

(D) assure that the measures are designed to identify and eliminate racial and ethnic disparities in the provision of care;

(E) ensure that the measures are relevant for such measures is collected and reported in a standard format that permits comparison of measurement and comparability; and

(F) develop a strategy to support the implementation of such measures in the Medicaid and CHIP programs.
TITLE VII—OTHER IMPROVEMENTS

SEC. 701. STRENGTHENING PREMIUM ASSISTANCE PROGRAMS.

(a) IMPROVING THE COST-EFFECTIVENESS STANDARD.—Section 1397ee(c)(3) (42 U.S.C. 1397ee(c)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting appropriately;

(2) by striking "Payment may be made" and inserting the following:

"(A) IN GENERAL.—Subject to the succeeding proviso in this paragraph, payment may be made'; and

(3) by adding at the end the following new subparagraph:

"(B) IMPROVEMENTS IN COST-EFFECTIVENESS MEASURE.—

"(i) APPLICATION OF FAMILY-BASED TEST.— Coverage described in subparagraph (A) shall be deemed cost-effective if the State establishes to the satisfaction of the Secretary that the cost of such coverage is less than the expenditures that the State would have made to enroll the family in the State child health plan.

"(ii) AGGREGATE PROGRAM OPERATIONAL COSTS DO NOT EXCEED THE COST OF PROVIDING COVERAGE TO THE FAMILY UNDER THE STATE CHILD HEALTH PLAN.—In the case of a State that does not establish cost-effectiveness under clause (i), payment may not be made under subsection (a)(1) for the cost of care described in subparagraph (A) for a family unless the State establishes to the satisfaction of the Secretary that the aggregate amount of expenditures by the State for the purchase of all such coverage (including administrative expenditures) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the State child health plan for all such families.

(b) DISCLOSURE OF GROUP HEALTH PLAN BENEFITS.—Section 2105(c)(3) (42 U.S.C. 1397ee(c)(3)), as amended by subsections (a) and (b), is amended by adding at the end the following new subparagraph:

"(D) DISCLOSURE OF GROUP HEALTH PLAN BENEFITS.—Notwithstanding any other provision of law, the plan administrator of a group health plan in which participants or beneficiaries are covered under a State plan that covers all plan members, including those not eligible for assistance under title XIX or this title, shall disclose to the participant or beneficiary on request a list of all benefits made available by the plan administrator for the year involved that exceed 5 percent of such family's income for the year involved.

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall submit a report to Congress on the results of such study.

SEC. 702. PERMITTING COVERAGE OF CHILDREN OF EMPLOYEES OF A PUBLIC AGENCY IN THE STATE.

Section 2110(b) (42 U.S.C. 1397j(i)(b)) is amended—

(1) in paragraph (2)(B), by inserting “except as provided in paragraph (5),” before “a child”;

(2) by adding at the end the following new paragraph:

“(5) EXCEPTIONS TO EXCLUSION OF CHILDREN OF EMPLOYEES OF A PUBLIC AGENCY IN THE STATE.—

“(A) IN GENERAL.—A child shall not be considered to be described in paragraph (2)(B) if—

“(i) the public agency that employs a member of the child's family to which such paragraph applies satisfies subparagraph (B); or

“(ii) subparagraph (C) applies to such child.

“(B) MAINTENANCE OF EFFORT WITH RESPECT TO PER PERSON AGENCY CONTRIBUTION FOR FAMILY COVERAGE.—For purposes of subparagraph (A)(i), a public agency satisfies this subparagraph if the amount of annual agency expenditures made on behalf of each employee enrolled in health coverage paid for by the agency that includes dependent coverage for the most recent State fiscal year is not less than the amount of such expenditures made by the agency for the fiscal year beginning with fiscal year 2008, increased by the percentage increase in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (all items: Urban Consumers (all items: U.S. City Average) for such preceding fiscal year.

“(C) HARDSHIP EXCEPTION.—For purposes of subparagraph (A)(ii), this subparagraph applies to a child if the State determines, on a case-by-case basis, that the annual aggregate amount of premiums and cost-sharing imposed for coverage of the family of the child would exceed 5 percent of such family's income for the year involved.”.

SEC. 703. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2115(b) (42 U.S.C. 1397t(b)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$32,000,000 for fiscal year 2008.

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397l(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), the following new paragraph:

"(3) ADDITIONAL REQUISITES.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, funds appropriated under this title may be used only in appropriate consultation with the Secretary of Health and Human Services, the

SEC. 602. APPLICATION OF CERTAIN MANAGED CARE QUALITY SIEGARDS TO CHIP.

Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by sections 301(b), 302(b)(2), and 402(b), is amended by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following new subparagraph:

"(G) Definitions.—Subsections (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care)."."
Secretary of Commerce shall do the following:

(A) Make appropriate adjustments to the Current Population Survey to develop more accurate estimates of the number of children enrolled in health coverage under title XIX or this title.

(B) Make appropriate adjustments to the Current Population Survey to develop more accurate estimates of the number of children enrolled in health coverage under title XIX or this title.

(c) REGULATIONS.—Not later than 6 months after the date on which the report required under subsection (b)(3) has been submitted to the Secretary, the Secretary, after taking into consideration the recommendations contained in the report, shall promulgate such regulations revising the PERM requirements as the Secretary determines are appropriate.

(d) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for the fiscal year 2008 such sums as may be necessary for the purpose of carrying out this section, not to exceed $1,000,000. Funds appropriated under this subsection shall remain available until expended.

SEC. 705. ELIMINATION OF CONFUSING PROVISIONS.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–462) is repealed.

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise provided, amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to the month, calendar quarter beginning after the close of the first regular session of the State legislature.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a regularly convened legislative session, each year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. OBAMA):


Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1228

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 "Campus Law Enforcement Emergency Response Act of 2007".

SECTION 2. LAW ENFORCEMENT EMERGENCIES.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(c) is amended—

(1) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively;

(2) by inserting after paragraph (8) the following:—

90A. Each institution of higher education participating in any program under this title shall develop and distribute as part of the training described in paragraph (1) a statement of policy regarding the institution's law enforcement emergency response program and—

(i) a statement of policy regarding the occurrence of law enforcement emergencies on the campus of the institution.

(3) in this paragraph:

(i) the term 'campus' has the meaning given in paragraph (6)(A)(i), except that the term includes—

(A) on-campus building or property, as defined in paragraph (6)(A)(i), of an institution of higher education;

and

(ii) any public property, as defined in paragraph (6)(A)(ii), of an institution of higher education.

The term 'law enforcement emergency' means a shooting, the presence of an armed and dangerous person, a bomb threat, the presence of an unauthorized hazardous or toxic material that poses a threat to health and safety, a lock-down, a reverse evacuation, or any other comparable type of incident, on the campus of an institution of higher education, that involves the participation of one or more law enforcement agencies.

(C) The policy described in subparagraph (A) shall address the following:

(i) Procedures students, employees, and others on the campus of the institution will be directed to follow if a law enforcement emergency occurs.

(ii) Procedures the institution and law enforcement agencies will follow to inform students, employees, and others on the campus of the institution about a law enforcement emergency on the campus and will follow to direct the actions of the students, employees, and others. Such procedures may include e-mail alerts, telephone alerts, text-message alerts, radio announcements, television alerts, audible alert signals, and public address announcements.

The term 'law enforcement emergency' means a shooting, the presence of an armed and dangerous person, a bomb threat, the presence of an unauthorized hazardous or toxic material that poses a threat to health and safety, a lock-down, a reverse evacuation, or any other comparable type of incident, on the campus of an institution of higher education, that involves the participation of one or more law enforcement agencies.

(E) Each institution participating in any program under this title shall test the institution's law enforcement emergency response policy and procedures on at least an annual basis.

(F) The Secretary and the Attorney General shall jointly have the authority—

(i) to review, monitor, and ensure compliance with the policies and procedures described in this paragraph;

(ii) to advise institutions of higher education on the development of a model law enforcement emergency response policy, and practices; and

(iii) to disseminate information concerning those policies, procedures, and practices to all institutions of higher education.

(G) CAMPUS LAW ENFORCEMENT EMERGENCY RESPONSE GRANTS.—

(i) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education or consortia of such institutions, or enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, test, evaluate, and disseminate campus law enforcement emergency response policies, programs, or projects.
“(ii) AWARDS.—Grants and contracts under this subparagraph shall be awarded—

“(I) on a competitive basis; and

“(II) for a period not to exceed 1 year.

“(iii) An institution of higher education, a consortium, or an organization that desires to receive a grant or enter into a contract under this subparagraph shall—

“(A) participate in the development of a model law enforcement emergency response program at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

“(B) if participating in a competitive grant program, enter into a contract under this subparagraph for sums as may be necessary therefor.

“(iv) PARTICIPATION.—In awarding grants and contracts under this subparagraph, the Secretary shall make every effort to ensure—

“(I) the equitable participation of institutions of higher education that are eligible to participate in programs under this title;

“(II) the equitable geographic participation of such institutions; and

“(III) the equitable participation of such institutions with large and small enrollments.

“(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $5,000,000 for fiscal year 2008 and such sums as may be necessary therefor by regulation.

“By Mr. Dodd:

“S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs; to the Committee on Finance.

“Mr. Dodd. Mr. President, I rise to introduce the College Saver's Credit Act, a bill designed to open the dream of higher education to many more Americans.

“Few choices in life have the economic consequences of the decision to enroll college. Compare college-educated workers to their high-school-educated peers: those with a college diploma will earn $1 million more over...
In his budget this year, President Bush proposed expanding the Saver’s Credit for retirement savings to section 529 college savings plans. Establishing the refundable College Saver’s Credit would accomplish this goal in a way that provides the greatest value to those Americans who need it most.

And in doing that, this bill accomplishes two worthy, and linked, goals: It encourages Americans to plan and prepare for the future; and it truly widens the doors to college.

In our country, there are literally hundreds of thousands of students who have the talent and the desire to attend college, but who will lose their chance at higher education, and as a consequence, will face almost twice the odds of unemployment.

And unless we take action, the number of excluded Americans is only likely to increase. In our country, the cost of attending a 4-year public college has increased by more than $2,800, or 96 percent, and the cost of attending a four-year private college has increased by more than $9,000, or 71 percent. These costs continue to rise today.

We must take steps to break down these barriers to access, starting by making it easier for families to save for higher education. The refundable College Saver’s Credit created by this act would do just that—even as it boosts personal and national savings, at a time when these rates are setting new lows. It would provide a powerful complement to other forms of financial aid available to students, which, I might add, we should also continue to work to strengthen.

The College Saver’s Credit would be available to low- and moderate-income taxpayers. In Section 529 college savings plans: specifically, to joint filers making up to $60,000, heads of households making up to $45,000, and all other taxpayers making up to $30,000. It applies for inflation. In other words, the credit is designed to provide the greatest benefit to those who have the greatest difficulty affording college. Taxpayers could claim a 50 percent credit for Section 529 plan contributions, up to a maximum credit of $2,000. The College Saver’s Credit would be fully refundable—meaning that even taxpayers who do not make enough money to have a high tax liability would be eligible to claim the credit’s full value—provided that the refunded amount is put towards qualified higher educational expenses. Any refund would be deposited directly and automatically into the taxpayer’s or taxpayer’s beneficiary’s designated 529 college savings plan, taking advantage of the IRS’s new “split refund” option. Funds attributable to refunds from the College Saver’s Credit could accumulate earnings tax-free (like the rest of the money in a 529 plan), but may only be distributed to pay college costs—otherwise, they must be returned to the Treasury.
Mr. REED. Mr. President, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals (PRREP) Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood education providers, principals, and administrators.

Improving teacher quality is the single most effective measure we can take to increase student achievement. As Congress turns to the reauthorization of the Higher Education Act, we must ensure that educators receive the training and support necessary to thrive in our nation’s early childhood programs, elementary schools, and secondary schools. We have an opportunity to support the development of educators so they not only have the credentials to be considered a “highly qualified teacher” under the No Child Left Behind Act, but also the skills and training to be truly effective in the classroom. By strengthening the teacher preparation grants in Title II of the Higher Education Act, my legislation will accomplish both of these important goals.

Teacher attrition undermines teacher quality and creates teacher shortages. According to the National Commission on Teaching and America’s Future, one-third of beginning teachers leave the profession within three years, and nearly one-half leave within five years. In high poverty schools turnover rates are even worse—approximately one-third higher than the rate for all teachers. The PRREP Act would create a year-long clinical learning experience for prospective teachers, and establish a comprehensive induction program, including high quality mentoring, for new teachers in at least their first two years of teaching. Research consistently shows that induction programs reduce the number of teachers who leave their schools or the profession. Comprehensive induction programs can cut that number by 20% or more.

Additionally, my legislation strengthens teacher preparation programs so that teachers will reach their maximum potential to positively affect student achievement. A focus on scientific knowledge of effective teaching skills and methods of student learning will equip teachers to understand and respond to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or special learning needs. The legislation also seeks to ensure that teachers have the ability to integrate technology into the classroom, use assessments to improve instructional practices and curriculum, and communicate with and involve parents in their children’s education.

Mr. REED. Mr. President, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals (PRREP) Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood education providers, principals, and administrators.
paragraph, elementary school, or secondary school located in an area in which—
(1) 15 percent or more of the students served by the agency are from families with incomes below the poverty line; or
(2) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or
(iii) the teaching staff for preparing—
(A) who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and
(B) early childhood education providers who are highly competent; and
(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;
(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;
(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and
(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate with, equip with, and involve parents in ways that improve student achievement.

(b) Definitions.—In this part:
(1) Arts and sciences.—The term ‘arts and sciences’ means—
(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and
(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

(2) Early childhood education program.—The term ‘early childhood education program’ means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 618(d) of that Act.

(3) Exemplary teacher.—The term ‘exemplary teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(4) Faculty.—
(A) In general.—The term ‘faculty’ means individuals in institutions of higher education who are responsible for preparing teachers.

(B) Inclusions.—The term ‘faculty’ includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

(5) High-need local educational agency.—The term ‘high-need local educational agency’ means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

(a) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

(b) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

(c) the teaching staff for preparing—

(A) who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

(B) early childhood education providers who are highly competent; and

(c) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

(d) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

(e) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

(f) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate with, equip with, and involve parents in ways that improve student achievement.

(b) Definitions.—In this part:

(1) Arts and sciences.—The term ‘arts and sciences’ means—

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

(2) Early childhood education program.—The term ‘early childhood education program’ means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 618(d) of that Act.

(3) Exemplary teacher.—The term ‘exemplary teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(4) Faculty.—

(A) In general.—The term ‘faculty’ means individuals in institutions of higher education who are responsible for preparing teachers.

(B) Inclusions.—The term ‘faculty’ includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

(C) Special education teacher.—When used in reference to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

(D) Highly qualified.—The term ‘highly qualified’ means—

(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

(B) with—

(i) a baccalaureate degree in an academic major in the arts and sciences; or

(ii) an associate’s degree in a related educational area;

(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant field and is associated with quality early childhood education.

(B) Highly qualified.—

(A) Arts and sciences.—The term ‘arts and sciences’ means—

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

(2) Early childhood education program.—The term ‘early childhood education program’ means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 618(d) of that Act.

(3) Exemplary teacher.—The term ‘exemplary teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(B) Early Head Start program.—When used with respect to a special education teacher, the term ‘highly qualified’ has the meaning given the term in section 616(b)(2) of the Individuals with Disabilities Education Act.

(9) Induction.—The term ‘induction’ means a formalized program designed to provide support for, improve the professional performance of, and promote the retention in the teaching field of, beginning teachers, and that—

(A) shall include—

(i) mentoring;

(ii) structured collaboration time with teachers in the same department or field;

(iii) structured meeting time with administrators;

(iv) professional development activities; and

(B) may include—

(i) reducing teaching loads;

(ii) support of a teacher aide;

(iii) orientation seminars; and

(iv) regular evaluation of the teacher inductee, the mentors, and the overall formalized program.

(10) Mentoring.—The term ‘mentoring’ means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with a faculty, provides active support for prospective teachers and new teachers, such as—

(A) knowledge of the scientific research on, and assessment of, teaching and learning;

(B) development of teaching skills and skills in evidence-based educational interventions;

(C) development of classroom management skills;

(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

(E) ongoing supervision and communication regarding the prospective teacher’s development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

(11) Parent.—The term ‘parent’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(12) Parental involvement.—The term ‘parental involvement’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(13) Poverty line.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(14) Professional development.—

(A) General.—Except as provided in paragraph (B), the term ‘professional development’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(B) Early childhood education provider.—The term ‘professional development’ used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and academic growth and development) and pedagogy of children from birth until entry into kindergarten.

(15) Teaching skills.—The term ‘teaching skills’ means—

(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

(B) that require an understanding of the teaching process itself, including an understanding of—

(i) the use of teaching strategies specific to the subject matter;

(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

(iv) effective classroom management; and

(v) effective ways to communicate with, work with, and involve parents in their children’s education.

SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:
SEC. 202. STATE GRANTS.

"(a) In General.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

"(b) Eligible State.—

"(1) Definition.—In this part, the term ‘eligible State’ means—

"(A) a State educational agency; or

"(B) any entity or agency in the State responsible for teacher certification and preparation activities.

"(2) Consultation.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and the eligible State agency that provides professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

"(3) Construction.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"(c) Application.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

"(i) meets the requirements of this section and other relevant requirements for States under this title; and

"(ii) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs.

"(d) Use of Funds.—An eligible State that enters into a grant agreement under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified for teaching, exhibit strong teaching skills, and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

"(I) Reform.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who have strong teaching skills and are highly qualified.

"(II) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the effectiveness and impact of teacher preparation programs, including on student achievement.

"(III) Assurances from institutions that such institutions have a program in place that provides clinical experience for prospective teachers.

"(IV) Collecting and using data, in collaboration with institutions of higher education, State educational agencies, and school districts, to assess teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State’s teacher certification program.

"(V) Developing methods and building capacity for teacher preparation programs to assess the retention rates of the programs’ graduates and to use such information for continuous program improvement.

"(VI) Certification or licensure requirements.—Ensuring the State’s teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

"(VII) Alternative Routes to State Certification.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

"(A) programs at schools or departments of arts and sciences or schools or departments of education within institutions of higher education, at nonprofit educational organizations, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

"(B) a selective means for admitting individuals into such programs;

"(C) providing support, including induction, during the initial teaching experience;

"(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

"(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers—

"(i) have an understanding of evidence-based effective teaching practices;

"(ii) have knowledge of student learning methods; and

"(iii) possess strong teaching skills, including effective ways to communicate with, work with, and involve parents in their children’s education.

"(VIII) State Certification reciprocity.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

"(IX) Recruitment and Retention.—Developing and implementing effective mechanisms to recruit and retain highly qualified teachers, highly qualified principals, and highly qualified staff, including for public schools, urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

"(1) a partner institution;

"(ii) a school or department of arts and sciences within the partner institution under clause (i);

"(iii) a school or department of education within the partner institution under clause (i);

"(iv) a department of psychology within the partner institution under clause (i);

"(v) a high-need local educational agency; and

"(vi) a high-need school served by the high-need local educational agency under clause (v).

SEC. 203. PARTNERSHIP GRANTS.

"(a) Grants.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

"(b) Definition.—

"(1) Eligible Partnership.—In this part, the term ‘eligible partnership’ means an entity that—

"(A) shall include—

"(i) a partner institution;

"(ii) a school or department of arts and sciences within the partner institution under clause (i);

"(iii) a school or department of education within the partner institution under clause (i);

"(iv) a department of psychology within the partner institution under clause (i);

"(v) a high-need local educational agency; and

"(vi) a high-need school served by the high-need local educational agency under clause (v); or

"(B) may include a Governor, State educational agency, the State agency for higher education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including community colleges and other public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

"(2) Partner Institution.—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 210(a) and that the teacher preparation program of which demonstrates that—

"(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

"(B) the teacher preparation program requires all the students of the program to participate in an intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and are highly qualified.

"(i) the case of prospective elementary school and secondary school teachers, to become highly qualified; and

"(ii) the case of prospective early childhood education providers, to become highly competent.
“(c) APPLICATION.—Each eligible partnership desiring 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—

“(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, or principals, or both and the extent to which the program prepares new teachers with strong teaching skills, including—

"(i) knowledge of the scientific research that promotes the following:

"(A) Knowledge of the scientific research on teaching and learning;

"(B) use of scientific knowledge about the effective use and integration of technology into teaching and learning;

"(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction that promotes the following:

"(i) clinical learning opportunities;

"(ii) have knowledge of student learning methods; and

"(iii) possess teaching skills that enable them to meet the learning needs of all students;

"(D) assurances that all teachers have sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction that promotes the following:

"(i) clinical learning opportunities;

"(ii) have knowledge of student learning methods; and

"(iii) possess teaching skills that enable them to meet the learning needs of all students;

"(E) working with and involving parents in the children’s education to improve the academic achievement of their children and in the teacher preparation program reform process.

“(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education activities used by faculty and early childhood education providers, or principals, or both, shall include—

"(A) Knowledge of the scientific research on teaching and learning;

"(B) use of scientific knowledge about the effective use and integration of technology into teaching and learning;

"(C) assurances that all teachers have sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction that promotes the following:

"(i) clinical learning opportunities;

"(ii) have knowledge of student learning methods; and

"(iii) possess teaching skills that enable them to meet the learning needs of all students;

"(D) assurances that all teachers have sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction that promotes the following:

"(i) clinical learning opportunities;

"(ii) have knowledge of student learning methods; and

"(iii) possess teaching skills that enable them to meet the learning needs of all students;

"(E) working with and involving parents in the children’s education to improve the academic achievement of their children and in the teacher preparation program reform process.

