accomplished the mission that our country has laid out for us.

That is what General Petraeus had to say. Then he gave us an idea of the caliber of the men and women who are serving our country in Iraq. Talking more about the commitment they have to their task, here is what General Petraeus said:

I think that that's a very important factor in what our soldiers are doing, in addition to the fact that, frankly, they also just respect the individuals with whom they are carrying out this important mission, the men and women on their right and left who share very important values, among them selfless service and devotion to duty. And that, indeed, is a huge factor in why many of us continue to serve and to stay in uniform, because the privilege of serving with such individuals is truly enormous.

The Defense Department is currently revising its spending requests for the current fiscal year, but that is no reason to deny the funds it already said it needs to get through the spring. The fact that we are waiting on a request for more is not an excuse to deliver nothing.

The men and women who are serving our country deserve better. Let's not pass up the chance to acknowledge their ''selfless service and devotion to duty'' by giving them exactly what they need—before we conclude this session of Congress.

Mr. President, I yield the floor.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 49, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 49) providing for a conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 49) was agreed to, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, October 4, 2007, or Friday, October 5, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Monday, October 15, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, and the text of the Senate committee-reported bill be considered and agreed to; the bill, as amended, be considered as original text for the purpose of further amendment; and that no points of order be considered waived by this agreement.

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

The amendment (No. 3211) was agreed to.

(The amendment is printed in today's RECORD under ''Amendments Submitted and Proposed.''

Ms. MIKULSKI. Mr. President, I am proud to present to the U.S. Senate the bill to fund the Departments of Commerce, Justice, and our science agencies. I want to thank Senators REID and MCCONNELL for agreeing to bring up the CJS bill, and Chairman BYRD and Ranking Member COCHRAN for the CJS Subcommittee's robust 302(b) allocation. This is a bipartisan bill. Senator SHELBY and I worked hand-in-hand. I thank him and his excellent staff for their partnership.

The CJS bill totals $54 billion in discretionary budget authority. Did we spend more than the President asked for? You bet we did. We are proud that our bill is $3.2 billion above the President's budget request.

Let's talk about how we spent the money. The subcommittee had three priorities:

Security—keeping 300 million Americans safe from terrorism and violent crime.

Innovation—investments in science and technology to create jobs that will stay in the United States.

Accountability—fiscal accountability and stewardship of taxpayer dollars, standing sentry against waste, fraud and abuse.

The subcommittee's first priority is protecting America from terrorism and violent crime. The Justice Department is almost 50 percent of the CJS bill. Funding for Justice totals almost $25 billion, $2.1 billion more than the President's request. The CJS bill funds our major Federal law enforcement agencies, and our State and local cops on the beat.

CJS funds the Federal Bureau of Investigation, FBI. The FBI is our domestic national security agency. It has a dual mission—disrupting terrorism on U.S. soil—tracking and taking down terror cells and dismantling dirty bombs, as well as fighting violent crime in our communities. The CJS bill provides $6.6 billion for the FBI, $150 million more than the President's budget request. This includes almost $4 billion for FBI counterterrorism. Our bill will put 230 new counterterrorism agents on the beat and give agents new tools to collect intelligence to protect Americans here at home. At the same time, the President's budget cut 100 FBI agents dedicated to fighting violent crime. This is outrageous—because for the first time in almost 15 years, violent crime has increased. Robberies are up 7 percent. Homicides are up 2 percent. Nearly every region of the country has been affected—from large cities to small communities. We've heard from our colleagues that the FBI needs more agents fighting violent crime in their communities. The CJS bill rejects the President's irresponsible cut. We provide full funding to retain 100 FBI agents that the President eliminated.

The CJS bill also funds the Drug Enforcement Administration, DEA. The DEA is an international agency—in over 60 countries, with significant local responsibilities. It's fighting a $330 billion annual drug trade in over 60 countries around the world. Drugs finance over two-thirds of all terrorist activity, including the Taliban. The DEA is in Afghanistan fighting narcoterrorism, working hand-in-hand with our military to disrupt the poppy trade that funds terrorist networks. And the DEA is in our communities, fighting the scourge of illegal drugs like heroin and meth that destroy our neighborhoods. We were horrified to learn that the DEA has a hiring freeze. The DEA can't hire new agents. This is outrageous—so we added $50 million to DEA to lift the hiring freeze so DEA can hire up 200 new agents to fight drugs at home and abroad.

The CJS bill funds the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, which investigates arson and stops illegal firearms trafficking. The ATF is working hand-in-hand with our military to disable the improvised explosive devices, IEDs, that are so perilous to our troops on the battlefield. We provide robust support for our U.S. Marshals Service, keeping our marshals on the beat to track down dangerous fugitives—including sexual predators and drug kingpins—protect

Federal judges and provide security at terrorist trials here in the U.S. and in Afghanistan.

The CJS bill is also the most important source of Federal funding for the frontline men and women of our State and local police forces, working tirelessly to keep our families and neighborhoods safe. Our cops on the beat are working harder than ever to fight rising violent crime. And our State and local police are often the first to identify suspected terrorist activities in their communities. At the same time, State and local budgets are under increased stress. So we were deeply troubled by the President's draconian cuts of almost $1.5 billion from grant funds for State and local police. The CJS bill rejects these outrageous cuts. Instead we provide a total of $2.7 billion to give our cops the tools they need to fight crime, gangs, drugs, domestic violence, and crimes against children.

Our bill provides $660 million for Byrne formula grants. President Bush eliminated Byrne grants formula grants to States that pay for police and prosecutors, training and technology, and require a 25-percent State match. The first President Bush named these grants for Edward Byrne, a New York City police officer killed in the line of fire. If Byrne grants were good enough for Bush 41, why aren't they good enough for this President Bush?

We also provide $550 million for Community Oriented Policing Services, COPS, grants. President Bush only asked for $32 million to terminate COPS grants. COPS is a competitive grant program that pays for police salaries and overtime, police technology, and equipment like surveillance cameras and interoperable communications equipment. The CJS bill makes sure that our cops are not walking the thin blue line drawn through green eyeshades.

The CJS bill provides over $300 million to prevent, investigate and prosecute despicable crimes against children. This includes: $55 million for a new national initiative for grants to State and locals to locate, arrest and prosecute child sexual predators; $65 million to fight child abduction and exploitation and locate missing children; $9 million for the FBI's Innocent Images project—for agents and technology to track the deviants who use the Internet to prey on our children; $8 million for the U.S. Marshals to apprehend fugitive sexual predators and get them off our streets and out of our neighborhoods; $10 million for grants to keep kids safe from violence at school.

Our second priority for the CJS bill is investing in America's future competitiveness. We added $1 billion above the President's request for science, education and economic development to foster job creation—for jobs that will stay in this country and to inspire and train our future scientists and engineers. We based our funding levels on the best ideas from outside experts