“(3) contain a description of—

"(A) how the partnership will meet the purpose of this part, in accordance with the needs assessment required under paragraph (1);"
(C) provides mentoring, team teaching, reduced class sizes, and intensive professional development;

(D) encourages and supports training of school administrators and principals to effectively use and integrate technology—

(i) into curricula and instruction, including training to improve the ability to collect, analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability; and

(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

(E) offers teachers, principals, and administrators training on how to effectively communicate with, work with, and involve parents in their children’s education;

(F) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices—

(i) inform the research of faculty and other researchers; and

(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

(G) includes the rotation, for varying periods of time, for preservice and experienced teachers—

(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

(5) SUPPORT AND TRAINING FOR PARTICIPANTS.—Providing support and training for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors to new, and experienced teachers, based on such individuals’ experiences. Such support—

(A) also may be provided to the preservice, and experienced teachers, based on such individuals’ experiences. Such support—

(B) may include—

(i) release time for such individual’s participation;

(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

(iii) stipends.

(6) LEADERSHIP AND Managerial Skills.—

(A) In general.—Developing and implementing proven mechanisms to provide principals, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

(ii) protocol and assessment skills needed to support successful classroom teaching; and

(iii) an understanding of how students learn and develop in order to increase achievement and, if practicable, with—

(iv) the skills to effectively involve parents.

(B) Mechanisms.—The mechanisms developed pursuant to paragraph (A) may include any of the following:

(i) Mentoring of new principals.

(ii) Field-based experiences, supervised practica, or internship opportunities.

(iii) Other activities to expand the knowledge base and practical skills of principals, early childhood education program directors, and administrators (and mentor teachers, as practicable).

(iv) ALLOWABLE USES OF FUNDS.—An eligible applicant that receives a grant under this section may use such funds to carry out the following activities:

(1) Dissemination and Coordination.—

Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for families, to students in classrooms, management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

(2) Curriculum Preparation.—Supporting preparation time for the early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curriculum, experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

(3) Coordination.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers’ communication skills with students, parents, colleagues, and other education professionals.

(4) Coordination with Other Institutions of Higher Education.—Coordinating with one or more other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

(5) Teacher Recruitment.—Activities described in subsections (d) and (e) of section 204.

(6) Program Improvement.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess students in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates’ students.

(f) Special Rule.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

(g) Construction.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

SEC. 204. RECRUITMENT GRANTS.

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

SEC. 204. RECRUITMENT GRANTS.

(1) Programs Authorized.—From amounts made available under section 211(c) for a fiscal year, the Secretary is authorized to award grants to competitive and eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

(2) Eligible Applicant Defined.—

In this part, the term ‘eligible applicant’ means—

(a) an eligible State described in section 202(b) that has—

(i) a high teacher shortages or annual turnover rates; or

(ii) high teacher shortages or annual turnover rates of 20 percent or more in high-need local educational agencies; or

(b) an eligible partnership described in section 202(c) that—

(i) serves not less than 1 high-need local educational agency with high teacher shortages or annual turnover rates of 20 percent or more; and

(ii) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

(iii) demonstrates that great difficulty meeting the requirement that teachers be highly qualified.

(g) Application.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies.

(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in teacher preparation programs or professional development activities under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic area, served by the eligible applicant;

(3) a description of the activities the eligible applicant will carry out with the grant; and

(4) a description of the eligible applicant’s plan for continuing the activities carried out with the grant once Federal funding ceases.

(2) Required Uses of Funds.—An eligible applicant receiving a grant under this section shall use the grant funds—

(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

(C) for fellowships (including induction opportunities, mentoring, and professional development activities) provided to former scholarship recipients during not less than the recipients’ first 2 years of teaching; and

(D) in the case where the eligible applicant also receives a grant under section 203, for support and training for mentor teachers with whom to coordinate the residency program; or

(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

(2) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

(1) Outreach.—Conducting outreach and coordinating with urban and rural secondary schools to encourage students to pursue teaching as a career.

(2) Early Childhood Education—

(a) For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of
early childhood education providers who at-
tain degrees in early childhood education.

"(3) PROGRAM IMPROVEMENT.—Developing, for 
teacher preparation program improve-
ment purposes, methods and infrastructure to 
assess retention rates in the teaching field of 
teacher preparation program graduates and the achievement outcomes of such grad-
uates for employment.

"(f) SERVICE REQUIREMENTS.—The Sec-
retary shall establish such requirements as 
the Secretary finds necessary to ensure that 
recipients of scholarships under this section 
who complete teacher education programs 
subsequently teach in a high-need local edu-
cational agency, for a period of time equiva-
 lent to the length of the residency re-
ceived scholarship assistance, or repay the 
amount of the scholarship. The Secretary 
shall use any such repayments to carry out 
additional activities under this section.

SEC. 6. ADMINISTRATIVE PROVISIONS.

Section 205 of the Higher Education Act of 
1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "ONE-TIME 
AWARDS;"; (B) by striking paragraph (2); and 

(C) by redesigning paragraph (3) as para-
graph (2) in subsection (b)—

(A) by redesigning paragraph (3) as para-
graph (4) in subsection (b)—

(B) by striking paragraph (2) and inserting the following:

"(2) COMPOSITION OF PANEL.—The peer 
review panel shall be composed of experts who 
are competent, by virtue of their training, 
expertise, or experience, to evaluate applica-
tions for grants under this part. A majority 
of the panel shall be composed of individuals 
who are not employees of the Federal Gov-
ernment.''

"(3) EVALUATION AND PRIORITY.—The peer 
review panel shall evaluate the applicants' 
proposals to improve the current and future 
teaching force through program and certifi-
cation reforms, teacher preparation program 
activities (including implementation and as-
essment strategies), and professional devel-
opment activities described in sections 202, 
203, and 204, as appropriate. In recom-
mending applications to the Secretary for 
funding under this part, the peer review panel shall—

"(A) with respect to grants under section 
202, give priority to eligible States that—

"(i) have initiatives to reform State pro-
grams to ensure that the teacher preparation 
requirements for teacher preparation programs that are designed to 
ensure that current and future teachers are 
highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this in-
formation in such teachers' classroom instruc-
tion;

"(ii) include innovative reforms to hold in-
stitutions of higher education with teacher preparation programs accountable for pre-
paring teachers who are highly qualified and have strong teaching skills; or

"(iii) involve the development of innova-
tive efforts aimed at reducing the shortage of—

"(I) highly qualified teachers in high-pov-
ey urban and rural areas; and

"(II) highly qualified teachers in fields with 
persistently high teacher shortages, including special education; and

"(B) with respect to grants under section 
203—

"(i) give priority to applications from eli-
gible public institutions that involve broad partici-
patation within the community, including businesses; and

"(ii) take into consideration—

"(I) providing an equitable geographic dis-
tribution of the grants throughout the United States; and

"(II) the criteria of section 203(c)(3)(H) for 
the approval requirements for teacher preparation programs.

"(4) APPROPRIATIONS.—The Secretary may 
use available funds appropriated to carry out 
this part to pay the expenses and fees of peer 
review panel members who are not employ-
es of the Federal Government.''; and

(2) by striking subsection (e) and inserting the following:

"(e) TECHNICAL ASSISTANCE.—For each fis-
caal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds ap-
propriated to carry out this title for such fis-
cal year, which is greater, to provide technical assistance to States and partnerships receiving grants under this part.''

SEC. 7. ACCOUNTABILITY AND EVALUATION.

Section 206 of the Higher Education Act of 
1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Committee on Labor and 
Human Resources" and inserting "Com-
mittee on Health, Education, Labor, and 
Pensions";

(ii) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by striking "Committee on Educa-
tion and the Workforce" and inserting "Com-
mittee on Education and Labor";

(ii) by striking "subparagraph (D)" and 
including; and

(iii) all that follows through the period 
and inserting "as a highly qualified teach-
er;"

"(C) in paragraph (5)—

(i) by striking "highly qualified"; and

(ii) by striking the period at the end and 
inserting "that meet the same standards and 
criteria of State certification or licensure 
programs.";

(B) by striking paragraph (4) and inserting the following:

"(4) TRAINEE AND PROVIDER QUALIFICA-
TIONS.—

"(A) ELEMENTARY AND SECONDARY SCHOOL 
CLASSES.—Increasing the percentage of ele-
mentary and secondary school classes taught by 
teachers—

"(i) who have strong teaching skills and 
are highly qualified;

"(ii) who have completed preparation pro-
gams that provide such teachers with the 
scientific knowledge about the disciplines of 
teaching and learning that—

"(I) improves—

"(v) the knowledge of subject matter or 
content;

"(v) the knowledge of subject matter or 
content;

"(v) the knowledge of subject matter or 
content;
(1) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents.”; and
(3) in subsection (d)—
(A) by inserting “, with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section,” after “funded under this part’’;
(B) by striking “Committee on Labor and Human Resources” and inserting “Committee on Health, Education, Labor, and Pensions”;
and
(C) by striking “Committee on Education and the Workforce” and inserting “Committee on Education and Labor’’.

SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.
Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—
(1) by striking subsection (a);
(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;
(3) in subsection (a), as redesignated by paragraph (2)—
(A) by striking “in the matter preceding paragraph (1), by striking ‘‘within 2 years’’ and all that follows through the following’” and inserting “in a uniform and comprehensive manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following’”;
(B) in paragraph (4)—
(i) by striking “teaching candidates” and inserting “prospective teachers’’; and
(ii) by striking “candidate’’ and inserting “prospective teacher’’;
(C) in paragraph (5)—
(i) by striking “teaching candidates” and inserting “prospective teachers’’;
(ii) by striking “teacher candidate’’ and inserting “prospective teacher’’; and
(iii) by striking “candidate’s’’ and inserting “teacher’s’’;
(D) in paragraph (7), by inserting “how the State has ensured that the alternative certification programs in the same State standards and criteria for teacher certification or licensure,” after “if any,”; and
(E) in paragraph (8)—
(i) by striking “in the case of the following’’;
(ii) by adding the phrase “prospective teachers in the early childhood education programs’’; and
(iii) by inserting “the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children’s education’’ after “skills’’;
(F) by adding at the end the following:
“(3) in the case of the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children’s education’’ later the phrase “in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement in school settings, who are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty experiences that link content and pedagogy.

SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.
Part A—Academies for Faculty Excellence
Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—
(1) by redesignating section 210 as section 2101;
(2) in subsection (a), as redesignated by paragraph (1), by striking “of Education’’;
and
(3) in subsection (b), as redesignated by paragraph (2), by striking “subsection (b)(2)” and inserting “subsection (c)(2)’’.

[For context, see S. J. Res. 5, the 110th Congress.]

SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.
(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

(1) ELIGIBLE ENTITY.—In this section—
(A) the term ‘‘eligible entity’’ means a consortium composed of institutions of higher education that—
(i) does not award doctoral degrees in education; and
(ii) are partner institutions (as such term is defined in section 203).

(b) ELIGIBLE ENTITY.—In this section—
(A) the term ‘‘eligible entity’’ means a consortium composed of institutions of higher education that—
(i) does not award doctoral degrees in education; and
(ii) are partner institutions (as such term is defined in section 203).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008.
year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years—.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965 (20 U.S.C. 1092), as redesignated by section 10, is amended—

(1) by striking “part $300,000,000 for fiscal year 1999” and inserting “part, other than section 211, for fiscal year 1999”; and

(2) by striking “4 succeeding” and inserting “5 succeeding”;

(3) in paragraph (1), by striking “45” and inserting “20”;

(4) in paragraph (2), by striking “45” and inserting “60”; and

(5) in paragraph (3), by striking “10” and inserting “20”.

By Mr. DODD:

S. 1232. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Food Allergy and Anaphylaxis Management Act of 2007. Food allergies are an increasing food allergy. I also know that food allergy and anaphylaxis can be a serious health concern in this country, especially among young children. I know firsthand just how frightening food allergies can be in a young person’s life. My own family has been personally touched by this problem. In addition and we continue to struggle with it every day. Sadly, there is no cure for food allergies.

In the past 5 years, the number of Americans with food allergies has nearly doubled from 6 million to almost 12 million. While food allergies were one time considered relatively infrequent, today they rank 3rd among common chronic diseases in children under 18 years of age. Peanuts are among several foods that can produce life-threatening allergic reactions in susceptible children. Peanut allergies have doubled among school age children in the United States between 1997 and 2002.

Clearly, food allergies are of great concern for school age children nationwide, and yet, there are no federal guidelines concerning the management of life threatening food allergies in our Nation’s schools.

I have heard from parents, teachers, and school administrators that students with severe food allergies often face inconsistent food allergy management approaches when they change schools. Too often, families are not aware of the food allergy policy at their children’s school, or the policy is quickly forgotten. I also know that the parents of children who suffer from food allergies in Connecticut have confidence that their children are safe throughout the school day. States such as Massachusetts and Tennessee have enacted similar guidelines and Vermont, New Jersey, Arizona, Michigan and New York already have acting legislation to enact statewide guidelines. But too many States across the country have food allergy management guidelines that are inconsistent from one school to the next. The result is that families of students with food allergies will not only may vary from state to state, but also from school district to school district.

In my view, this lack of consistency underscores the need for enactment of uniform Federal policies that school districts can choose to adopt and implement. For this reason, I am introducing the Food Allergy and Anaphylaxis Management Act of 2007 today to address the growing need for uniform and consistent school-based food allergy management policy. The bill I am introducing today closely mirrors legislation I introduced last Congress with former Senator Frist. I thank him for his past leadership and commitment to this important legislation.

The legislation does two things. First, it directs the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop and make available guidance for preventing exposure to food allergens and assuring a prompt response when a child suffers a potentially fatal anaphylactic reaction.

It is important for students to be aware of the guidelines developed by the Secretary are voluntary, not mandatory. Under the legislation, each school district across the country can voluntarily choose to implement these guidelines. The intent of the legislation is not to mandate individual school policy, but rather to provide for consistent guidelines relating to school-based food allergy management by providing schools with consistent guidelines at the Federal level.

Second, the bill provides for incentive grants to school districts to assist them with adoption and implementation of the federal government’s allergy management guidelines in all K–12 public schools.

I would like to recognize the leadership of Congresswoman Nita Lowey who is introducing companion legislation today in the House of Representatives. She has been a longstanding champion for children and for awareness of the devastating impact of food allergies. I also wish to acknowledge and offer my sincere appreciation to the members of the Food Allergy and Anaphylaxis Network for their commitment to this legislation and for raising public awareness, providing advocacy, and advancing research on behalf of all the individuals who suffer from food allergies.

This legislation is supported by the Food Allergy and Anaphylaxis Network and the American Academy of Allergy, Asthma, and Immunology. I ask unanimous consent that letters of support from these organizations be printed in the Record.

I hope that my colleagues in the Senate and in the House will consider and pass this important legislation before the end of the year so that the Department of Health and Human Services can begin work on developing national guidelines as soon as possible. School children across the country deserve nothing less than a safe and healthy learning environment.

I ask unanimous consent that the text of the bill be printed in the Record.

The American Academy of Allergy, Asthma and Immunology, Washington, DC, April 26, 2007.

Hon. Chris Dodd, U.S. Senate, Washington, DC.

Dear Senator Dodd: I am writing on behalf of the American Academy of Allergy, Asthma and Immunology (AAAAI) to express our support for your bill, the Food Allergy and Anaphylaxis Management Act of 2007, which would make available to schools appropriate guidelines for the management of students with food allergies who are at risk of anaphylactic shock. The AAAAI is the largest professional medical specialty organization in the United States representing allergists, clinical immunologists, allied health professionals and others dedicated to improving the treatment of allergic diseases through research and education.

The number of schoolchildren with food allergies has increased dramatically in recent years. The policy developed under your bill would assist schools in preventing exposure to food allergens and assuring a prompt response when a child suffers a potentially fatal anaphylactic reaction.

Strict avoidance of the offending food is the only way to prevent an allergic reaction as there is no cure for food allergy. Fatalities from anaphylaxis often result from delayed administration of epinephrine. The importance of management of life-threatening food allergies in the school setting has been recognized by our own organization as well as the American Medical Association, the American Academy of Pediatrics, and the National Association of School Nurses.

The American Academy of Allergy, Asthma and Immunology applauds your efforts to address the need to assure that the policies and information needed to improve the management of children with food allergy and avoid life-threatening reactions. We are pleased to endorse your legislation.

Sincerely,

Thomas B. Carale, President.


Senator Christopher Dodd, Washington, DC.

Dear Senator Dodd: On behalf of the Food Allergy and Anaphylaxis Network (FAAN), I write to express strong support for the Food Allergy and Anaphylaxis Management Act of 2007. This important public health legislation directs the Department of Health and Human Services to develop guidelines for schools to
prevent exposure to food allergens and assure a prompt response when a child suffers a potentially fatal anaphylactic reaction.

FAAN was established in 1991 to raise public awareness, provide advocacy and education, and advance research on behalf of the more than 12 million Americans affected by food allergies and anaphylaxis. FAAN has nearly 30,000 members worldwide, including families, dietitians, nurses, physicians, and school staff as well as representatives of government agencies and the food and pharmaceutical industries.

An estimated 2 million school age children suffer from food allergies, for which there is no cure. Avoiding any and all products with allergy-causing ingredients is the only way to prevent potentially life-threatening reactions for our children. Reactions often occur at school including severe anaphylaxis, which can kill within minutes unless epinephrine (adrenaline) is administered. Deaths from anaphylaxis are usually a result of death from anaphylactic shock, anaphylactic shock, and anaphylactic shock.

Nevertheless, there are no current, standardized guidelines to help schools safely manage students with the disease.

The Food Allergic and Anaphylaxis Network applauds your effort to address the seriousness of food allergies and create a safe learning environment for those children who deal with food allergies on a daily basis. We are pleased to endorse your legislation.

Sincerely,

ANN MUNOZ FURLONG
Founder and CEO

S. 1323

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 "Food Allergy and Anaphylaxis Management Act of 2007".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Food allergy is an increasing food safety and public health concern in the United States, especially among students.

(2) Peanut allergy doubled among children from 1997 to 2002.

(3) In a 2004 survey of 400 elementary school nurses, 37 percent reported having at least 10 students with severe food allergies and 62 percent reported having at least 5.

(4) In 2001 study of the elementary school nurses surveyed reported that the number of students in their school with food allergy had increased over the past 5 years, while only 2 percent reported a decrease.

(5) In a 2001 study of 32 fatal food-allergy induced anaphylactic reactions (the largest study of its kind to date), more than half (53 percent) of the individuals were aged 18 or younger.

(6) Eight foods account for 90 percent of all food-allergic reactions: milk, eggs, fish, shellfish, peanuts, tree nuts, wheat, and soy.

(7) Currently, there is no cure for food allergies; strict avoidance of the offending foods is the only way to prevent a reaction.

(8) Anaphylaxis is a systemic allergic reaction that can kill within minutes.

(9) Food-allergic reactions are the leading cause of anaphylaxis outside the hospital setting, accounting for an estimated 30,000 emergency room visits, 2,000 hospitalizations, and 150 to 200 deaths each year in the United States.

(10) Anaphylaxis from anaphylaxis are associated with a delay in the administration of epinephrine (adrenaline), or when epinephrine was not administered at all. In a study of 33 allergic anaphylactic reactions in school-age children (6 fatal and 7 near fatal), only 2 of the children who died received epinephrine within 1 hour of ingesting the allergen, and all but 1 of the children who survived received epinephrine within 30 minutes.

(11) The importance of managing life-threatening food allergies in the school setting has been recognized by the American Medical Association, the American Academy of Pediatrics, the American Academy of Allergy, Asthma and Immunology, the American College of Allergy, Asthma and Immunology, and the National Association of School Nurses.

(12) There are no Federal guidelines concerning the management of life-threatening food allergies in the school setting.

(13) Twenty percent of the elementary school nurses surveyed reported developing their own training guidelines.

(14) Relatively few schools actually employ a full-time school nurse. Many are forced to cover more than 1 school, and are often in charge of hundreds if not thousands of students.

(15) Parents of students with severe food allergies often face entirely different food allergy management approaches when their students change schools or school districts.

(16) In a study of food allergy reactions in schools and day-care settings, delays in treatment were attributed to a failure to follow emergency plans, calling parents instead of administering emergency medications, and an inability to administer epinephrine.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms "local educational agency", "secondary school", and "elementary school" have the meanings given in the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SCHOOL.—The term "school" includes—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Education.

SEC. 4. ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT POLICY.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) develop a policy to be used on a voluntary basis to manage the risk of food allergy and anaphylaxis in schools; and

(2) make such policy available to local educational agencies and other interested individuals and entities to be implemented on a voluntary basis.

(b) CONTENTS.—The voluntary policy developed by the Secretary under subsection (a) shall contain guidelines that address each of the following:

(i) Parental obligation to provide the school, prior to the start of every school year, with—

(A) documentation from the student's physician or nurse—

(i) supporting a diagnosis of food allergy and the risk of anaphylaxis;

(ii) identifying any food to which the student is allergic;

(iii) describing, if appropriate, any prior history of anaphylaxis;

(iv) listing of an epinephrine prescription for the student for the treatment of anaphylaxis;

(v) detailing emergency treatment procedures in the event of a reaction;

(vi) listing the signs and symptoms of a reaction; and

(vii) assessing the student's readiness for self-administration of prescription medication; and

(B) a list of substitute meals that may be offered to the student by school food service personnel.

(2) The creation and maintenance of an individual health care plan tailored to the needs of each student who is identified as having an allergy and anaphylaxis to one or more food allergens, including any procedures for the self-administration of medication by such students in instances where the students are capable of self-administering medication; and

(3) Such administration is not prohibited by State law.

(3) Communication strategies between individual schools and local providers of emergency medical services, including appropriate instructions for emergency medical response.

(4) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas such as cafeterias.

(5) The dissemination of information on life-threatening food allergies to school personnel, parents, and students, if appropriate by law.

(6) Food allergy management training of school personnel who regularly come into contact with students with life-threatening food allergies.

(7) The authorization and training of school personnel to administer epinephrine when the school nurse is not immediately available.

(8) The timely accessibility of epinephrine by school personnel when the nurse is not immediately available.

(9) Extracurricular programs such as non-academic outings and field trips, before- and after-school programs, and school-sponsored programs held on weekends that are addressed in the individual health care plan.

(10) The collection and publication of data for each administration of epinephrine to a student at risk for anaphylaxis.

(c) RELATION TO STATE LAW.—Nothing in this Act or the policy developed by the Secretary under subsection (a) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

SEC. 5. SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.

(a) IN GENERAL.—The Secretary may award grants of not more than $50,000 to local educational agencies to assist such agencies with implementing voluntary food allergy management guidelines described in section 4.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain—

(A) a certification that the food allergy management guidelines described in section 4 have been adopted by the local educational agency;

(B) a description of the activities to be funded by the grant in accordance with the food allergy management guidelines, including—

(i) how the guidelines will be carried out at individual schools served by the local educational agency;

(ii) how the local educational agency will inform parents and students of the food allergy management guidelines in place;

(iii) whether the school district, school nurses, dietitians, and other school-based staff will be made aware of, and given training on, when
applicable, the food allergy management guidelines in place; and
(iv) any other activities that the Secretary determines appropriate.
(C) Itemization of how grant funds received under this section will be expended;
(D) a description of how adoption of the guidelines and implementation of grant activities will be monitored;
(E) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this section.
(c) Use of Funds.—Each local educational agency that receives a grant under this section may use the grant funds for the following:
(1) Creation of systems and databases related to creation, storage, and maintenance of student records.
(2) Purchase of equipment or services, or both, related to the creation, storage, and maintenance of student records.
(3) Training with local health departments, school nurse, teacher, and personnel training for food allergy management.
(4) Purchase and storage of limited medical supplies, including epinephrine and disposable wet wipes.
(5) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.
(6) Outreach to parents.
(7) Any other activities consistent with the guidelines in place.
(d) Duration of Awards.—The Secretary may award grants under this section for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this section, funding in the second year of the grant, where applicable, shall be continuous and not contingent on a successful program evaluation by the Secretary after the first year.
(e) Maximum Amount of Annual Awards.—A grant awarded under this section may not be in an amount that is more than $50,000 annually.
(f) Priority.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that receive Federal funding under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).
(g) Administrative Funds.—A local educational agency that receives a grant under this section may use not more than 2 percent of the grant amount for administrative costs related to carrying out this section.
(h) Progress and Evaluations.—At the completion of the period referred to in subsection (d), a local educational agency shall provide the Secretary with information on the status of implementation of the food allergy management guidelines described in section 4.
(i) Supplement, Not Supplant.—Grants received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.
(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.
SEC. 6. VOLUNTARY NATURE OF POLICY AND GUIDELINES.
(a) In General.—The policy developed by the Secretary under section 4(a) and the food allergy management guidelines contained in such section are voluntary. Nothing in this Act or the policy developed by the Secretary under section 4(a) shall be construed to require a local educational agency or school to implement or follow any guidelines.
(b) Exception.—Notwithstanding subsection (a), the Secretary may enforce an agreement by a local educational agency to implement food allergy management guidelines as a condition on the receipt of a grant under section 5.
By Mr. AKAKA (for himself and Mr. CRAIG):
S. 1233. A bill to provide and enhance intervention, medical care, and treatment, and services to veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans’ Affairs.
Mr. AKAKA. Mr. President, today I, along with my good friend and ranking member, Senator CRAIG, introduce comprehensive legislation to improve the capacity of the Department of Veterans Affairs to care for veterans with traumatic brain injuries, otherwise referred to as TBI. TBI has become the signature wound of the Iraq war. Blast injuries account for over 60 percent of all combat wounds suffered by U.S. forces in Iraq. The brain can be harmed by the shock wave or by fragments, tiny shards of bone, or by tearing or stricking of the head as a consequence of the explosion. The high incidence of powerful explosive attacks means that potentially thousands of OIF/OEF veterans have incurred some form of brain damage that impairs their functioning. Veterans and their families who would have perished from their wounds in earlier conflicts are now saved by modern body armor and rapid medical evacuation. Although these individuals survive, many of them suffer brain damage in addition to other injuries. There must be new approaches to best meet the health care needs of these veterans.
On March 27, 2007, I chaired a Committee on Veterans’ Affairs hearing on VA’s ability to deal with war injuries, including TBI. The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who suffer with TBI.
This bill addresses the immediate needs of veterans with TBI for high-quality rehabilitation in their communities, and provides VA clinicians with increased resources to develop the expertise and capacity to meet the lifelong needs of these veterans. The bill has seven core provisions, and authorizes a total of $63 million over 6 years to support new TBI-related initiatives. While this amounts to significant new funding, every dollar was included in our Committee’s Views and Estimates Letter to the Budget Committee, and was subsequently included in the Senate-passed Budget Resolution.
I will highlight a few of the provisions of this legislation:
First, VA health care providers would be required to develop a comprehensive rehabilitation and community reintegration plan for each veteran with TBI. A diverse team of VA health care providers would be required to review and refine the plan to adapt to the needs of the veteran. Giving an injured veteran the opportunity to request a review of the rehabilitation plan would ensure VA’s responsiveness to the needs of these individuals. This provision stems directly from the hearing testimony of Denise Mettie, whose severely injured son Evan went for months without a coherent, well-thought-out rehabilitation plan.
Second, as we heard from the story by ABC news anchor Bob Woodruff, who himself suffered a TBI, VA’s four lead polytrauma centers have developed significant expertise in rehabilitative care, but most other VA facilities lack capacity for specialized TBI services. This bill would require VA to implement the individualized plan through outside providers in cases where VA is unable to provide the required intensity of care or the veteran lives too far away to make VA treatment feasible. This provision is inspired by the hearing testimony of Dr. Bruce Gans, who called for greater private sector involvement in veterans’ rehabilitation in those cases where VA lacks capacity or geographic reach.
Third, care for veterans with severe TBI often leads to nursing home care. This legislation would give VA providers, in collaboration with the Defense and Veterans Brain Injury Center, the ability to conduct innovative research and treatment to “re-awaken” veterans with severe TBI, by making $15 million available for research and care over 5 years.
Finally, the legislation makes available $48 million over 6 years for VA to maximize the independence, quality of life, and community reintegration of veterans with TBI who are unable to manage routine activities of daily living. These funds would be available for an assisted living pilot program for those with TBI, so that veterans who might otherwise be forced into institutional long-term care with VA have an opportunity to live in group homes or under other arrangements. The bill also requires special consideration for rural veteran participation in this pilot program.
I urge all of my colleagues to support this innovative and comprehensive legislation, which will bring hope and progress to many brain injured veterans and their families.
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.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This Act may be cited as the “Veterans Traumatic Brain Injury Rehabilitation Act of 2007.”
(b) Table of Contents.—The title of the contents for this Act is as follows:
Sec. 1. Short title; table of contents.
by inserting after section 1710B the following

SEC. 3. INDIVIDUAL REHABILITATION AND COMMUNITY REINTRODUCTION PLANS FOR TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered care, rehabilitation, and support services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sectors; and

(2) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and multidisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(3) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(4) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs; but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities; and

(5) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long care management for such veterans.

SEC. 3. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS OTHERS UNLESS TRAUMATIC BRAIN INJURY.

(a) In GENERAL.—In general, each plan developed under subsection (a) shall include a comprehensive assessment, developed in accordance with paragraph (2), of—

(A) the physical, cognitive, vocational, and psychosocial impairments of such individual; and

(B) the family education and family support needs of such individual after discharge from inpatient care.

(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment developed in accordance with paragraph (2), of—

(1) Rehabilitation objectives for improving the physical, cognitive, vocational, and psychosocial functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

(2) A description of specific interventions, rehabilitative treatments, and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such interventions, treatments, and services.

(3) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

(4) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

Sec. 4. Pilot program on assisted living services for veterans with traumatic brain injury.

Sec. 5. Research, education, and clinical care.

Sec. 6. Pilot program on assisted living services for veterans who have a traumatic brain injury.
amended by inserting after section 7330 the following new section:

"SEC. 8. RESEARCH ON TRAUMATIC BRAIN INJURY."

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are:

(1) Section 7303 of title 38, United States Code, relating to research programs and activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report describing the research required by this section.

SEC. 7. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—The Secretary of Veterans Affairs, by inserting after subsection (c) as an amendment by inserting after section 7330 a new section:

"(a) PROGRAM REQUIRED.—The Secretary shall establish a program on assisted living services for veterans with traumatic brain injury, including—

(A) the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are:

(1) Section 7303 of title 38, United States Code, relating to research programs and activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report describing the research required by this section.

SEC. 8. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are:

(1) Section 7303 of title 38, United States Code, relating to research programs and activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report describing the research required by this section.

Mr. CRAIG. Mr. President, I rise today as the Ranking Member of the Senate Committee on Veterans’ Affairs to join my distinguished colleague, Senator AKAKA, who serves as the Chairman of the Committee, in introducing this important legislation to assist veterans who suffer from a traumatic brain injury.

Every so often an issue of incredible importance confronts this institution and government as whole. And when it does, it is critical that we here in Congress understand the importance of this institution and the red tape of government and do what is right and necessary for Americans in need. The bill Senator AKAKA and I are introducing today is one of those times and veterans with traumatic brain injury is one of those issues.

Sadly, hundreds and perhaps even thousands of our dedicated servicemen...
and women are returning from Iraq and Afghanistan with mild, moderate, and even severe head trauma. Improvised Explosive Devices detonating regularly throughout Iraq have exposed our soldiers, sailors, airmen and Marines to countless instances in which a TBI can occur. The long-term consequences of these injuries are, in many ways, unknown to us. There’s so much modern medicine doesn’t know about how the brain functions, let alone how little we know about the consequences of small changes in the brain.

Still, it is incumbent on us to do everything in our power to provide the best care and services to those service-members and veterans in need of TBI care and rehabilitation. To that end, Senator AKAKA and I believe that quality TBI care must include certain elements, which this legislation would impose on VA.

Most important among these new requirements is the directive for VA to provide every veteran who has an imminent stay for a TBI with an individual plan for rehabilitation and reintegration. This may sound to many of my colleagues like a very simple, and thus unimportant, requirement. But, I believe it is a critical component of recovery.

It is a requirement that patients, families, doctors, nurses, social workers, etc., sit down and develop a detailed plan to maximize the chances of recovery of a servicemember or veteran at some point in the future for an injured servicemember or veteran. In short, it is the start of the road to recovery.

In addition to the requirement for individual plans, VA must be given some flexibility to seek out private care services when the situation or the severity of the traumatic brain injury calls for it. This legislation would establish the parameters for receipt of that care and I believe send an important signal to our wounded soldiers and veterans. But, more can be done.

I think this bill will move VA further in the direction they are heading and provide veterans with traumatic brain injuries an opportunity to achieve a full and productive life. With that, again, I want to again thank Chairman AKAKA for his work.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON): S. 1234. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Stop Business With Terrorists Act of 2007. Senator CLINTON is joining me as an original co-sponsor of this important bill. This bill will close a source of revenue that flows to terrorists and rogue regimes that threaten our nation’s security.

President Bush has made the statement that money is the lifeblood of tell-ist operations. He could not be more right. Amazingly, some of our corporations are providing revenue to terrorists by doing business with these rogue regimes. My bill is simple. It closes a loophole in the law that allows American companies to do business with our enemies.

Our current sanctions laws prohibit United States companies from doing business directly with Iran, but the law contains a loophole. It enables an American company to create a foreign-based subsidiary that can do business with that prohibited country. As long as this loophole is in place, our sanctions laws have no teeth.

My bill will close this loophole once and for all and will cut off a major source of revenue for terrorists. It will require foreign subsidiaries that are majority controlled by a U.S. parent company to follow U.S. sanctions laws. For those companies that would need to divest from such a situation, they would be shielded by a safety net. This is a simple concept with significant impact.

It is critical that we starve these rogue regimes and the terrorists they support at the source. Of the companies that are taking advantage of this loophole, an American company that has benefited the most has been Iran. And as we know, Iran funds Hamas, Hezbollah, the Palestinian Islamic Jihad, and other terrorist organizations. We should not allow American-controlled companies to provide cash to Iran so that they can convert these funds into bullets and bombs to be used against us and our allies.

This loophole is favorable for American companies to engage in any business practice that provides revenues to terrorists, and we have to stop it. I urge my colleagues to support this bill and to close the terror funding loophole.

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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Stop Business with Terrorists Act of 2007”.

SEC. 2. DEFINITIONS.

(A) in general.—In any case in which an entity described in subparagraph (B) owns, directly or indirectly, more than 50 percent of the equity interest in an entity, the entity described in subparagraph (B) shall be treated as if the entity owns, directly or indirectly, at least 50 percent of the equity interest in an entity.

(B) an entity.—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

SEC. 3. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(A) in general.—In any case in which an entity engaged in the business of doing business with a terrorist organization shall have, and every other entity that is majority-controlled by such entity shall have, the same liability as if the entity had engaged in the prohibited transaction.

(B) applicability.—Subsection (a) shall not apply to a parent company of an entity that is owned, directly or indirectly, by the parent company of another entity.

SEC. 4. NONRELIANCE AND CONDITIONS.

(A) nonreliance.—The parent company of an entity shall be treated as if it is majority-controlled by an entity that is majority-controlled by the parent company, unless the parent company is majority-controlled by the parent company of another entity.

SEC. 5. EVALUATION OF VIOLATIONS.

The Secretary shall monitor and evaluate the effectiveness of this Act and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives with respect to the implementation of this Act.

S. 1236. A bill to amend the Elementary and Secondary Education Act of
Mr. MURKOWSKI. Mr. President, I rise to speak about legislation I am introducing entitled the School Accountability Improvements Act. We all know about No Child Left Behind, the Federal legislation that was introduced in 2001. We recognize that NCLB made significant changes to Federal requirements for school districts in our States. Many of these changes have been very positive and truly quite necessary. Because of No Child Left Behind, there is clearly more national attention being paid to ensure that school districts and the States are held accountable for the achievement of students with disabilities and for those who are economically disadvantaged and for minority students.

In Alaska, this has meant, for example, that more of our urban school districts are paying closer attention than ever to the needs of our Alaska Native students. People across the Nation are also aware that a teacher’s knowledge of the subject matter and his or her ability to teach that subject are perhaps the most important factors in a child’s achievement in school. Teachers, parents, administrators, and communities have data regarding what they have ever had, more data about the achievement of the individual students and the subgroups of students and about our schools. With that data, we are making changes to school policies and procedures, and more students are now getting the help they need to succeed.

While these are just a few of the positive effects of No Child Left Behind, we recognize there have been problems. This legislation is meant to focus on how we can make it more responsive.

My bill, the School Accountability Improvements Act, is meant to address five issues that we have identified in Alaska that are of particular concern to our State and of equal concern to other States. First area we are focusing on would give flexibility to States regarding NCLB’s highly qualified teacher requirements. In very small rural schools, particularly in my State, we will see a school where you have one teacher who is tasked with teaching multiple courses subjects in the middle and in the high school grades.

Under NCLB, the requirement is that the teacher must be highly qualified in each of these subject matter areas. But I have been listening to some of the teachers out in my remote communities. They may be hired to be the English teacher, but in a remote community with a small school, something may happen during the year. Say, the science teacher or the math teacher has left in the middle of the school year—not an uncommon situation—they are not able to get anyone into that school to help. So now the English teacher is tasked to teach another subject.

Under NCLB, he or she would then be required to be highly qualified in every subject they teach. So what my legislation would allow is for middle and high school teachers in schools with fewer than 200 students and that have difficulty hiring and retaining qualified teachers in these areas to be deemed to be “highly qualified” if they have a degree or they pass a rigorous subject matter test in one of the core subjects they teach, as long as they can demonstrate they are highly effective at delivering instruction on a State-developed performance assessment.

We are doing this in the State of Alaska now, where essentially a teacher can demonstrate, through the use of a video, their teaching methodology. But we must recognize we will have situations in our smaller schools, in our rural schools, who are not able to be highly qualified in every core subject area they are teaching, we simply are not able to meet that. So we are asking for a level of flexibility for the States.

We recognize it is vital that the teacher know the subjects they teach. This is critical. But it is also unreasonable to expect teachers in these very small schools to meet the current requirements in every single subject they may end up teaching. It is almost impossible for school districts to find and then hire such teachers. So this provision is offered as a compromise in these limited situations.

The second area the legislation focuses on is how we determine or how we measure Adequate Yearly Progress. NCLB requires school districts to offer the students all over town. I think most parents agree with this. This is why, at least in Alaska, we are seeing more than 2 percent of parents choosing to transfer their children to another school. They would rather have those supplemental services offered in the school to see if they can’t help address the needs of the child. Then if it still does not work, let’s look to the next option.

So my bill would flip the school choice and the tutoring. It would also limit the requirement for schools to offer these options to students who are performing below the proficient level for all the children, including those who are being well served by the school. It would also allow the school districts to provide tutoring to students even if they are in improvement status. It is recognizing, again, we should look at the individual child and see if we can’t tailor this to make it more responsive.

As you know, assessing whether a child is proficient on State standards in a reliable and valid way is difficult. It is even more difficult when the child has a disability or has limited English proficiency. Research has not caught up with assessments for these subgroups, and no one is completely sure
whether the tests they are giving these students are measuring what they know. Yet, NCLB requires that if a school does not make AYP for any subgroup for 6 years, the school district has the option to completely restructure that school. Similarly, a State has the option to restructure an entire school district.

For those truly dysfunctional schools and districts, that may be appropriate as determined by the individual district or State. But if we do not even know if assessment scores are valid and reliable, how do we justify taking over a school, firing its teachers, turning its governance over to another entity, or other such drastic measures? We cannot. But we recognize that each child with a disability, and each child who is limited English proficient deserves the best possible education.

So that is why my bill would not allow a school or a school district to be restructured if: No. 1, the school misses the success or both of those subgroups alone; and, No. 2, the school can show through a growth model that the students in those two subgroups are on track to be proficient.

Another area in the legislation we focus on is the Native heritage languages. In Alaska, Hawaii, and several other States, Native Americans are working hard to keep their heritage languages and their cultures alive. Teachers will tell you, and the research backs it up, that Alaskan Native, Native Hawaiian, and American Indian students learn better when their heritage is a respected and vibrant part of their education. This is true of any child, but I think particularly true for these groups of Americans.

Many schools around the country that serve these students have incorporated native language programs into their early curricula—the curriculums in grades K-3. The problem is that in many instances, these programs have not taught a child in a language in which they are going to be tested, nor have they taught a child in a language they need to anticipate the results. If you are a little anxious because: Are the test scores going to measure up? But what we can tell you is that by the time the children are being tested, certainly up in middle school, they are not only testing strong—but very strong in both languages—but they know a second language very well.

What my legislation will do in this area is allow schools with Native American language programs in States where there is no assessment in that heritage language to count the third graders—the first time they take the standardized tests—to count the students for participation rate only. It would then allow the school to make or not make AYP if these students are proficient or on track to be proficient in grades 4 through 7.

Then, the final area of my legislation is what I am calling the parent piece. As a parent, we know you know; my colleague from the State of Washington was very involved with education before she came to the Senate as well—we all know as parents how important it is to be involved in our children’s education and can convey the subject matter to them.

At the end of the day, not only did my husband and I check on our boys’ homework, we asked them: What happened today? What is going on? I was PTA president at my kids’ elementary school.

NCLB recognizes that in many ways it is very important that parents are part of a child’s education. But we also recognize we can be doing more. My legislation, which authorizes subgrants for preparing, training, and recruiting teachers and principals, to allow—but not mandate—these funds to be used to develop parental engagement strategies, to train educators to communicate more effectively with parents, and better involve parents in their schools.

We all know how great our Nation’s teachers are. But our reality is, very few of them graduate from college having had a course on how to effectively communicate with parents. They know how important it is, but they are taught no techniques. Teachers are busy people. When a parent shows up at a classroom door and says: Hey, I am concerned about what is going on. I do not know how to react, how to allow them to help. Many teachers have difficulty communicating with parents, who may be working two jobs or have a different cultural background or language. This section of the bill would allow schools to spend some of their teacher training funds on these sorts of issues if they feel it would benefit their students.

I know these five issues are not the only ones my colleagues and Americans may have with the No Child Left Behind Act. I have been talking with Alaskans all over the State about NCLB since I first came to the Senate. I look forward to working very hard on these priorities this year with my colleagues. These, though, are the five issues that educators and parents in Alaska have told me are the most urgent for them, and I look forward to working to include them in the reauthorization as we move forward.

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. 1283

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 “School Accountability Improvements Act”.

SEC. 2. HIGHLY QUALIFIED TEACHERS IN SMALL SCHOOLS.

(a) PURPOSE.—The purpose of this section is to ensure that teachers in public elementary and secondary schools know the subject matter and curriculum that they are teaching and can convey the subject matter to students.

(b) HIGHERLY QUALIFIED TEACHERS OF MULTIPLE ACADEMIC SUBJECTS IN SMALL SCHOOLS.—Section 1118(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6318(a)) is amended by adding at the end the following:

“(4) EXCEPTION FOR MULTI-SUBJECT TEACHERS IN SMALL SCHOOLS.

“(A) IN GENERAL.—Notwithstanding section 9101(23) or any other provision of this Act, a middle or secondary school teacher who is employed to teach multiple core academic subject areas in a school designated as a small school under subparagraph (B) but who is not highly qualified as the term is defined in such section, shall be deemed to be highly qualified for purposes of this Act if the teacher—

“(i) meets the requirements of subparagraph (A) of such section;

“(ii) meets the requirements of subsection (1) or (II) of subparagraph (B)(i) of such section for 1 or more of the core academic subjects that the teacher teaches; and

“(iii) demonstrates highly effective delivery of instruction on a performance assessment, developed or adopted by the State within which the small school is located, that assesses skills that are accepted as necessary for the effective delivery of instruction.

“(B) SMALL SCHOOL.—A State educational agency shall designate a school as a small school for a school year if the State educational agency determines, based on evidence provided by the local educational agency serving the school, that the school—

“(i) has unique staffing or hiring challenges that require 1 or more teachers at the school to teach multiple core academic subject areas for such year; and

“(ii) has made a reasonable effort to recruit and retain for such year middle or secondary school teachers who meet the requirements of subparagraph (B) or (C) of section 9101(23), to teach all students attending the school; and
“(iii) had an average daily student membership of less than 200 students for the previous full school year.”.

SEC. 3. GROWTH MODELS.

Section 1111(b)(2) of the Elementary and Secondary Education Act (20 U.S.C. 6311(b)(2)) is amended by adding at the end the following:

“(3) in paragraph (1), by striking subparagraph (C)(v) and inserting the following:

“(C)(v) the State's proficient level on such assessments under paragraph (3) by the 2013–2014 school year; or

“(D) in paragraph (8)(A)(i), by striking ‘all’.

“(E) in paragraph (13)(A), by redesignating subsection (h) as subsection (i).”.

SEC. 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.—Section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

“(1) SCHOOLS.—Notwithstanding this section or any other provision of law, in the case of a school that failed to make adequate yearly progress under section 1111(b)(2) solely because the school did not meet or exceed 1 or more annual measurable objective set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) if such school is identified for school improvement under subsection (b)(1), such school shall only be required to develop or revise and implement a school plan under subsection (b)(3) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

“(B) if such school is identified for restructuring under subsection (b)(8), the local educational agency serving such school shall not be required to implement subsection (b)(8)(B) if the local educational agency demonstrates to the State educational agency that the school would have made adequate yearly progress for each assessment and for each such subgroup for the most recent school year if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

“(i) the students who met or exceeded such proficient level; and

“(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessments for the student’s corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(D)(i).”.

(b) SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.—Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

“(1) by redesignating paragraph (12) as paragraph (13);

“(2) by inserting after paragraph (11) the following:

“(12) RULE REGARDING PROVIDERS.—Notwithstanding this section or any other provision of law, in the case of a local educational agency that is identified for corrective action under subsection (c)(10) solely because the local educational agency did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups, the State educational agency shall not be required to implement subsection (c)(10) if the local educational agency demonstrates to the Secretary that the school would have made adequate yearly progress for each assessment and for each such subgroup if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

“(A) the students who met or exceed such proficient level; and

“(B) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the State assessment for the student’s corresponding grade level not later than the student’s final year in secondary school.”.

SEC. 5. CALCULATING ADEQUATE YEARLY PROGRESS FOR STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is further amended by adding at the end the following:

“(1) by redesigning paragraph (h) as subsection (j) and inserting the following:

“(12) RULE REGARDING PROVIDERS.—Notwithstanding paragraph (10) of this section or any other provision of law—

“(A) in the case of a school identified for school improvement under paragraph (1), the local educational agency shall, not later than the first day of the school year following such identification, and in the case of a school identified for corrective action under subsection (a)(10), the local educational agency shall, not later than the first day of the school year following such identification, make supplemental educational services available consistent with subsection (e)(1), and

“(B) the local educational agency shall give priority to transfer to another public school, the local educational agency shall—

“(i) by the local educational agency, in a timely manner, for all students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) by striking subparagraph (E) and inserting the following:

“(E) in paragraph (A)(i) with respect to a school, the local educational agency serving such school shall not, later than the first day of the school year following such identification, and in the case of a school identified for corrective action under subsection (a)(10), the local educational agency shall, not later than the first day of the school year following such identification, and in the case of a school identified for corrective action under subsection (a)(10), by inserting ‘‘the students who, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(D)(i).’’.

“(1) IN GENERAL.—In the case of a State that desires to satisfy the requirements of a single, statewide State accountability system under clause (i) through the use of a growth model, the Secretary shall approve such State’s use of the growth model if—

“(I) the State plan ensures that 100 percent of students in each group described in subparagraph (C)(v) shall—

“(aa) meet or exceed the proficient level of academic achievement on the State assessment was calculated by counting—

“(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessments for the student’s corresponding grade level not later than the student’s final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(D)(i).”.

“(1) EDUCATIONAL SERVICES.—In the case of a school identified for corrective action under subsection (a)(10), for the school year following such identification, make supplemental educational services available consistent with subsection (e)(1), and

“(B) the local educational agency shall—

“(i) by the local educational agency, in a timely manner, for all students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) the students who meet or exceed such proficient level; and

“(B) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the State assessment for the student’s corresponding grade level not later than the student’s final year in secondary school.”.

SEC. 6. NATIVE AMERICAN LANGUAGE PROGRAMS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (as amended by section 3) (20 U.S.C. 6311(b)(2)) is further amended by adding at the end the following:

“(M) NATIVE AMERICAN LANGUAGE PROGRAMS.—Notwithstanding paragraph (1) of section 3 of that act, the provisions of that section—

“(i) a school serving students who receive not less than a half-day of Native language instruction in an American Indian language instruction, or a district serving Native Hawaiian in at least grades kindergarten through grade 2 for a school year that does
not have State assessments under paragraph (3) available in the Native American language taught at the school as provided for in paragraph (3)(C)(ii)(III).

"(II) shall assess students in grade 3 as required under paragraph (3), and such students shall be included in determining if the school met the participation requirements for all groups of students as required under subparagraph (1)(i) for such school year; and

"(II) shall not include such assessment results for students in grade 3 in determining if the school met or exceeded the annual measurable objectives for all groups of students as required under subparagraph (1)(i) for such school year; and

"(a), and (b) in paragraph (1), by striking "(I)" and inserting "(I)(i)"; and

"(c) in paragraph (1) and subparagraphs (B) and (C) of paragraph (5) thereof.

"(II) paragraphs (4) and (5) thereof.

"(III) paragraphs (4) and (5) thereof.

"(IV) paragraphs (4) and (5) thereof.

"(V) paragraphs (4) and (5) thereof.

"(VI) paragraphs (4) and (5) thereof.

"(VII) paragraphs (4) and (5) thereof.

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"(X) paragraphs (4) and (5) thereof.

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"(XCIX) paragraphs (4) and (5) thereof.

"(LC) paragraphs (4) and (5) thereof.

"(LXI) paragraphs (4) and (5) thereof.
and Rural Investment Act of 2002 to establish a biofuel pilot program to offer crop insurance to producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TESTER. Mr. President, I rise here today to introduce the Biofuel Crop Insurance Act to provide a safety net to innovative American farmers. America's addiction to foreign oil is one of the greatest threats to our national security and our economy. At the same time climate change is threatening the world as we know it. We are experiencing wildly shifting weather patterns, prolonged drought, intense hurricanes and melting glaciers and ice caps. We need to do something to change our energy sources to clean and domestic options, and our farmers and rural communities are leading the way.

Unfortunately, some of the best potential crops for biofuel production lack the same government safety nets like crop insurance and loans that our commodity crops have. This legislation is designed to change that by allowing the farmers to take the process for approving insurance to dedicated biofuel crops.

In the last few years the ethanol industry has experienced explosive growth. Ethanol is good for farmers, rural communities, and the country as a whole. I for one would rather buy my fuel from farmers in the Midwest than dictators in the Mideast.

Corn will continue to be king of ethanol for some time. But we need to start using other crops for ethanol and biodiesel production, because if there is one thing that our recent energy crisis has taught us it is that diversity is critical. We need to expand the use of crops that don't compete with our food supply. We need to develop new markets for our crops.

In Montana, farmers are planting an oil seed crop called camelina because it can be grown on marginal lands, with few inputs, and high profits. Its oil can be crushed and made into biodiesel on farms and small communities' rural landscapes. Camelina can be used in rotation with other crops such as wheat and barley and brings new money and new development to rural States like Montana, Washington, Idaho, and the Dakotas. Montana State University is one of several academic institutions that have done extensive research into the crop in regards to what it needs to grow, where to grow it, and what farmers can expect it to produce. All their tests are positive and this year we expect that up to 20,000 acres of camelina will be planted in Montana alone. Unfortunately, farmers are hesitant to seize this opportunity because they lack an insurance safety net, and their banks won't loan them money to plant crops that aren't insured.

Being a farmer myself, I know how agriculture is beholden to Mother Nature. A dry year, a bad hail storm or a late frost can destroy a year's worth of work. Farmers need safety nets, not handouts. Crop insurance is a market mechanism that can mitigate risk for farmers. I'm introducing today will be directly responsible for extensive growth of camelina, and the emergence of a biodiesel industry for States like Montana.

If I wasn't here right now I would be sitting on my big sandy, MT, planting oil seed crops on my farm and learning how to process and crush oil seeds to make biodiesel. I use 3,000 gallons of diesel fuel a year on my farm, and anxiously await the day when I can use fuel grown on my land or bought from my neighbors instead of imported from overseas.

This bill sets up a pilot insurance program for dedicated biofuel crops that displace petroleum products, and provides stabilization of farm income and marketing assistance. It also creates grants for research into planting and harvesting techniques and grants to study the use of biofuel meal used as animal feeds.

I believe this will spark a biodiesel industry across the Northern Great Plains and I encourage my colleagues to support this legislation as it moves forward.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MUKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. INOUYE, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Mr. LUTENBERG, Mr. MENENDEZ, Mr. CASEY, and Mrs. McCASKILL):

S. 1244. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Protecting America’s Workers Act.

This week, on Workers’ Memorial Day, we remember those who have been killed or injured on the job, and we reaffirm our commitment to workers and their families to do all we can to end these senseless tragedies.

We’ve made progress in protecting worker safety since we passed the Occupational Safety and Health Act in 1970.

But too many workers still are not safe. In 2005 alone, over 5,700 workers were killed on the job. Over 4 million became ill or were injured. That’s nearly 18 deaths and 12,000 workplace injuries or illnesses each and every day.

Last year, the tragic deaths of miners at Sago and Alma mines showed us the gaps and shortcomings in mine safety. Across the country, America saw the senseless deaths of workers and the suffering of their families and friends. Every day, workers in other industries are facing equally dangerous conditions. Those dangers may not make headlines, but they continue to take a toll on workers, their livelihood, the health of their families, and their families’ security.

One of the most obvious problems is that literally millions of employees today are not covered by our safety laws. “No,” maybe that’s blatantly ignore the law and refuse to do what is necessary to keep their employees safe.

Too often, as well, we find that those responsible for administering our safety laws aren’t doing their job—not issuing new safety standards, not vigorously enforcing the law, and not even going after the worst offenders.

Many companies are doing too little to deal with this challenge. Some employers blatantly ignore the law, but are rarely held accountable when their actions or neglect kill a loyal employee who works for them. Criminal penalties are so low that prosecutors don’t pursue these cases. And employers who repeatedly violate the law—time and time again—pay only minimal fines, which they treat as just another cost of doing business.

American workers and their families are paying the price. This includes people like Mike Morrison, who was killed while installing pipes at a construction site in Florida when a thirteen-foot deep trench he was working in collapsed. An OSHA investigation found that the trench had not been secured properly before workers were sent into it.

The employer whose failures had killed Mike was fined a mere $2,000, a slap on the wrist. Two years earlier, the company had been cited and fined for other safety violations. As Mike’s stepdaughter Michelle says, “If the penalties had been more substantial two years ago, maybe Mike’s company would have complied with the law and protected him properly, and maybe he’d still be with us today.”

Or Eleazar Torres-Gomez, who was killed working at a laundry facility in Tulsa, OK, where he had been employed for seven years. Eleazar was dragged into an industrial dryer, where the temperatures were near 300 degrees.

The company he worked for had been previously fined for not installing protective guards on the dryer, and the OSHA investigation found that the company had added the guards, which it knew were required by OSHA, but did not install them properly. The company had added the guards, which it knew were required by OSHA, but did not install them properly.

Eleazar’s eldest son Emanuel said, “If the company had added the guards, which it knew were required by OSHA, my father would be alive today. The sorrow we feel is overwhelming.”

And they include workers like Tracee Binion, a science teacher in Pinson, AL. Tracee became ill after renovations on her school exposed her to chemicals in unventilated classrooms.

She developed chemical pneumonitis and asthma. She was force to quit her job. For seven years. Eleazar was dragged into an industrial dryer, where the temperatures were near 300 degrees.

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teachers like her are not covered by our safety laws. They have no one to call when they need protection from workplace hazards.

We need to do everything we can to see that other workers and their families don’t have to suffer the same thing. Congress can take concrete steps to address many of these failures. That’s why today we are reintroducing the Protecting America’s Workers Act. This legislation will do several key things:

It expands the coverage of our safety laws to protect 8.6 million public employees and transportation workers. It requires OSHA to investigate every case where a worker is killed or seriously injured. And it gives family members greater rights to be part of accident investigations.

It also protects workers who speak up about unsafe conditions on the job, by building on OSHA whistleblower protections in line with protections in other areas. It puts real teeth in our safety laws by increasing penalties. These penalties have not been raised since 1990. This bill sets a minimum penalty of $50,000 for a worker’s death caused by a willful safety violation. And it increases the maximum criminal penalty for killing or seriously injuring a worker to ten years of prison, instead of six months.

Beyond this legislation, we must also find new and smarter ways of keeping workers safe. We must shine a light on OSHA to ensure that our safety laws are implemented the way they were intended to protect workers by preventing hazards on the job. The administration needs to put workers first and get the job done.

It’s time to send a message to those who put their employees in harm’s way that their profit must be valued above profiteering and greed. It’s time to double our efforts and make our commitments a reality. It’s time for Congress to act, so that the hardworking men and women of our country get what they deserve: a safe and healthy workplace.

I urge my colleagues to join me in fighting for safe workplaces for all of America’s workers. The best way for Congress to honor the Nation’s hardworking men and women on this Worker’s Memorial Day is to end our complacency and see that the full promise of OSHA becomes a genuine reality for every working family in every community in America.

By Mr. CARDIN (for himself, Ms. MIKULSKI, and Mr. WARNER):

S. 1245. A bill to reform mutual aid agreements for the National Capitol Region, to require its agents or authorized volunteers, as well as the locality that it is not likely that agents and volunteers will be associated with a locality through a mechanism other than an actual mutual aid agreement. Moreover, it is probable that the association with a locality that a list of agents and volunteers not be brought within the scope of the act prospectively and on a continuous basis, but only as the need arises on a case-by-case basis.

The legislation I am introducing today simply strikes “agents and volunteers” from the definition of “employee” and expressly extends the liability protections of the act to agents. This term, consistent with common dictionary usage, would encompass authorized volunteers. The proposed language was drafted and approved by members of the Council of Governments’ Attorneys Committee, consisting of the lead counsel of all 21 COG jurisdictions, with participation by the two State’s Attorneys General offices.

In short, this legislation will give local jurisdictions the ability to respond fully and appropriately to the full range of emergencies that they may face. I urge the Senate to pass this bill as expeditiously as possible so that we can give these local and State governments the tools they need to meet the challenges that the future may present.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the Record following my remarks.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1245

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

SECTION 1. REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(A) in paragraph (4), by striking ‘‘, including its agents or authorized volunteers,’’;

(B) in paragraph (5), by striking ‘‘or town’’ and all that follows and inserting ‘‘town, or other governmental agency, governmental...
authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region; 
(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental authority; and 
(3) in subsection (d), by striking "or employees" each place that term appears and inserting "employees, or agents":

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, and Mr. AKAKA):

S. 1246. A bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today, Senator BROWNBACK, Senator AKAKA, and I are introducing legislation that establishes a wildlife global animal information network for surveillance to enhance preparedness and awareness of emerging infectious diseases. More than 60 percent of the approximately 1,400 currently known infectious diseases are shared between wildlife and human. Over the past 30 years we have had many emerging infectious disease outbreaks, including hantavirus, plague, ebola, HIV/AIDS, SARS, West Nile Virus, and avian influenza. More than 35 new infectious diseases have emerged in humans since 1980, which means that approximately one new infectious disease in humans has appeared every 8 months. These diseases have resulted in many deaths and billions of dollars in costs.

Millions of wild animals are traded globally and come into contact with humans and dozens of other species, contributing to the introduction of new disease in humans. There are numerous examples of these spreading viruses that pose significant threats across the globe. For instance, the spreading H5N1 virus, a highly pathogenic avian influenza (HPAI) strain, is a significant threat to global human health, the global poultry industry, and the global economy more generally. The emerging infectious disease HIV/AIDS, whose origin has been traced back to the human consumption of non-human primates, has had a devastating impact in the developing world, with over 40 million people worldwide living with HIV/AIDS and 3 million AIDS deaths globally in 2006. Despite the threats that these and future diseases pose, we lack a comprehensive and coordinated approach to monitoring these emerging infectious diseases and the nexus between wildlife, people, and domestic animals.

Our legislation would establish a Wildlife Global Animal Information Network for Surveillance (GAINS). This Wildlife GAINS system would include Federal and State agency partners, multilateral agency partners, conservation organizations with expertise in wildlife monitoring and surveillance, veterinary and medical schools, and other national and international partners. The legislation encourages the establishment of critical public-private partnerships to leverage unique strengths and capabilities that NGOs have in developing countries. They will play a key role in assisting developing countries develop much needed surveillance mechanisms and in facilitating the dissemination of critical data to all partners.

USAID has taken a leadership role and already committed $192 million for avian influenza preparedness and response activities in developing countries affected by the H5N1 virus. Congress must support these efforts establishing a comprehensive worldwide wildlife health surveillance system to detect and track emerging infectious diseases.

Wildlife GAINS would be a comprehensive tool to prevent the outbreak and spread of new diseases that have no treatments or cures. We must prevent and detect the next generation of infectious diseases to prevent the pain and suffering of diseases such as HIV/AIDS and H5N1 have caused millions all over the world.

Mr. AKAKA. President, I rise to join my colleagues, Senators LIEBERMAN and BROWNBACK in introducing legislation to establish a global animal information network for detection of emerging, highly contagious diseases in non-agricultural animals. This bill is an important part of efforts to prevent and respond to natural or intentional pandemic disease outbreaks in the U.S.

Our legislation focuses on the source of nearly all pandemic disease outbreaks over the last 30 years—zoonotic diseases, or diseases that originate in animals, either agricultural or non-agricultural, and, through mutation, are passed to humans. Avian influenza, West Nile Virus and severe acute respiratory syndrome (SARS) are all zoonotic diseases originating in animals and subsequently transmitted to humans. The prevalence of such diseases underscores the need to link veterinary and public health agencies in the U.S.

For instance, the recent SARS outbreak in Asia required unprecedented coordination and cooperation among public health, veterinary and medical schools, and conservation organizations with expertise in wildlife monitoring and surveillance, veterinary and medical schools, and other national and international partners. The legislation encourages the establishment of critical public-private partnerships to leverage unique strengths and capabilities that NGOs have in developing countries. They will play a key role in assisting developing countries develop much needed surveillance mechanisms and in facilitating the dissemination of critical data to all partners.

USAID has taken a leadership role and already committed $192 million for avian influenza preparedness and response activities in developing countries affected by the H5N1 virus. Congress must support these efforts establishing a comprehensive worldwide wildlife health surveillance system to detect and track emerging infectious diseases.

Wildlife GAINS would be a comprehensive tool to prevent the outbreak and spread of new diseases that have no treatments or cures. We must prevent and detect the next generation of infectious diseases to prevent the pain and suffering of diseases such as HIV/AIDS and H5N1 have caused millions all over the world.

While detecting and preventing these highly contagious diseases is critical for human health and economic stability, I would like to emphasize that, as the Government Accountability Office (GAO) observed in a 2000 report entitled "West Nile Virus Outbreak: Lessons Learned and Future Preparedness", the spread of avian flu, this zoonotic disease continues to mutate and as such, persist as a threat, both to animals and to people. The animal surveillance network proposed by this legislation is one critical tool to detect other wildlife-based emergent contagious diseases before they impact humans and agricultural animals.

Despite these efforts, many of which have demonstrated the effectiveness of interventions being used to control the spread of avian flu, this zoonotic disease continues to mutate and as such, persist as a threat, both to animals and to people. The animal surveillance network proposed by this legislation is one critical tool to detect other wildlife-based emergent contagious diseases before they impact humans and agricultural animals.

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Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for the citizens of, and visitors to, the United States; and

(1) commemorates the marinas of the United States during National Small Business Week, beginning April 22, 2007, as the sixth annual "National Marina Day" in order—

Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for the citizens of, and visitors to, the United States; and

Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for the citizens of, and visitors to, the United States; and

(2) designates August 11, 2007, as the sixth annual "National Marina Day" in order—

Whereas the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns;

and strengthen the overall economy of the Nation; and

WHEREAS the Small Business Administration (SBA) has demonstrated an active role as a member of the President's Cabinet;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns;

and

WHEREAS the Small Business Administration (SBA) has demonstrated an active role as a member of the President's Cabinet;

(4) strongly urges the President to take steps to ensure that—

Whereas the Small Business Administration, such as the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs; and

(5) urges that, as was the case in the President's budget for fiscal year 2008, the Small Business Administration continue to be designated as a major agency in the President's budget submitted pursuant to section 1105 of title II of the Budget Act of 1974, and that the Administrator of the Small Business Administration have an active role as a member of the President's Cabinet;

(6) renews its call on the Administration to implement the Small Business Administration's (SBA) management assistance programs as quickly as possible; and

S. RES. 175—RECOGNIZING THE 97TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Resolved, That the Senate—

(2) strongly supports efforts to bring peace to the Middle East;

WHEREAS the Small Business Administration has helped small businesses access critical lending opportunities, protected small business concerns from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small business concerns and venture capital are made available to all qualified small business concerns;

(3) applauds the efforts and achievements of the owners of small business concerns and their employees, whose hard work and commitment to excellence have made them a key part of the Nation's economic vitality;

WHEREAS the United States provides billions of dollars to the people of Israel through the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect; WHEREAS the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally; WHEREAS Israel has made significant global contributions in the fields of science, medicine, and technology; and WHEREAS the Independence Day of Israel on the Jewish calendar coincides this year with April 26, 2007;

WHEREAS the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for the citizens of, and visitors to, the United States; and

WHEREAS the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for the citizens of, and visitors to, the United States; and

(2) congratulates the United States and Israel for strengthening their bilateral relations during 2006 in the fields of defense, diplomacy, and homeland security, and encourages the United States and Israel to continue their cooperation in resolving mutual challenges; and

WHEREAS the United States and Israel for strengthening their bilateral relations during 2006 in the fields of defense, diplomacy, and homeland security, and encourages the United States and Israel to continue their cooperation in resolving mutual challenges; and

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SENEGAL'S CONCURRENT RESOLUTION ENCOURAGING THE RECOGNITION OF THE NEGRO BASEBALL LEAGUES AND THEIR PLAYERS ON MAY 20TH OF EACH YEAR

Whereas even though African-Americans were excluded from playing in the Major Leagues of their time with their white counterparts, the desire of many African-Americans to play baseball could not be repressed;

Whereas Negro Baseball did not fully integrate its leagues until 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas 7 separate baseball leagues, known collectively as the “Negro Baseball Leagues”, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played on the Negro Baseball Teams and were later inducted into the Baseball Hall of Fame;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew “Rube” Foster founded the Negro National League on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, and also managed and played for the Chicago American Giants, and was later inducted into the Baseball Hall of Fame;

Whereas Leroy “Satchel” Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his more-than-20-year career thrilled fans of baseball with his skill and legendary showboating, helping the Cleveland Indians win the pennant in his first big league victory; and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger in the Negro Leagues, tragically died 64 days before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African-American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African-American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John “Buck” O’Neill was a player and manager of the Negro League Kansas City Monarchs, became the first African-American coach in the Major Leagues, had the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, and was later inducted into the Baseball Hall of Fame;

Whereas Minnie Minoso played in the Negro Leagues for several years before being signed by the Cleveland Indians in 1956, and was later inducted into the Hall of Fame, because during his prime years, he was a victim of racial discrimination;

Whereas the talents of such players as Josh Gibson, James “Cool Papa” Bell, and Oscar Charleston earned them recognition in the Baseball Hall of Fame as well as the Sporting News List of Baseball Greatest Players, but they were denied admission to the Major Leagues due to the color of their skin;

Whereas Autozone Park in Memphis, Tennessee, hosted the inaugural Civil Rights Game between the defending World Champion St. Louis Cardinals and the Cleveland Indians in commemoration of the civil rights movement, on March 31, 2007; and

Whereas by achieving success on the baseball field, African-American baseball players helped break color barriers and integrate African-Americans into all aspects of society in the United States; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress:

1. Recognizes the teams and players of the Negro Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

2. Encourages the recognition of Negro Leaguers Recognition Day on May 20 of each year.

Mr. NELSON of Florida. Mr. President, I, along with Senators REID, LEAHY, SPECTER, OBAMA, CLINTON, BROWNBACK, and MARTINEZ, have proudly submitted a concurrent resolution; and

Resolved by the Senate (the House of Representatives concurring), That Congress:

AUTHORITY FOR COMMITTEES TO MEET

MRS. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2007, at 9:30 a.m., in open session to receive testimony on legal issues regarding individuals identified by the Department of Defense as unlawful enemy combatants.

The PRESIDING OFFICER. Without objection, it is so ordered.
AMERICA COMPETES ACT

On Wednesday, April 25, 2007, the Senate passed S. 761 as follows:

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 “America COMPETES Act” or the “America Creating Opportunities to Meaningfully Promote Excellence in Education, Technology, Education, and Science Act”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) Divisions.—This Act is organized into 5 divisions as follows:

(1) DIVISION A.—Commerce and Science.
(2) DIVISION B.—Department of Energy.
(3) DIVISION C.—Education.
(4) DIVISION D.—National Science Foundation.
(5) DIVISION E.—General Provisions.

(2) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A.—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.

Sec. 1102. Study on barriers to innovation.
Sec. 1104. Release of scientific research results.
Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President’s Council on Innovation and Competitiveness.
Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA’s contribution to innovation.
Sec. 1302. Aeronautics Institute for Research.
Sec. 1303. Basic research enhancement.
Sec. 1304. Aging workforce issues program.
Sec. 1305. Conforming amendments.
Sec. 1306. Fiscal year 2008 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.
Sec. 1403. Innovation acceleration.
Sec. 1404. Manufacturing extension.
Sec. 1405. Experimental Program to Stimulate Competitive Technology.
Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.
Sec. 1407. Clarification of eligible connections in connection with regional centers responsible for implementing the objectives of the Hollings Manufacturing Partnership program.

TITLE V—OCEAN AND ATMOSPHERIC ADMINISTRATION

Sec. 1501. Ocean and atmospheric research and development program.
Sec. 1502. NOAA ocean and atmospheric science education programs.
Sec. 1503. NOAA’s contribution to innovation.
Sec. 1504. NOAA accountability and transparency.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.
Sec. 2007. Discovery science and engineering innovation institutes.
Sec. 2008. Protecting America’s Competitive Edge (PACE) graduate fellowship program.
Sec. 2009. Title IX compliance.
Sec. 2010. High-risk, high-reward research.
Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.
Sec. 3002. Definitions.

TITILE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.
Sec. 3112. Definitions.
Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.
Sec. 3114. Programs for master's degrees in mathematics, science, technology, or critical foreign languages.

Sec. 3115. General provisions.

Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Programs.

Sec. 3122. Definitions.

Sec. 3123. Advanced Placement and International Baccalaureate programs.

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering Teaching

Sec. 3131. Promising practices.

TITLE II—MATHEMATICS

Sec. 3210. Math Methods for elementary school and middle school students program.

Sec. 3212. Summer term education programs.

Sec. 3230. Math skills for secondary school students.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

PARTNERSHIP BONUS GRANTS

Sec. 3301. Findings and purpose.

Sec. 3302. Definitions.

Sec. 3303. Program authorized.

Sec. 3304. Assistance for costs of partnerships.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P-16 education data systems.

TITLE V—MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS

Sec. 3501. Mathematics and science partnership bonus grants.

Sec. 3502. Authorization of appropriations.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.

Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.

Sec. 4003. Graduate fellowships and graduate training programs.

Sec. 4004. Professional science master's degree programs.

Sec. 4005. Increased support for science education through the National Science Foundation.

Sec. 4006. Meeting critical national science needs.

Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.

Sec. 4008. Experimental Program to Stimulate Competitive Research.

Sec. 4009. Encouraging participation.

Sec. 4010. Cyberinfrastructure.

Sec. 4011. Information and communications technology research.

Sec. 4012. Robert Noyce Teacher Program.

Sec. 4013. General provision of appropriations regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.

Sec. 4014. National Science Foundation teacher institutes for the 21st century.

Sec. 4015. Partnerships for access to laboratory science.

DIVISION E—GENERAL PROVISIONS

Sec. 5001. Collection of data relating to trade in services.

Sec. 5002. Sense of the Senate regarding small business growth and capital markets.


Sec. 5004. Prohibition against funding antiinnovation risk-taking compared to foreign competitors.

Sec. 5005. Feasibility study on free online college degree program.

Sec. 5006. Sense of the Senate regarding deemed exports.

Sec. 5007. Sense of the Senate regarding capital markets.

DIVISION A—COMMERCE AND SCIENCE

SECTION 1001. NATIONAL SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science, technology, engineering, and mathematics enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations. 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).

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations, 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).

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science, technology, engineering, and mathematics enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations. 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).

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(c) ANNUAL EVALUATION.—Beginning in 2008, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall include an annual report on the status of the recommendations made by the Summit.

SEC. 1103. NATIONAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INNOVATION RESEARCH.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future value creation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2); and

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into such contract, the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the National Academy of Sciences $1,000,000 for the years 2009 through 2009 for carrying out the study required under this section.
SEC. 1103. NATIONAL INNOVATION MEDAL.
(1) by striking the section heading and inserting—
"SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.
"; and
(2) by striking the portion following paragraph (a) by striking—
"Technology and Innovation Medal" and inserting—
"Technology and Innovation Medal".

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH DATA.
(a) PRINCIPLES.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the “Bayh-Dole Act”), and shall—
(1) specifically address what is and what is not permitted or recommended under such policies and procedures;
(2) be specifically designed for each such agency;
(3) be applied uniformly throughout each such agency; and
(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.
It is the sense of Congress that the Director of the Office of Science and Technology Policy should—
(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields; and
(2) initiate a program, in consultation with Federal agencies and departments, to provide outreach tools (including existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical backgrounds to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and applications of studying science, technology, engineering, and mathematics fields; and
(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees, 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 of 1985 or 1986(b), in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.
(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-skill, high-wage employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.
(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, management and learning discipline known as service science.
(c) OUTSIDE RESOURCES.—In conducting the study required by paragraph (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 10(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)), leaders from corporations, and other relevant parties.
(d) SERVICE SCIENCE DEFINED.—In this section, the term “service science” means curricula, training, and research programs that are designed to teach individuals to apply scientific, engineering, and management discipline principles to the design and management of systems of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION
SEC. 1201. PRESIDENT’S COUNCIL ON INNOVATION AND COMPETITIVENESS.
(a) IN GENERAL.—The President shall establish a President’s Council on Innovation and Competitiveness.
(b) DUTIES.—The Council’s duties shall include—
(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;
(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal research resources in science, technology, job training, and technology research and development considering such global trends in competitiveness and innovation;
(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact and allocation of Federal policies and rules that affect innovation capabilities in the United States; and
(4) identifying opportunities and making recommendations to the President and executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations.
(c) DEVELOPMENT OF INNOVATION AGENDA.—
(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.
(2) DEVELOPMENT OF INNOVATION AGENDA.—
(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.
(3) ADVISORS.—
(A) RECOMMENDATION.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1) that include appropriate representatives from the following:
(i) The private sector of the economy.
(ii) Labor.
(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.
(iv) Scientific organizations.
(v) Academic organizations and other non-governmental organizations working in the area of science or technology.
(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.

B) DESIGNATION.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

C) REQUIREMENT TO CONSULT.—The Council shall develop a comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) INITIAL SUBMISSION AND UPDATES.—
(A) BALANCED AGENDA.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).
(B) UPDATES.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

d) TECHNICAL AMENDMENT.—Section 101(b) of the High-Performance Computing Act of 1991 (55 U.S.C. 5511(b)) is amended by striking “an” in the first sentence and inserting “a” distinct.

f) OPTIONAL ASSIGNMENT.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) PROGRAM ESTABLISHED.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to promote and provide incentives for innovation in the United States through research projects that can yield results with far-ranging or wide-ranging implications but are considered to span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

(1) meet fundamental technology or scientific challenges;
(2) involve multidisciplinary work; and
(3) involve a high degree of novelty.

(b) DEPARTMENTS AND AGENCIES.—
(1) FUNDING GOALS.—The President shall ensure that, if it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency’s total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) ADMINISTRATION.—
(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the head of each Federal research agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) REQUIRED METRICS.—
(i) IN GENERAL.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics for funding decisions that will be made and metrics for assessing the success of the grants awarded.

(ii) METRICS FOR BASIC RESEARCH.—The metrics developed under clause (i) to assess basic research projects shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(iii) GRANT DURATION AND RENEWALS.—
(1) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(2) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (A). The evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILING METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) WAIVER.—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) DEFINITIONS.—In this section:

(1) FEDERAL RESEARCH AGENCY.—The term “Federal research agency” means a major organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) MAJOR ORGANIZATIONAL COMPONENT.—The term “major organizational component”, with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable upon which basic rate of pay is computed in the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA’S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation in economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (2 U.S.C. 16631) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of this Act that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) ANNUAL REPORT.—
(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) ESTABLISHMENT.—
(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) DIRECTOR.—The Institute shall be headed by a Director with experience in aeronautics research and development.

(b) DUTIES.—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16701 et seq.).
the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Transportation Development Corporation established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2460).

(b) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(c) HOW NASA SCIENCE ACTIVITIES CAN BEST...

(d) To make recommendations to the Administrator of the National Aeronautics and Space Administration concerning adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under paragraph (2).

(e) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(f) To make recommendations to the Administrator of the National Aeronautics and Space Administration concerning adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under paragraph (2).

(g) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).
Technology Acceleration Research Program", to support and promote innovation in the United States through high-risk, high-reward research; and

(2) ensure that participant funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be awarded through competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive funding, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property will vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) C OMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) EACH YEAR.—Each year the Director shall issue an annual report describing the program’s activities, including a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of the strengths and weaknesses of the program. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) COSTS.—(1) ESTIMATED COSTS.—No more than 5 percent of the funding available to the program may be used for administrative expenses.

(f) H IGH-RISK, H IGH-REWARD RESEARCH DE- FINED.—In this section, the term “high-risk, high-reward research” means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and placed on probation for one year, after which time the panel shall re-evaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.” after “at declining levels.”

(b) FEDERAL SHARE.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by striking subsections (c) and (d) and inserting the following:

“(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers the Secretary and Director may also accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall be considered as Federal share of capital and annual operating and maintenance costs under subsection (c).”

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMU- LATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) ARRANGEMENTS.—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based organizations to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(c) REQUIREMENTS FOR MAKING AWARDS.—

(1) IN GENERAL.—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award made under this subsection shall be not less than 25 percent of the Federal share.

(d) REPORTING.—The Director shall issue an annual report describing the program’s activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of the strengths and weaknesses of the program. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NA- TIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNOLOGY ACTS.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 272g–1) is amended by striking “up to 1 per centum of the” in the first sentence.

(b) FINANCIAL AGREEMENTS.—

(1) CLARIFICATION.—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting “and grants and cooperative agreements,” after “arrangements,”

(2) MEMBERSHIPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking “and” after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

“(22) notwithstanding subsection (b)(4) of this section, sections 6301 through 6308 of title 10 of the United States Code (commonly known as the ‘Grants and Cooperative Agreements Act’), sections 3551 through 3556 of such title (commonly known as the ‘Competition in Contracting Act’), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institutes of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and”

(c) OUTDATED SPECIFICATIONS.—

(1) REDEFINITION OF METRIC SYSTEM.—Sec- tion 2 of the Act of July 26, 1918, entitled “An Act To redefine the units and establish the International System of Units as established in 1960, and subse- quently maintained, by the General Conference of Weights and Measures, and as in- terpreted or modified for the United States by the Secretary of Commerce,” is hereby repealed.


(3) INDOCHINE TIME ZONE.—Section 3 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 264) is hereby repealed.

(4) STANDARD TIME.—Section 1 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 265) is hereby repealed.

SEC. 2. METRIC SYSTEM DEFINED.

“The metric system of measurement shall be defined as the International System of Units established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified by the United States by the Secretary of Commerce.”


(3) INDOCHINE TIME ZONE.—Section 3 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 264) is amended—

(4) STANDARD TIME.—Section 1 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 265) is amended—

(A) by striking “in the section heading, by striking ‘third zone’ and inserting ‘fourth zone’; and

(B) by striking “third zone” and inserting “fourth zone”.

(4) STANDARD TIME.—Section 1 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 265) is hereby repealed.

(3) INDOCHINE TIME ZONE.—Section 3 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 264) is amended—

(A) by striking “in the section heading, by striking ‘third zone’ and inserting ‘fourth zone’; and

(B) by striking “third zone” and inserting “fourth zone”.

(4) STANDARD TIME.—Section 1 of the Act of March 19, 1918, entitled “An Act To redefine the units and establish the standards of electrical and photo- metric measurements of 1960” (15 U.S.C. 265) is amended—

(A) by inserting “(a) IN GENERAL.—” before “For the purpose”;

(B) by striking the second sentence and the extra period after it and inserting “Except as provided in section 3(a) of the Uniform Time
Act of 1966 (15 U.S.C. 280a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded by 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours.

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. 276k(c)(3)) is amended to read as follows: 

"(3) Financial support.—(A) In general.—Any nonprofit institution, or group thereof, or consortium of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support related to the 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 in 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 activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

(C) Other costs incurred.—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 in the Community and meet the needs of the small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined to be consistent with standards that are 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 plan of allocation of any legal right associated with any invention that may result from an activity of a Center for which the applicant receives financial assistance under this section.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND INNOVATION PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program to promote oceanic, coastal, Great Lakes, and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall lead to improved understanding of the Earth's systems and the advancement of knowledge in ocean and atmospheric science and engineering.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) In General.—The Director of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers.

(b) NOAA SCIENCE EDUCATION PLAN.—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth educational goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) Construction.—Nothing in this section may be construed to affect the application of section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) NOAA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and measurements and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic research in oceanography, technology, engineering, and mathematics.

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 the person who received the funds to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST FOR PERSONS RECEIVING FUNDS.—No funds made available by the Administrator through a grant or contract shall be made available to the person who received such grant or contract, including any subcontractor to such person, if the person has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the “Protecting America’s Competitive Edge Through Energy Act” or the “PACE-Energy Act.”

SEC. 2002. DEFINITIONS.

In this division:

(a) DEPARTMENT.—The term “Department” means the Department of Energy.

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

(c) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given in section 3164 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(d) SECRETARY.—The term “Secretary” means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

“(b) ORGANIZATION OF MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—

(1) DIRECTOR OF MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (hereafter referred to as the ‘Under Secretary’), shall appoint a Director of Mathematics, Science, and Engineering Education (referred to in this subsection as the ‘Director’) with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary for Science on matters relating to mathematics, science, and engineering education at the Department.

(d) DUTIES.—The Director shall:

(1) oversee all mathematics, science, and engineering education programs of the Department;
"(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

"(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

"(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

"(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

"(4) STAFF AND OTHER RESOURCES.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

"(5) ASSESSMENT.—

"(A) IN GENERAL.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the effect of the mathematics, science, and engineering education programs of the Department.

"(B) CONSIDERATIONS.—An assessment under the paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subpart; and

"(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

"(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION FUND.—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.

"(b) CONSULTATION.—The Secretary shall—

"(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

"(2) otherwise make available to the Secretary of Education reports associated with programs under that section;

"(c) DEFINITION.—Section 3168 of the Department of Energy and Science Education Act (42 U.S.C. 7381d) is amended by adding at the end the following:

"(d) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—The Department of Energy Science Education Act (42 U.S.C. 7381d) is amended—

"(1) by inserting after section 3165 the following:

"(Subpart B—Mathematics, Science, and Engineering Education Programs

"SEC. 3170. DEFINITIONS.

"In this subpart:

"(1) DIRECTOR.—The term 'Director' means the Director of Mathematics, Science, and Engineering Education.

"(2) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given in the term in subsection (b) of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

"SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

"(a) PURPOSE.—The purpose of this section is to provide States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering and technology) education to improve the academic achievement of students in mathematics and science.

"(b) DEFINITION OF SPECIALTY SCHOOL FOR MATHEMATICS AND SCIENCE.—In this section, the term 'specialty school for mathematics and science' means a public secondary school (including a school that provides residential services to students) that—

"(1) serves students residing in the State in which the school is located; and

"(2) offers to those students a high-quality, comprehensive science education (including engineering and technology) curriculum designed to improve the academic achievement of students in mathematics and science.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall—

"(A) increase experiential, hands-on learning opportunities in mathematics, science, engineering, and technology for students attending such schools; and

"(B) provide ongoing professional development opportunities for teachers employed at such schools.

"(2) ASSISTANCE.—A State that receives a grant under this section—

"(A) shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

"(i) make available through the grant to—

"(I) appropriate ratios of students in mathematics and science;' and

"(ii) make available through the grant to—

"(I) appropriate ratios of students in mathematics and science;"
the extent applicable, technology and engineering assessments.

"(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

"(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE-Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $30,000,000 for fiscal year 2008;

''(2) $20,000,000 for fiscal year 2009;

''(3) $30,000,000 for fiscal year 2010; and

''(4) $50,000,000 for fiscal year 2011.

CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

"SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

"(a) INTERNSHIPS AUTHORIZED.—

"(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

"(A) provide the students with internships at the National Laboratories;

"(B) promote experiential, hands-on learning in mathematics, science, technology, or engineering; and

"(C) be of at least 2 weeks in duration.

"(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

"(b) FUNDING CRITERIA.—

"(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

"(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

"(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).

"(c) PRIORITY.—

"(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

"(A) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

"(B) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(B) for which there is—

"(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

"(ii) a high teacher turnover rate; or

"(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

"(d) ADMINISTRATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

"(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2011.

CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING EDUCATION

"SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING EDUCATION.

"(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term 'high-need public secondary school' means a secondary school—

"(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6337)); or

"(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

"(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program of Centers of Excellence in Mathematics, Science, Technology, and Engineering at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with section (f).

"(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (e).

"(d) SELECTION.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall establish programs at the National Laboratories to provide assistance in accordance with the sites of the Centers of Excellence.

"(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

"(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

"(f) ASSISTANCE.—Consistent with sections 3136 and 3137, the Secretary shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which each—

"(1) assists in the development of courses at the Centers of Excellence in Mathematics, Science, Technology, and Engineering; and

"(2) uses National Laboratory scientific equipment in the teaching of the courses.

"(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

"(1) the provision of clinical practicum, student teaching, or internship experiences for mathematics, science, and technology teacher candidates as part of its teacher preparation program;

"(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

"(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

"(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

"(i) PLAN.—The Director shall—

"(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

"(2) disseminate information obtained from those measurements.

"(j) FUNDING AND SUBSIDY PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this section at any National Laboratory under any other provision of law.

CHAPTER 4—SUMMER INSTITUTES

"SEC. 3185. SUMMER INSTITUTES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNER.—The term 'eligible partner' means—

"(A) the mathematics, science, or engineering department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

"(B) a nonprofit entity with expertise in providing professional development for mathematics, science, or technology teachers.

"(2) SUMMER INSTITUTE.—The term 'summer institute' means an institute, conducted during the summer, that—

"(A) is conducted for a period of not less than 3 weeks;

"(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

"(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

"(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

"(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide training to strengthen the mathematics, science, technology, and engineering teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

"(2) PROGRAMS WITH ELIGIBLE PARTNERS.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics, science, technology, and engineering teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).
mathematics, science, and to the extent applicable, technology and engineering assessments.

(8) REPORT TO CONGRESS.—The Secretary shall submit to the Congress a report on how the activities assisted under this section improve the mathematics, science, technology, and engineering teaching skills of participating teachers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2008;
(2) $40,000,000 for fiscal year 2009;
(3) $50,000,000 for fiscal year 2010; and
(4) $75,000,000 for fiscal year 2011.

CHAPTER 5—NUCLEAR SCIENCE EDUCATION

SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) PURPOSES.—The purposes of this section are—

(1) to address the decline in the number of resources available to nuclear science programs of institutions of higher education; and
(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term ‘nuclear science’ includes—

(1) nuclear science;
(2) nuclear engineering;
(3) nuclear chemistry;
(4) radio chemistry; and
(5) health physics.

(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 10 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible, nuclear-related entity, as determined by the Secretary.

(3) CRITERIA.—Criteria for a grant award under this subsection shall be based on—

(A) the potential to attract new students to the program;
(B) academic rigor; and
(C) the ability to offer hands-on learning opportunities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this subsection shall be for 5 years in duration.

(B) AMOUNT.—A grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out this paragraph—

(A) $9,000,000 for fiscal year 2008;
(B) $13,000,000 for fiscal year 2009;
(C) $16,000,000 for fiscal year 2010; and
(D) $22,500,000 for fiscal year 2011.

(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out this paragraph—

(A) $11,000,000 for fiscal year 2008;
(B) $15,500,000 for fiscal year 2009;
(C) $22,000,000 for fiscal year 2010; and
(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 subsections (c) and (d), the Director shall establish a program to recruit and provide mentors for nuclear science and related minors who are interested in careers in mathematics, science, and engineering. The program shall pair mentors with nuclear science and related minors who are in programs of study at nuclear science and related institutions.

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

(1) use metrics to evaluate the success of the programs established under subsections (c) and (d); and
(2) submit to Congress a report that describes the results of each evaluation.

CHAPTER 7—NATIONAL ENERGY EDUCATION DEVELOPMENT

SEC. 3196. NATIONAL ENERGY EDUCATION DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed national academic 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.

(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.

1. 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.

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CARRIER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION.—In this section—

(A) the term ‘‘eligible early-career researcher’’ means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date on which the application was received under this section, except as provided in subsection (c); and

(2) has demonstrated promise in the field of science, particularly mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) In general.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) Applicants.—Any eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and on such forms as the Secretary may require.

(d) WAIVER.—The Secretary may find eligible a candidate who has completed a doctorate or other terminal degree not more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or obligations.

(e) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this section shall be for 5 years in duration.

(B) AMOUNT.—An eligible early-career researcher who receives a grant under this section shall receive up to $100,000 for each year of the grant period.

(f) USE OF FUNDS.—An eligible early-career researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) DEFINITIONS.—In this section—

(A) ADVISORY BOARD.—The term ‘‘Advisory Board’’ means the Advisory Board established under subsection (d).

(B) AUTHORITY.—The term ‘‘Authority’’ means the Advanced Research Projects Authority—Energy established under subsection (b).

(C) DIRECTOR.—The term ‘‘Director’’ means the Director of the Authority appointed under subsection (c).

(D) ENERGY.—The term ‘‘energy’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(E) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(F) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(G) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(H) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(I) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(J) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(K) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(L) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

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(P) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

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(U) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(V) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(W) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(X) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(Y) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.

(Z) INNOVATION.—The term ‘‘innovation’’ means the practical application of science to human needs, through the conversion of energy to useful forms of energy, including energy efficiency technology.
April 26, 2007

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) DEFINITION OF HIGH-RISK, HIGH-REWARD RESEARCH.—In this section, the term ‘‘high-risk, high reward research’’ means research that—

(1) has the potential for yielding results of importance to the mission area of the Department;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) ESTABLISHMENT.—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(c) QUALIFICATIONS.—The Diractor of the United States Geological Survey shall establish a program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) ESTABLISHMENT.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) QUALIFICATIONS.—Successful candidates under this section shall be selected through a competitive process, on the basis of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) SELECTION.—A distinguished scientist appointed under this section shall be selected through a competitive process.

(e) APPOINTMENT.—(1) INSTITUTION OF HIGHER EDUCATION.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of
higher education at a minimum rank of professor.

(2) NATIONAL LABORATORY.—An appointment by a National Laboratory under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(3) USE OF FUNDS.—Funds made available under subsection (a) shall be used for—

(A) the salary of the distinguished scientist and support staff;

(B) professional travel;

(C) research-related equipment;

(D) research and development;

(E) professional development and educational opportunities;

(F) research and educational exchanges;

(G) travel to scientific meetings and conferences;

(H) publication expenses; and

(I) professional service and technical training.

SEC. 3111. PURPOSE.

The purpose of this section is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and to enhance the teachers' content knowledge and pedagogical skills; and

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, engineering, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills; and

(3) to develop and implement programs for productive partnerships in mathematics, science, or critical foreign language education that lead to a master's degree in teaching that results in teacher certification.

SEC. 3112. DEFINITIONS.

In this title:

(A) CHILDREN FROM LOW-INCOME FAMILIES.—The term "children from low-income families" means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(c)(1)(A)).

(B) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, science, engineering, or a critical foreign language participating in the part-time master's degree programs in mathematics, science, engineering, or a critical foreign language that includes teacher certification; and

(C) PARTNERSHIP.—The term "partnership" means a partnership that—

(i) has the capacity to provide expertise or support to meet the purposes of this subtitle;

(ii) is specific to academic subject matter; and

(iii) is focused on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented.

(D) TEACHING SKILLS.—The term "teaching skills" means the ability to—

(i) increase student achievement;

(ii) increase student engagement;

(iii) lead to a baccalaureate degree with concurrent teacher certification;

(iv) effectively manage a classroom; and

(v) communicate with and involve parents and guardians, and involve parents and guardians in their child's education.

SEC. 3113. PROGRAMS FOR BACHELOR'S DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(A) PROGRAM—AUTHORIZATION.—From the amounts made available under this section, no part of any fiscal year shall be used to support programs for bachelor's degrees in mathematics, science, engineering, or a critical foreign language participating in the part-time master's degree program in mathematics, science, engineering, or a critical foreign language that includes teacher certification.

(B) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) include a description of the program for which assistance is sought; and

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in this program will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing students with the opportunity to participate in the partnership with a competency-based degree program that 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 (A) a lead to a baccalaureate degree program in mathematics, science, or critical foreign language with concurrent teacher certification.

PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics, science, technology, or engineering courses, include strategies for improving student literacy;

(D) encourage the participation of individuals and members of groups that are underrepresented in the teaching of mathematics, science, technology, or engineering, or critical foreign languages;

(E) ensure that participants teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, to the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(ii) increase the number of elementary, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(iii) increasing the number of participants in the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(A) induction programs;

(B) promotion of effective teaching skills; and

(C) providing opportunities for regular professional development;

(J) develop recommendations to improve the teacher preparation program participating in the partnership;

(d) ANNUAL REPORT.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) TECHNICAL ASSISTANCE.—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program in critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills, or programs for professionals in mathematics, science, or critical foreign language that enhance the teachers' content knowledge and teaching skills;

(f) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and program participants will be used to improve the program;

(g) how the program will prepare the participating programs to become more effective in mathematics, science, or critical foreign language teachers;

(h) how the program will prepare participants to assume leadership roles in their schools;

(i) how the program will—

(A) improve student academic achievement in mathematics, science, and, wherever applicable, technology and engineering and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(h) how the program will prepare participants to become more effective mathematics, science, or critical foreign language teachers;

(i) methods to ensure applicants to the master's degree program for professionals in mathematics, science, or critical foreign language demonstrate advanced knowledge in the relevant subject;

(j) AUTHORIZED ACTIVITIES.—Each eligible recipient receiving a grant under this section shall use the funds to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that enhance the teachers' content knowledge and teaching skills, or programs for professionals in mathematics, science, or critical foreign language that lead to a 1-year master's degree in teaching that results in teacher certification. The program shall—

(1) promote effective teaching skills so that program participants may demonstrate effective teaching skills in their schools;

(2) prepare teachers to assume leadership roles in their schools in activities such as teacher mentoring, development of curricula that integrate state of the…
art applications of mathematics, science, technology, and engineering into the classroom, working with school administrators in establishing in-service professional development opportunities consisting in tutoring data and assessments to improve student academic achievement; (3) use high-quality research, laboratory, or in-service experiences for program participants that are integrated with coursework; (4) provide student teaching or clinical experiences; (5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for integrating technology into the classroom; (6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted; (7) encourage the participation of— (A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, engineering, technology, or critical foreign languages; (B) members of the Armed Forces who are transitioning to civilian life; and (C) teachers teaching in schools determined by the partnership to be most in need; (8) provide assistance, based on need, as appropriate; (9) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge and teaching skills of such teachers; and (10) evaluate and report on the impact of the program, in accordance with subsection (d). (d) EVALUATION AND REPORT.—Each eligible recipient receiving a grant under this section shall— (1) accurately report measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in the following: (A) Increasing the number and percentage of mathematics, science, engineering, technology, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements: (i) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program. (ii) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program. (B) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language. (C) Retaining teachers who participate in the program. (2) Provide measurable improvement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages; and (3) to increase the availability of, and enrollment in, 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 (4) to support statewide efforts to increase the availability of, and enrollment in, 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. SEC. 3115. GENERAL PROVISIONS. (a) DURATION OF GRANTS.—The Secretary shall award each grant under this subtitle for a period of not more than 5 years. (b) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this subtitle shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant. (c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal, State, or local funds. (d) EVALUATION.—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary— (1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and (2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives. SEC. 3116. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to carry out this section $210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which— (1) 57.1 percent shall be available to carry out section 3114 for the school year 2008 and each succeeding fiscal year; and (2) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs SEC. 3121. PURPOSE. It is the purpose of this subtitle— (1) to raise achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages; (2) to increase, to 700,000 per year, the number of students attending high-need schools who— (A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or (B) score at least a 3 on an examination administered by the International Baccalaureate Organization in such a subject; (3) to increase the availability of, and enrollment in, 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 (4) to support statewide efforts to increase the availability of, and enrollment in, 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.

SEC. 3122. DEFINITIONS. In this subtitle— (1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term ‘‘Advanced Placement or International Baccalaureate course’’ means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary, or another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination that satisfies nationally recognized educational association. (2) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means— (A) a State educational agency; (B) a local educational agency; or (C) a partnership consisting of— (i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and (ii) a State educational agency or local educational agency.

3. LOW-INCOME STUDENT.—The term ‘‘low-income student’’ has the meaning given the term ‘‘low-income student’’ in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6377(3)).

4. HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term ‘‘high concentration of low-income students’’ has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6377(2)).

5. HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘‘high-need local educational agency’’ means a local educational agency or educational service agency described in 3123(a)(4).

6. HIGH-NEED SCHOOL.—The term ‘‘high-need school’’ means a middle school or secondary school— (A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and (B) with a high concentration of low-income students; or (ii) designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS. (a) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (1), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the entities to carry out the authorized activities described in subsection (g).

(b) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6550).

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

(e) EQUITABLE DISTRIBUTION.—The Secretary, to the extent practicable, shall— (1) ensure an equitable geographic distribution of grants under this section among the States; and (2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) PUBLICATION.— (1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of— (A) the goals and objectives for the project, including—  
(1) increasing the number of teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(2) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(3) increasing the number of Advanced Placement and pre-International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(4) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(A) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) pre-Advanced Placement or pre-International Baccalaureate courses in mathematics, science, or critical foreign languages.

(g) AUTHORIZED ACTIVITIES.—

(1) I N GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities described in subparagraph (B);

(B) how the eligible entity will use funds received under this section, including how the eligible entity will provide professional development for teachers assisted under this section;

(C) how the eligible entity will use funds received under this section to support activities described in subparagraph (B); and

(D) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1) in a manner that allows comparison of conditions before, during, and after the project.

(h) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (i), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(1) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section $58,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

Subtitle C—Promising Practices in Mathematics, Science, Technology, and Engineering in Teaching

SEC. 3111. PROMISING PRACTICES.

(a) PURPOSE.—The purpose of this section is to strengthen the skills of mathematics, science, technology, and engineering teachers by identifying promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education.

(b) NATIONAL PANEL ON PROMISING PRACTICES IN TEACHING MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING.—The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(c) COMPOSITION OF NATIONAL PANEL.—

(1) CONSULTATION.—The Secretary shall enter into a contract with the National Academy of Sciences to establish a panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education. The Secretary is authorized to contract with the National Academy of Sciences to convene, not later than 1 year after the date of enactment of this Act, a national panel to identify existing promising practices in the teaching of mathematics, science, technology, and engineering in kindergarten through grade 12.

(2) SELECTION.—The Secretary shall ensure that the panel established under paragraph (1) broadly represents scientists, practitioners, authors, and educational leaders and principals from all demographic areas, including urban, suburban, and rural schools.
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(C) Representation of teachers from public and private schools.

(3) QUALIFICATIONS OF MEMBERS.—The members of the panel established under paragraph (2) shall—

(A) be individuals who have substantial knowledge or experience relating to—

(1) mathematics, science, technology, and engineering curricula content development;

(B) mathematics, science, technology, or engineering; and

(C) identify areas of need for promising practices in mathematics, science, technology, and engineering;

and

(3) identify areas of need for promising practices in mathematics, science, technology, and engineering;

(4) Dissemination.—The Secretary shall disseminate information collected pursuant to this section to the public, State educational agencies, and local educational agencies, and shall publish and disseminate information on the promising practices on the website of the Department in an easy to understand format.

(f) Mathematics, Science, Technology, and Engineering Practices.—

(1) RELIABILITY AND MEASUREMENT.—The promising practices in the teaching of mathematics, science, technology, and engineering in elementary and secondary education collected under this section shall be—

(A) reliable, valid, and grounded in scientific theory and research;

(B) evaluated regularly to assess effectiveness; and

(C) reviewed in the context of State academic assessments and student academic achievement standards.

(2) Students with diverse learning needs.—In identifying promising practices under this section, the panel established under subsection (c) shall take into account the needs of students with diverse learning needs, particularly for students with disabilities and students who are limited English proficient.

(g) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this section such sums as may be necessary for the purposes of this section.

TITLE II—MATHEMATICS

SEC. 2201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) Purpose.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 8 through a comprehensive set of mathematics programs and the support of comprehensive mathematics initiatives that are research-based and reflect a demonstrated record of effectiveness; and

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

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(b) Guidelines.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and educators from high-risk, low-achieving schools and eligible local educational agencies.

(2) Local Uses of Funds.—

(1) Mandatory Uses of Funds.—Each eligible local educational agency receiving a grant under this section shall use the grant to carry out each of the following activities:

(A) To implement mathematics programs or comprehensive mathematics initiatives—

(i) providing professional development and instructional leadership activities for teachers and, if appropriate, for school administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(1) to improve the achievement of students performing significantly below grade level; and

(2) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(III) to increase the use of effective instructional practices; and

(iv) to conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(2) Implement classroom-based assessments, including diagnostic or formative assessments;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(2) Applications.—

(1) State Educational Agency.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary in accordance with the following requirements:

(A) an assurance that the core mathematics instructional program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are research-based and reflect a demonstrated record of effectiveness and are aligned withState academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2); and

(C) an assurance that local applications will be evaluated using a peer review process; and

4. A description of the qualifications of the peer review teams, which shall consist of—
(i) researchers with expertise in the pedagogy of mathematics; and
(ii) mathematicians; and
(iii) mathematics educators serving high-risk, at-risk schools and eligible local educational agencies; and

(4) An assurance that the State will establish a process to safeguard against conflicts of interest consistent with subsection (g)(2), for individuals providing technical assistance on behalf of the State educational agency or participating in the State peer review process required by section 1111(b)(4)(C)(i).

(5) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring to receive a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include:

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—
   (i) served by the eligible local educational agency; and
   (ii) described in section 3201(b);
   (B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;
   (C) information, on an aggregate basis, on each school to be served by the project, including an assurance that the programs or strategies will be used for the project, and that the programs or strategies are research-based and reflect a demonstrated record of effectiveness and are aligned with State academic achievement standards;
   (D) a description of the eligible entity’s plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, or other school staff; and
   (H) any other information the State educational agency may reasonably require.

(6) 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 made available under this section; and

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

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor of the House of Representatives on the progress made in increasing the number of students achieving at grade level or above in mathematics; and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional materials, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies are research-based and reflect a demonstrated record of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency’s report under subsection (i); and

(G) a description of the eligible entity’s plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, and other school staff; and

(H) any other information the State educational agency may reasonably require.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(4) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Secretary to direct, control, or suggest the selection of a State, local educational agency, or educational agency who enroll in algebra high-achievement schools and eligible local educational agencies receiving a grant under this section.

(5) EVALUATION AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall conduct an independent evaluation, by grant or by contract, of the program assisted under this section, and shall make an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall report to the Committee on Education and Labor, and to the Committee on help the local educational agencies receiving a grant under this section.

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

(A) desires to participate in a summer learning program under this section 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.

(5) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall require a State, school or other educational agency to 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 30 percent may be provided by local educational agencies within the State.

(B) WAIVER.—The Secretary may waive all or a portion of the requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(I) the application of the matching requirement would result in serious hardship for the State educational agency; or

(II) providing a waiver best serves the purpose of the program assisted under this section.

(C) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by State, school, or other educational agency receiving a grant under this section to conduct the evaluation.

(D) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(3) SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.

(4) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(4) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Secretary to direct, control, or suggest the selection of a State, local educational agency, or educational agency who enroll in algebra high-achievement schools and eligible local educational agencies receiving a grant under this section.

(4) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Secretary to direct, control, or suggest the selection of a State, local educational agency, or educational agency who enroll in algebra high-achievement schools and eligible local educational agencies receiving a grant under this section.
(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, non-profit organization, science center, museum, or summer learning camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(i).

(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).

(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’’ has the meaning given the term 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) that 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).

(10) DEMONSTRATION GRANT PROGRAM.—
(I) PROGRAM AUTHORIZED.—
(A) 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 competitive grants to eligible 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.

(II) FLEXIBILITY.—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 by 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: 
(I) enter into agreements with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that proposes to target services to children in grades K–8;
(II) provide the summer learning opportunity, under which—
(aa) the eligible entity shall agree to provide the summer learning opportunity with State standards; and
(bb) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—
(A) 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 percent of such funding is devoted to field trips or other enrichment opportunities) to the summer scholar;
(B) produces gains 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 impact on each subgroup of summer scholars;
(C) collects daily attendance data on each summer scholar;
(D) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and
(E) meets all applicable Federal, State, and local civil rights laws.

(II) AMOUNT.—The State shall—
(A) award the Federal share of the summer learning grant determined under subsection (c) to each eligible entity to the extent the eligible entity agrees, to the extent possible, to—
(I) make payments to the eligible entity;

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity receives a 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.

(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.

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

(5) ECONOMIC DISADVANTAGE.—The term ‘‘economic disadvantage’’ means the term given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).
SEC. 3203. 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 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 with special needs and students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics teachers so that classroom teachers can 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) 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 according to the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants directly to local educational agencies; and

(2) not more than 1/2 of 1 percent of such amounts for the Bureau of Indian Education for the purpose of improving overall mathematics performance of secondary school students in the State.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(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 according to the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants directly to local educational agencies; and

(2) not more than 1/2 of 1 percent of such amounts for the Bureau of Indian Education for the purpose of improving overall mathematics performance of secondary school students in the State.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall award grants, on a competitive basis, to State educational agencies to establish mathematics programs for the purpose of improving 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; and the Secretary may use the reserved funds to award grants directly to local educational agencies;

(2) not more than 1/2 of 1 percent of such amounts for the Bureau of Indian Education for the purpose of improving overall mathematics performance of secondary school students in the State.

(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 establish mathematics programs for the purpose of improving overall mathematics performance of secondary school students 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, that an 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. 6302 et seq.).

(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 in the 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 assure 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 research-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based instructional 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 encourage developmental programs funded under this section—

(I) to be 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) will be coordinated with other developmental programs funded under other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7813).

(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) Subgrant process that 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 with other Federal programs and activities 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 math 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 (i); 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); and

(B) to provide—

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

(ii) other support to State educational agencies and local educational agencies implementing research-based mathematics programs.
(ii) high-quality professional development to teachers and mathematics coaches in the State; 
(C) to oversee and evaluate subgrant services and activities carried out by eligible local educational agencies as described in subsection (l)(3); and 
(D) for administrative costs, of which not more than 15 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. 
(ii) PROHIBITIONS.— 
(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) WAIVER.—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 the duties or activities under this section, unless granted a waiver by the Secretary. 
(3) REPORTING.—The Secretary shall report annually to each of the Committees 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 any other entity to— 
(A) mediate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, services, or any instruction by a State, local educational agency, or school. 
(B) request that a consortium is an eligible local educational agency if each member of the consortium is an eligible local educational agency receiving a grant under this subsection. 
(C) to oversee and evaluate subgrant services and 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. 
(D) 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; and 
(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 in partnership with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that these 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 adequate mathematics is 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 strengthen student academic achievement in mathematics. 
(E) Procuring and implementing programs and instructional materials based on mathematics instruction, including for students with disabilities and students with limited English proficiency.
(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under this title, or (II) significantly increased the number of students achieving at the proficient or advanced levels on such academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting the 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 and mathematics-related 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 DISAGREGATION.—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(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) which are achievement proficiency levels on such academic content standards in mathematics;

SEC. 3303. PROGRAM AUTHORIZED.

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(B) CONTENTS.—Each application shall—

(i) how each of the partners will be involved in planning, developing, and implementing—

(1) program curriculum and materials; and

(2) teacher professional development; and

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students to be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(2) USES OF FUNDS.—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level, the secondary level, and postsecondary education, consistent with the purposes of this title, including—

(A) the development of curriculum and instructional materials,

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, language classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out subparagraph (F);

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education.

(1) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within and between populations of native-language speakers in the critical foreign languages, if such programs are carried out in conjunction with language instruction;

(2) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies; and

(ii) program design; and

(iii) curricular approaches;

(L) the impact of the strategies, programs designed, and curriculum approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages; and

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

(2) MATCHING REQUIREMENT.—

(A) 20 percent of the amount of the grant payment is made; and

(B) 30 percent of the amount of the grant payment for the second such fiscal year;
(C) 40 percent of the amount of the grant payment for the third such fiscal year; and
(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) Non-Federal share.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) Matching requirement.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—
(A) the implementation of the matching requirement will result in serious hardship for the partnership; or
(B) the waiver will best serve the purposes of this title.

(e) Supplement not Supplant.—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) Technical Assistance.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this title.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated $22,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION DATA SYSTEMS.

SEC. 4001. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE EDUCATION, WORKFORCE, AND INSTITUTIONS OF HIGHER EDUCATION.

(a) Purpose.—It is the purpose of this section—
(1) to promote better alignment of content knowledge requirements for secondary school graduates with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, and the Armed Forces, by aligning—
(A) student knowledge, student skills, State content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with
(B) the demands of higher education, the 21st century workforce, and the Armed Forces;
(2) to support the establishment or improvement of statewide P–16 education data systems that—
(A) assist States in improving the rigor and relevance of state academic content standards and assessments;
(B) ensure students are prepared to succeed in—
(i) academic credit-bearing coursework in higher education without the need for remediation;
(ii) the 21st century workforce; or
(iii) the Armed Forces; and
(C) enable States to have valid and reliable information to inform education policy and practice.

(b) Definitions.—In this section:
(1) 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)).
(2) P–16 education.—The term "P–16 education" means the educational system from preschool through the conferring of a baccalaureate degree.

(c) Statewide Partnership.—The term "statewide partnership" means a partnership that—
(A) shall include—
(i) the Governor of the State or the designee of the Governor;
(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;
(iii) a representative of the agencies in the State that administer Federal or State–funded early childhood education programs;
(iv) not less than 1 representative of a public community college;
(v) not less than 1 representative of a technical school;
(vi) not less than 1 representative of a public secondary school;
(vii) the State higher education coordinating board;
(viii) the chief executive officer of the State higher education coordinating board;
(ix) not less than 1 public elementary school teacher employed in the State;
(x) not less than 1 early childhood educator in the State;
(xi) not less than 1 public secondary school teacher employed in the State;
(xii) not less than 1 representative of the business community in the State; and
(xiii) not less than 1 member of the Armed Forces;

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at a postsecondary institution, a member of a civic or community organization, a representative from a private institute of higher education, an officer or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development;

(c) Grants Authorized.—The Secretary is authorized to award grants, on a competitive basis, to States to enable such State to work with a statewide partnership—
(1) to promote better alignment of content knowledge requirements for secondary school graduates with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, and the Armed Forces; or
(2) to establish or improve a statewide P–16 education data system.

(d) Period of Grants: Non-Renewability.—(1) Grant Period.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) Non-Renewability.—The Secretary shall not award a State more than 1 grant under this section.

(e) Authorized Activities.—(1) Grants for P–16 Alignment.—Each State receiving a grant under subsection (c)(1) shall—
(A) use the grant funds for—
(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the work-
force, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces; and
(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State to create and communicate a forum for identifying and deliberating on education issues that—
(I) involve preschool through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) developing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—
(I) identifying the coursework and performance levels necessary for acceptance into institutions of higher education; and

(II) developing or providing guidance to local educational agencies within the State on the adoption of curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—
(I) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms; and

(ii) identifying changes in State academic content standards, academic achievement requirements, and assessments in grades preceding secondary school in order to ensure such standards and assessments are appropriately aligned and adequately reflect the content necessary to prepare students to enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities to students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements;

(iv) identifying and addressing teacher certification needs; or

(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.

(2) Grants for statewide P–16 Education Data Systems.—(A) Establishment of System.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P–16 education data system that—
(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—
(I) is not a personally identifiable data element or a personally identifiable data element in combination with other data elements; and

(ii) including the adoption of curricula and assessments that are—
(I) developed by the State to ensure such standards and assessments are sufficiently aligned and adequately reflect the content necessary to prepare students to enter secondary school;

(iv) has the capability to align the requirements, standards, and assessments preceding a student's graduation with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, in the Armed Forces without the need for remediation;

(v) enables the collection and communication of data generated by the system to educational agencies serving, other States; and

(vi) includes the adoption of an algorithm for determining that—
(I) provides each student, upon enrollment in a public elementary or secondary school in the State, with a unique identifier, such as a bar code, that—

(ii) includes the adoption of an algorithm for determining that—
(I) provides each student, upon enrollment in a public elementary or secondary school in the State, with a unique identifier, such as a bar code, that—

(II) during the school year in which a student is in the 11th or 12th grade and the school year following such student's 12th grade, the system shall—
(I) provide the school district or the State with information on the outcomes of the student in the 11th or 12th grade year;

(II) during the school year in which a student is in the 11th or 12th grade and the school year following such student's 12th grade, the system shall—
(I) provide the school district or the State with information on the outcomes of the student in the 11th or 12th grade year;

(II) during the school year in which a student is in the 11th or 12th grade and the school year following such student's 12th grade, the system shall—
(I) provide the school district or the State with information on the outcomes of the student in the 11th or 12th grade year;
(II) is retained throughout the student’s enrollment in P–16 education in the State; and
(i) meets the requirements of subparagraph (A); and
(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (a)(2) for the improvement of a statewide P–16 education data system shall include, where necessary, regulations requiring States desiring grants for statewide P–16 education data systems under this section to implement measures for 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.
(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system meets any further requirements 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.
(C) PRIVACY AND ACCESS TO DATA.—(I) IN GENERAL.—Each State that receives a grant under subsection (a)(2) shall implement—
(I) 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 basis as is necessary to fulfill those purposes and functions;
(II) prohibit the disclosure of information in the statewide P–16 education data system to an 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 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 any agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to any State employee 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 or, 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 measures for 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.
(E) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:
(A) PRESCHOOL THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to preschool through grade 12 education and postsecondary education—
(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));
(II) information on students not tested by grade and subject;
(III) a teacher identifier system with the ability to match teachers to students;
(IV) student-level transcript information, including information on courses completed and grades earned; and
(V) student-level college readiness test scores.
(B) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—
(aa) an information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework;
(bb) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.
(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—
(I) identify factors that correlate to students’ ability to successfully engage in and complete high school general education coursework without the need for prior developmental coursework;
(II) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and
(iii) use the data in the system to otherwise inform education policy and practice in order to better align State academic content standards, and curricula, with the demands of the postsecondary education workforce, the 21st century workforce, and the Armed Forces.
(F) APPLICATION.—(I) IN GENERAL.—Each State desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.
(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify—
(iii) the methods used to conduct P–16 education alignment activities, or the establishment or improvement of a statewide P–16 education data system. The application shall include, at a minimum, the following:
(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities;
(B) A description of how the concerns and interests of the larger education community, including parents, teachers, teacher educators, principals, and preschoo adminstrators will be represented in carrying out the authorized activities described in subsection (e); and
(C) In the case of a State applying for funding for P–16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State academic content standards, substantive curricula, remediation, and acceleration opportunities for students, as well as any changes determined necessary by the State.
(D) In the case of a State applying for funding to establish or improve a statewide P–16 education data system, the State shall—
(i) provide a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (B) (iv) (II) (iii) (III) of this section that these measures will be in place prior to the establishment or improvement of the statewide P–16 education data system; and
(ii) assurance that the State will continue to fund the statewide P–16 education data system after the end of the grant period.
(f) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).
(g) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-federal funds, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.
(h) CONSERVATION.—In this section shall be construed to require States to provide raw data to the Secretary.
(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $100,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.
(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 students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6357(3)), in each State whose students demonstrate the most improved performance, 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, the amount of funds appropriated under this section for the preceding 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. 3502. AUTHORIZATION OF APPROPRIATIONS.

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

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the National Science Foundation—

(1) $6,729,000,000 for fiscal year 2008;

(2) for fiscal year 2009, $6,909,000,000;

(3) $10,234,000,000 for fiscal year 2011; and

(b) Plan for Increased Research.—

(1) Within not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Appropriations of the Senate, the Committee on Science, Education, Labor, and Pensions of the Senate, the Committee on Health, Education, Labor, and Pensions of the House of Representatives, and the Committee on Science of the House of Representatives.

(2) Plan Requirements.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation’s lead in physical science and technology, improving overall workforce skills in physical science, technology, engineering, and mathematics at all levels of education, and expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 110(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) Purpose.—The purpose of this section is to ensure the continued involvement of experts from the National Science Foundation in strengthening science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) Equitable Distribution of New Funds.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation, for fiscal year 2008, $1,050,000,000, and, for each of the fiscal years 2009 through 2011, an amount equal to $1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2008.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) Graduate Research Fellowship Program.—

(1) In General.—During the 4-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens, nationals, or eligible lawful permanent residents who—

(A) are enrolled in and are pursuing a full-time doctoral degree program at a 2-year or 4-year institution of higher education;

(B) are citizens or nationals of the United States, or are eligible lawful permanent residents; and

(C) are citizens with graduate or professional degrees from institutions of higher education and not engaged in full-time teaching, who seek to continue their graduate or professional studies at a higher level.

(2) Extension of Fellowship Period.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) Authorization of Appropriations.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for fellowship awards under the Graduate Research Fellowship Program an increase in the appropriation for the National Science Foundation for fiscal year 2008 above the amount appropriated to the National Science Foundation for fiscal year 2008.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) Graduate Research Fellowship Program.—

(1) In General.—During the 4-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens, nationals, or eligible lawful permanent residents residing in the United States or eligible lawful permanent residents who—

(A) are enrolled in and are pursuing a full-time doctoral degree program at a 2-year or 4-year institution of higher education;

(B) are citizens or nationals of the United States, or are eligible lawful permanent residents; and

(C) are citizens with graduate or professional degrees from institutions of higher education and not engaged in full-time teaching, who seek to continue their graduate or professional studies at a higher level.

(b) Graduate Research Training Program.—During the 4-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Training Program to—

(1) strengthen the Nation’s lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels of education, and expanding the focus of competitiveness and innovation policy at the regional and local level; and

(2) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 110(c) of this Act.

(c) Program Requirements.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation’s lead in physical science and technology, improving overall workforce skills in physical science, technology, engineering, and mathematics at all levels of education, and expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 110(c) of this Act.

(d) Plan for Increased Research.—Within not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Appropriations of the Senate, the Committee on Science, Education, Labor, and Pensions of the Senate, the Committee on Health, Education, Labor, and Pensions of the House of Representatives, and the Committee on Science of the House of Representatives.

(e) Plan Requirements.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation’s lead in physical science and technology, improving overall workforce skills in physical science, technology, engineering, and mathematics at all levels of education, and expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 110(c) of this Act.

(f) Plan for Increased Research.—Within not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Appropriations of the Senate, the Committee on Science, Education, Labor, and Pensions of the Senate, the Committee on Health, Education, Labor, and Pensions of the House of Representatives, and the Committee on Science of the House of Representatives.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) Graduate Research Fellowship Program.—

(1) In General.—During the 4-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent residents are awarded grants under the program during that period.

(b) Extension of Fellowship Period.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) Authorization of Appropriations.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for fellowship awards under the Graduate Research Fellowship Program an increase in the appropriation for the National Science Foundation for fiscal year 2008 above the amount appropriated to the National Science Foundation for fiscal year 2008.

SEC. 4004. PROFESSIONAL SCIENCE MASTER’S DEGREE PROGRAMS.

(a) Clearinghouse.—

(1) Development.—The Director shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to develop performance benchmarks that evaluate the pilot programs assisted by grants under this section.

(2) Evaluation of Fellowship Program.—The Director shall—

(A) provide for an evaluation of the effectiveness of the fellowship program in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master’s degree students or similar partnership arrangements;

(B) secure that more than 5% of the funding for such professional science master’s degree programs from sources other than the Federal Government.

(b) clearinghouse.—In this section, the term "clearinghouse" means the clearinghouse of program elements developed under this section. Any program that fails to meet the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) Purpose.—The purpose of this section is to ensure the continued involvement of experts from the National Science Foundation in strengthening science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) Equitable Distribution of New Funds.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation, for fiscal year 2008, $1,050,000,000, and, for each of the fiscal years 2009 through 2011, an amount equal to $1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2008.
SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) In General.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology education programs under part II of division B of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) $40,000,000 for each of fiscal years 2008 and 2009;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) in subclause (I) (as redesignated by section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)) by inserting “and indenting appropriately;” and

(2) by striking “(V)” as redesignated by section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) as subclauses (I) through (VI), respectively, and indenting appropriately;

(c) LIMITATION.—Nothing in this section or section 4005 shall be construed to authorize or require—

(1) the Director to make grants for projects related to the fundamental understanding of the physical sciences, mathematics, or that enhance competitiveness or science, technology, engineering, or mathematics for undergraduate or graduate education.

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) In General.—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, related sciences, technology, and natural sciences, technology, engineering, and mathematics.

(b) PRIORITY TREATMENT.—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation’s Research and Related High Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that improve competitiveness or innovation in the United States.

(c) LIMITATION.—Nothing in this section shall be construed to authorize or require—

(1) the Director to make grants for projects related to the fundamental understanding of the physical sciences, mathematics, or that enhance competitiveness or science, technology, engineering, or mathematics for undergraduate or graduate education.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

(a) In General.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology education programs under part II of division B of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) $40,000,000 for fiscal year 2008;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking “include those that promote high quality;” and inserting “include programs that—

(i) promote high-quality;” and

(3) in clause (i) (as inserted by paragraph (2)—

(A) in subsection (III) (as redesignated by paragraph (1), by striking “for students;” and inserting “for students, especially—

(B) in subsection (IV) (as redesignated by paragraph (1)), by striking “and” after the semicolon;

(C) in subsection (VI) (as redesignated by paragraph (1)), by striking “and” after the semicolon; and

(D) by adding at the end the following:

(VII) outreach programs that provide middle and secondary school students and their science, technology, and math teachers opportunities to increase the students’ and teachers’ exposure to engineering and technology education and training.

(4) by striking “and” as redesignated by paragraph (1), by striking “and” after the semicolon;

(C) in subsection (VI) (as redesignated by paragraph (1)), by striking “and” after the semicolon; and

(D) by adding at the end the following:

(VII) programs that provide middle and secondary school students and their science, technology, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs in study in secondary school, community college, undergraduate or graduate school, with mentors who are working in industry.

(b) ADDITIONAL LEARNING PROGRAM.—The Director shall establish a program to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) APPLICATIONS.—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) PROGRAM EVALUATION.—The Director shall establish metrics to evaluate the success of the programs established under subsection (a) and report the findings and conclusions of the evaluations annually to Congress.
education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), nonprofit research institutions affiliated with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), National Laboratories, national laboratories of the National Science Foundation to carry out this subsection—

(A) $45,000,000 for fiscal year 2008;
(B) $50,000,000 for fiscal year 2009;
(C) $55,000,000 for fiscal year 2010; and
(D) $60,000,000 for fiscal year 2011.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESPONSIBILITIES.—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced materials and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute’s responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 4012. ROBERT NOYCE TEACHER PROGRAM.

(a) Amendments to the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862h–1) is amended—

(1) in the section heading, by striking “SCHOLARSHIP” and inserting “TEACHER”; and

(2) in subsection (a)—

(A) by striking “or consortia of such institutions” and inserting “, consortia of such institutions, or partnerships”;

(B) by striking “to provide scholarships, stipends, or fellowships to individuals” and inserting “to provide scholarships, or stipends, or fellowships to individuals participating in the program” after “science teachers”;

(C) by striking “or consortia, or partnerships”; and

(iv) by striking “and to provide scholarships, stipends, or fellowships to individuals participating in the program” after “science teachers”;

(iv) by striking “or consortia, or partnerships”;

(ii) in subparagraph (A)—

(aa) by striking “encourage top college seniors and juniors majoring in” and inserting “recruit and prepare undergraduate students majoring in”;

(bb) by striking “and” and inserting “and become qualified as”;

(ii) in clause (ii)—

(aa) by striking “programs to help scholarship recipients” and inserting “academic courses and clinical teaching experiences designed to prepare students participating in the program”;

(bb) by striking “or consortia” and inserting “students participating in the program”;

(cc) by striking “;” and inserting “;”;

(bb) by striking “enable the recipients” and inserting “enable the students”;

(cc) by striking “; or” and inserting “; and”;

(cc) by striking “;”;

(IV) by adding at the end the following:

(iv) providing summer internships for freshman and sophomore students participating in the program;

(III) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking “encourage” and inserting “recruit and prepare”;

(bb) by striking “qualified as” after “to become”;

(II) by striking clause (ii) and inserting the following:

(i) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such activities as are necessary to prepare students to meet the requirements for teacher certification or licensing; and

(ii) by striking the period at the end and inserting “; or”;

(iv) by adding at the end the following:

(C) to develop and implement a program to recruit and prepare mathematics, science, or engineering professionals to become NSF Teaching Fellows, and to recruit existing teachers to become NSF Master Teaching Fellows, through—

(i) administering fellowships in accordance with subsection (c);

(ii) offering academic courses and clinical teaching experiences that are designed to prepare students participating in the program to teach in secondary schools and that, in the case of NSF Teaching Fellows, result in a master’s degree and teacher certification or licensing; and

(iii) offering programs to participants to assist them in fulfilling their responsibilities under this section, including mentoring, training, mentoring training, and induction and professional development programs.

(C) by adding at the end the following:

(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of such institutions, or a partnership shall ensure that specific faculty members and staff from the mathematics, science, or engineering departments of participating institutions (or a participating institution of the consortium or partnership) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education and consortium may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in the students’ field teaching experiences and other activities to assist new teachers in fulfilling their service requirements under this section;

and

(2) in subsection (b)—

(iv) by striking after subparagraph (A) the following:

(B) the extent to which the applicant’s mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or
(E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ⅔ of the sum of the total amount of awards received by an individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

(11) in subsection (i) (as redesignated by paragraph (6))—
(A) by striking “or consortia” and inserting “, consortia, or partnerships”;
(B) by striking “scholarship recipients and stipend recipients” and inserting “scholarship, stipend, and fellowship recipients”; and
(C) by striking “subsection (e)” and inserting “subsection (f)”;
(12) by inserting after subsection (i) (as redesignated by paragraph (6))—
"(1) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement funds appropriated for scholarships, stipends, internships, and fellowships associated with the programs under this section.

"(13) in subsection (i) (as redesignated by paragraph (6))—
(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (5), (7), (9), and (10), respectively;
(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) the term ‘advanced content knowledge’ means demonstrated mathematics or science content knowledge as measured by a rigorous, valid assessment tool that has been approved by the Director;"
(C) by inserting after paragraph (2) (as redesignated by subparagraph (A)) the following:

"(3) the term ‘fellowship’ means an award under subsection (e);"
(D) by inserting the term ‘high-need local educational agency’ means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) —

“(Ai) that serves not less than 10,000 children from low-income families;
(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or
(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

"(D) in paragraph (1) (as redesignated by subparagraph (A)), by inserting ‘engineering,’ after ‘mathematics, science,’;"

It is the sense of the Senate that—

(1) the mathematics and science education partnership program at the National Science Foundation and the mathematics and science improvement program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reforms that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice;

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraph (7), $64,000,000 for fiscal year 2008; $94,000,000 for fiscal year 2009; $106,000,000 for fiscal year 2010; and $130,000,000 for fiscal year 2011.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking "summer or" and inserting "teacher institutes for the 21st century, as described in paragraph (7)";

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers;

(iii) serve teachers who are considered highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, teach high-needs subjects, and teach in high-needs schools (as described in section 111(a)(1) of the Elementary and Secondary Education Act of 1965);

(iv) magnify the structure developed by the Director under subparagraph (C); and

(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research.

(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training, engaged in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of math, science, technology, engineering, and mathematics;

(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

(viii) provide for direct interaction between participants in and faculty of the teacher institute;

(ix) have a component that includes the use of the Internet;

(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

(xii) establish a mechanism to provide substantial support for the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

(c) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

(1) a teacher institute for the 21st century may be organized to involve—

(A) an institution of higher education or a consortium of relevant education organizations, or

(B) 1 or more nonprofit organizations that have the capacity to provide expertise or support to meet the purposes of this section;

and

(2) by adding at the end the following:

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the America COMPETES Act and except as otherwise provided, in this Act:

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

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

SEC. 4015. PARTNERSHIPS FOR ACCESS TO LABORATORY SCIENCE.

(a) GRANT PROGRAM.—Section 8(b) of the National Science Foundation Authorization Act of 2002 (Public Law 107–38) is amended—

(1) by redesignating subparahraphs (A) through (7) 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 the word "A program of";

(5) by inserting at the end the following:

(A) IN GENERAL.—A program of;

(6) by striking "PILOT PROGRAM.—" and inserting the word "PILOT PROGRAM.—";

SEC. 4016. sense of the Senate regarding the mathematics and science education partnership program.
“(2) according to the Senator Charles E.

(a) FINDINGS.—The Congress finds that—

SEC. 5005. FEASIBILITY STUDY ON FREE ONLINE

(b) REPORT.—The Director of the National

(b) AUTHORIZATION OF APPROPRIATIONS.—

(c) SUNSET.—The provisions of this section

(1) the United States has the most fair,

(3) include data collection and analysis of

SEC. 5002. SENSE OF THE SENATE REGARDING

SEC. 5003. GOVERNMENT ACCOUNTABILITY OF-

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

(1) examines each annual and interim re-

(1) United States government policies rel-
dated to deemed exports should safeguard

(2) it is of paramount importance for the

(time-out or a community college;

(6) includes a high-need local educational

(3) small businesses are vital participants

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(b) AUTHORIZATION OF APPROPRIATIONS.—

(a) FINDINGS.—The Congress finds that—

(2) according to the Senator Charles E.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) the United States has the most fair,

SEC. 5006. SENSE OF THE SENATE REGARDING

SEC. 5004. PROHIBITION AGAINST FUNDING ANTI-

DIVISION E—GENERAL PROVISIONS

SEC. 5001. COLLECTION OF DATA RELATING TO

SEC. 5002. SENSE OF THE SENATE REGARDING

SEC. 5003. GOVERNMENT ACCOUNTABILITY OF-

SEC. 5004. PROHIBITION AGAINST FUNDING ANTI-

SEC. 5005. FEASIBILITY STUDY ON FREE ONLINE

SEC. 5006. SENSE OF THE SENATE REGARDING

SEC. 5007. SENSE OF THE SENATE REGARDING

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services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the US is moving in the wrong direction.

(3) further, the report referred to in paragraph (2) stated that—

(A) ‘’The IPO market also offers the most dramatic way of raising funds on the capital raising needs around the world, and US exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place from 2006 to 2008, the share of US IPO volume attracted by US exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs—those over $1 billion—US exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.’’; and

(B) ‘’London already enjoys clear leadership in the fast-growing and innovative over-the-counter derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both enterprising and regulatory. London is the heart of the world’s financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are increasingly 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 professional reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since 2000, 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 and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(S) 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 preserve 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 96 through 102 and 104, and all nominations placed on the Secretary’s desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

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.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Kevin A. Garver, 0000

In the Army

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Warren S. Lake, 0000

In the Marine Corps

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be brigadier general

Col. Gregory E. Couch, 0000

In the Navy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Karl K. Eder, 0000

To be vice admiral

Rear Adm. Jeffrey L. Fowler, 0000

To be lieutenant general

Lt. Gen. Martin E. Dempsey, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Sec. 12203:

To be brigadier general

Col. Gregory E. Couch, 0000

In the Navy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Karl K. Eder, 0000

To be vice admiral

Rear Adm. Jeffrey L. Fowler, 0000

To be lieutenant general

Lt. Gen. Martin E. Dempsey, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Sec. 12203:

To be major general

Brigadier General Karl K. Eder, 0000

Brigadier General Paul F. Hamm, 0000

Brigadier General David A. Morris, 0000

Brigadier General Gregory A. Schumacher, 0000

Brigadier General Richard J. Sherlock, Jr., 0000

Brigadier General Dean G. Sienko, 0000

To be brigadier general

Colonel Marcia M. Anderson, 0000

Colonel Douglas P. Anson, 0000

Colonel William G. Beard, 0000

Colonel William M. Buckler, 0000

Colonel Alfred B. Carlton, 0000

Colonel Robert G. Catalanotti, 0000

Colonel Katherine P. Kasun, 0000

Colonel Robert W. Kenyon, 0000

Colonel Karen E. Ledoux, 0000

Colonel Peter S. Lennon, 0000

Colonel Charles D. Mankin, 0000

Colonel Gary A. Medvigy, 0000

Colonel Samuel T. Nichols, Jr., 0000

Colonel James D. Owens, Jr., 0000

Brigadier General Jeffrey E. Philip, Jr., 0000

Colonel Leslie A. Purser, 0000

Colonel David W. Puster, 0000

Colonel Daniel I. Schultz, 0000

Colonel Michael R. Smith, 0000

Colonel Jeffrey W. Talley, 0000

Colonel Megan P. Tatu, 0000

Colonel Nickolas P. Tooliatos, 0000

Colonel James W. Wilburn, 0000

In the Marine Corps

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be brigadier general

Brig. Gen. Thaddeus J. Martin, 0000

In the Army

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William C. Kirkland, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William C. Kirkland, 0000

To be vice admiral

Rear Adm. Harold D. Starling, II, 0000

To be admiral

Adm. Robert J. Papp, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be admiral

Adm. John M. Richardson, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be major general

Brig. Gen. David M. Jones, 0000

To be vice admiral

Rear Adm. Harold D. Starling, II, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John J. Groevsteijn, 0000

To be brigadier general

Col. Emily C. Harn, 0000

In the Navy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be major general

Brig. Gen. David M. Jones, 0000

To be vice admiral

Rear Adm. Harold D. Starling, II, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John J. Groevsteijn, 0000

To be brigadier general

Col. Emily C. Harn, 0000

The following named officer for appointment in the Reserve of the Army to the
indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

To be lieutenant general
Maj. Gen. William G. Webster, Jr., 0000

The following named officer for appointment to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general
Col. Mark J. MacCarley, 0000

The following Army National Guard of the United States for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)
Capt. Michael A. Giorgione, 0000

NOMINATIONS PLACED ON THE SECRETARY’S DESK

IN THE AIR FORCE

PN389 AIR FORCE nominations (12) beginning THOMAS J. TROJANS, and ending DANIEL S. ZULLI, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN406 AIR FORCE nomination of David J. Carrell, which was received by the Senate and appeared in the Congressional Record of March 26, 2007.

PN407 AIR FORCE nomination of James G. Wolf, which was received by the Senate and appeared in the Congressional Record of March 27, 2007.

PN409 AIR FORCE nominations (5) beginning BRIAN L. EVANS, and ending DUNCAN D. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of March 28, 2007.

PN410 AIR FORCE nominations (6) beginning ROBERT W. BEADLE, and ending BRENT S. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN425 AIR FORCE nominations (5) beginning BROOKE E. GRANT, and ending MARY A. RUTTIG, which nominations were received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN437 AIR FORCE nomination of Noana Issaghrill, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

IN THE NAVY

PN389 ARMY nomination of Melissa W. Jones, which was received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN390 ARMY nomination of Barbara J. King, which was received by the Senate and appeared in the Congressional Record of March 23, 2007.

PN391 ARMY nominations (2) beginning JAMES W. BECK, and ending KEVIN S. MCKIERNAN, which nominations were received by the Senate and appeared in the Congressional Record of March 23, 2007.

PN392 ARMY nominations (9) beginning DANIEL L. HURST, and ending GEORGE T. TALBOT, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN438 ARMY nominations (2) beginning FRANKLIN M. CRANE, and ending GARY T. KIRCHOFF, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN439 ARMY nominations (11) beginning MARK W. COWUM, and ending D060629, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN440 ARMY nominations (7) beginning THOMAS BROOKS, and ending DEBORAH C. WARREN, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN441 ARMY nominations (7) beginning DAMON T. ARNOLD, and ending GLISBERTUS F. VANSTAVEREN, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN442 ARMY nomination of D060461, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN443 ARMY nomination of Bernadine F. Peotefox, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN444 ARMY nomination of D060470, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN445 ARMY nomination of Josef Rivero, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN446 ARMY nomination of Stephen J. Veloz, which was received by the Senate and appeared in the Congressional Record of April 11, 2007.

PN451 ARMY nominations (3) beginning KIRK O. AUSTIN, and ending LEE W. SMITHSON, which were received by the Senate and appeared in the Congressional Record of April 16, 2007.

PN452 ARMY nominations (4) beginning CRAIG E. BENNETT, and ending DARLENE M. SHEALY, which were received by the Senate and appeared in the Congressional Record of April 16, 2007.

IN THE COAST GUARD

PN386 COAST GUARD nominations (3) beginning KIRSTEN R. MARTIN, and ending RICHARD V. TIMME, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN449 COAST GUARD nominations (3) beginning BROOKE E. GRANT, and ending MARY A. RUTTIG, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2007.

IN THE MARINE CORPS

PN260 MARINE CORPS nomination of Charles E. Parham Jr., which was received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN393–1 MARINE CORPS nominations (359) beginning EDUARDO A. ABISELLAN, and ending JOSEPH J. ZABRA JR., which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN394 MARINE CORPS nominations (665) beginning AARON D. ABULLAR, and ending SCOTT W. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN447 MARINE CORPS nomination of Jason K. Pettig, which was received by the Senate and appeared in the Congressional Record of April 22, 2007.

IN THE NAVY

PN269 NAVY nomination of Brian D. Petersen, which was received by the Senate and appeared in the Congressional Record of Feb.

PUH1 NAVY nomination of Stanley R. Richardson, which was received by the Senate and appeared in the Congressional Record of March 29, 2007.

PN449 NAVY nominations (60) beginning BENJAMIN AMDUR, and ending DAVID M. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2007.

LEGISLATIVE SESSION

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

JOINT REFERRAL OF NOMINATION

Mr. REID. Mr. President, I ask unanimous consent that the nomination of R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on March 26, 2007, be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

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

HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 174.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Mr. President, I am pleased to support during National Small Business Week a bipartisan Senate resolution honoring the entrepreneurial spirit of small business owners throughout the United States. I am privileged to work every day with ranking member, Senator SNOWE and other members of my committee on behalf of small businesses and I am gratified to introduce this legislation with them here today.

Twenty-six million small businesses are currently operating in the United States. They represent 99.7 percent of all employers and account for two-thirds of all new jobs created each year. In addition, they contribute over 50 percent of the Nation’s nonfarm gross domestic product. Small businesses are the Nation’s innovators, producing 13 to 14 more patents per employee than large businesses, and they account for 97 percent of all exporters. It is clear that small businesses are a powerful force in the economic vitality that makes America strong, and small businesses would not have this success
were it not for government programs which support them. The Small Business Administration was created to support and protect small business concerns, and they have worked hard to do so. Millions of entrepreneurs have received assistance through SBA counseling, allowing them to start or expand small businesses. Staples, Intel, Nike, and America Online are just a few of the most well-known businesses who received assistance through at least one of the SBA’s programs.

Craig A. Bovaird from Princeton, MA, who I met this week when he was honored in Washington as the Massachusetts Small Business Person of the Year, is president of the Built-Rite Tool and Die, Inc. based in Lancaster which specializes in developing and manufacturing thermoplastics for the aerospace, medical, defense and high-tech industries. He is a pillar of his community—proud father of three daughters, involved in his town’s finances, a freeholder of his local public library, and a leader of his church. He had an idea and he had the technical expertise and knowledge about the industry. Craig is passionate about his business. As Craig said, "I enjoy watching an idea go from mind to paper through construction to a finished masterpiece."

But it was John Rainey, a counselor at Clark University's Small Business Development Center in Worcester, who guided Craig through the development of a solid business plan. Craig’s business is a success today—against the odds—because his manufacturing business grew and prospered at a time when other plastics companies were on the decline. This is thanks to Craig’s hard work, and also thanks to a key SBA program that got him the business counseling he needed.

However, despite these national and local successes, there are a number of issues which continue to be a problem for small businesses, and, in order to encourage continuing economic growth, it is important that Congress take steps to address them. Unfortunately, this administration has repeatedly reduced efforts to support small businesses. A report from the House Small Business Committee notes that the fiscal year 2008 budget would cut or terminate funding for 90 of the 110 Federal programs that were designed to support small business. In addition, since 2001, the administration has cut the SBA budget by more than 30 percent. When disaster loan funding is included, the President’s fiscal year 2008 budget request is a cut of 45 percent since taking office. The SBA needs adequate funding in order to meet the needs of small businesses.

The administration has also repeatedly called for the reduction or elimination of important loan programs, such as the Microloan program. The Microloan program is a small, efficient, cost-effective program, which provides very small loans and counseling to small businesses. Supporters in Congress and advocacy groups are requesting very little to fund this program—$3.2 million for the Microloan program and $20 million for technical assistance. That is minuscule when compared with U.S. funding for small businesses. In 2005, the United States spent more than $200 million on microloan programs in other countries. In 2006, the United States spent more than $54 million on microloans in Iraq, according to U.S. Ambassador Ryan Crocker. And in the President’s fiscal year 2007 emergency funding request for the war in Iraq, the administration as requested about $160 million in microcredit initiatives.

The management assistance programs, such as the Small Business Development Centers, the Women’s Business Centers, and the SCORE program, have also suffered under continuing flat or reduced funding. For instance, when taking account into inflation, SBDCs have experienced a 19 percent cut to revenue. Yet each dollar of this program returns $2.82 dollars to the Federal Government for every Federal dollar spent. Counseling hours and the number of clients counseled began declining in 2003 and 2004 and have continued to decline. For these programs is essential to prevent further loss of assistance to small businesses.

I also continue to be concerned about the Federal Government’s inability to meet the procurement goals set forth in law. The Federal Government has simply done an abysmal job of ensuring that small businesses get their fair share of Federal contracts. For instance, the Department of Defense’s 5.5 percent procurement with service-disabled veteran owned firms is significantly below the 3 percent stated goal and is unacceptable. These short-comings are harming small businesses, and I will continue to push to make small business concerns a fair chance at selling to the Federal Government. Nearly 2 years after Hurricane Katrina, small business owners and homeowners are struggling just to keep their doors open. Many of them were turned down or simply gave up on the SBA when they needed government assistance the most. The Senate Committee on Small Business and Entrepreneurship recently reported a bill that would comprehensively reform the disaster loan program, and I urge my colleagues to support passage of this important legislation. This critical legislation will help all small businesses who are faced with a catastrophe through no fault of their own.

As Patrick Turley, president of Turley Publications, Inc., in Palmer, MA, is the face of why we need an efficient disaster loan program that is a handup, not a handout. Patrick was also honored this week in Washington with the Phoenix Award for Small Business Disasters. Yet his business faced massive flooding in October 2005, which caused $993,000 in property losses, Patrick rallied his employees and still printed two university newspapers on time. With the help of an SBA disaster loan, Patrick was able to resume running his plant at full capacity just 5 months after the storms.

Patrick’s perseverance, leadership and courage in the wake of a disaster are commendable. By keeping his plant running, he kept people working and showed the people of Palmer that they too could overcome adversity.

I am proud of the many hardworking Americans like Craig and Patrick and the millions of others who face the risk and uncertainties inherent in opening and running a small business each day, and I applaud the achievements of the owners and their employees. Their hard work and dedication contribute tremendously to the economic well-being of this great Nation and deserve to be supported by the Federal Government.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 174) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 174

Whereas the 25,800,000 small business concerns in the United States are the driving force behind the Nation’s economy, creating more than 2/3 of all net new jobs and generating more than 50 percent of the Nation’s nonfarm gross domestic product; 

Whereas small business concerns are the Nation’s innovators, advancing technology and productivity; 

Whereas small business concerns represent 97 percent of all exporters and produce 28.6 percent of exported goods; 

Whereas Congress established the Small Business Administration to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Federal Government be placed with small business concerns, to ensure that a fair proportion of the total sales of Government property be made to such small business concerns, and to maintain and strengthen the overall economy of the Nation; and 

Whereas the Small Business Administration has helped small business concerns access critical lending opportunities, protected small businesses from Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small business concerns compete; 

Whereas for over 50 years, the Small Business Administration has helped entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and 

Whereas the President has designated the week beginning April 22, 2007 as “National Small Business Week”:

Now, therefore, be it

...
Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning April 22;

(2) applauds the efforts and achievements of the owners of small business concerns and their employees, whose hard work and commitment to excellence have made them a key part of the Nation’s economic vitality;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns;

(4) strongly urges the President to take steps to ensure:

(A) the applicable procurement goals for small business concerns, including the goals for small business concerns owned and controlled by women, HUBZone small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, are reached by all Federal agencies;

(B) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns and venture capital are made available to all qualified small business concerns;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women’s business centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs; and

(D) reforms to the disaster loan program of the Small Business Administration are implemented as quickly as possible; and

(5) urges that, as was the case in the President’s budget for fiscal year 2008, the Small Business Administration continue to be designated as a major agency in the President’s budget submitted pursuant to section 1105 of title II, United States Code, and that the Administrator of the Small Business Administration have an active role as a member of the President’s Cabinet.

RECOGNIZING THE 59TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 175.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 175) recognizing the 59th anniversary of the independence of the State of Israel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 175) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 175

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was one of the first countries to recognize the State of Israel, only 11 minutes after the creation of the State;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas Israel has also provided a refuge to, and has successfully absorbed, more than 800,000 Jewish refugees who fled persecution in neighboring Middle East countries;

Whereas the people of Israel have established a pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

(1) the freedom of speech;

(2) the freedom of religion;

(3) the freedom of association;

(4) the freedom of the press; and

(5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

(1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since Israel declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring governments of Egypt and Jordan to establish peaceful bilateral relations;

Whereas, despite the deaths of over 1,000 innocent citizens of Israel at the hands of murderous suicide bombers and other terrorists since 2002, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas several Israeli soldiers remain hostages of terrorist groups, and were unable to celebrate the Independence Day of Israel with their families and friends;

Whereas successive leaders of Israel have sought peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas the United States and Israel have contributed significantly to global contributions in the fields of science, medicine, and technology;

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with April 21, 2007; and

Whereas recognition of the numerous achievements of the people and the State of Israel is especially important in 2007 given the grave threats issued by, and the clear intentions of, the Government of Iran: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) strongly supports efforts to bring peace to the Middle East;

(3) commends the bipartisan commitment of all Members and senators of the United States since 1948 that supported Israel and worked for the security and well-being of Israel;

(4) congratulates the United States and Israel for strengthening their bilateral relations during 2006 in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving mutual challenges; and

(5) extends the best wishes of the Senate to the people of Israel as they celebrate the 59th anniversary of the independence of the State of Israel.

MEASURE READ THE FIRST TIME—H.R. 493

Mr. REID. Mr. President, H.R. 493 has been received from the House and is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 30, 2007

Mr. REID. Mr. President, I ask consent that when the Senate completes its business today, it adjourn until 2:45 p.m. on Monday, April 30; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 4:15 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 4:15, the Senate proceed to the consideration of Calendar No. 120, S. 1082, the FDA authorization bill.

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

PROGRAM

Mr. REID. Mr. President, as I just indicated in the consent approved, we will begin consideration of the FDA authorization bill on Monday. In view of the consent being granted, I announce to both sides of the aisle that there will be no rollcall votes on Monday. We will vote Tuesday prior to the conference recess. So there will be votes Tuesday morning, and everybody should plan accordingly.

ADJOURNMENT UNTIL MONDAY

APRIL 30, 2007, AT 2:45 P.M.

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until Monday, April 30, 2007, at 2:45 p.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 2007:
BROADCASTING BOARD OF GOVERNORS
JAMES K. GLASSMAN, OF CONNECTICUT, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE KENNETH V. TOMLINSON, TERM EXPIRED.
JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING APRIL 13, 2007, VICE KENNETH V. TOMLINSON, TERM EXPIRED.

DEPARTMENT OF STATE
JAMES R. KIRK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNCILOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA, VICE STEPHEN A. SIEBE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNCILOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHINA, VICE NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER-COUNCILOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEPAL.

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COL. MICHAEL D. DEVINE, 0000
IN THE MARINE CORPS
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF COLONEL IN THE MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

COLONEL JOHN G. CASTELLAW, 0000

CONFIRMATIONS
Executive nominations confirmed by the Senate Thursday, April 26, 2007:

DEPARTMENT OF JUSTICE
JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL, FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.
ROBERT GIDION HOWARD, JR., OF ARKANSAS, TO BE UNITED STATES MARSHAL, FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE
THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

Maj. Stephen J. Velez, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general
BRIG. GEN. TRADIEUS J. MARTIN, 0000
IN THE NAVY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general
BRIG. GEN. WILLIAM E. KIRKLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMED FORCES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general
BRIG. GEN. WILLIAM E. KIRKLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)
CAPT. MICHAEL A. GIORGIONE, 0000

IN THE AIR FORCE


AIR FORCE NOMINATION OF SAOGA ESLABRIL, 0000, TO BE MAJOR, IN THE ARMY

ARMY NOMINATION OF BARBARA J. KING, 0000, TO BE LIEUTENANT COLONEL.


IN THE MARINE CORPS

MARINE CORPS NOMINATION OF CHARLES E. PARHAM, JR., 0000, TO BE LIEUTENANT COLONEL.
MARINE CORPS NOMINATION OF JASON K. FETTIG, 0000, TO BE MAJOR.
MARINE CORPS NOMINATION OF MICHAEL J. COLBURN, 0000, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF BRIAN D. PETERSEN, 0000, TO BE CAPTAIN.
NAVY NOMINATION OF STANLEY R. RICHARDSON, 0000, 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.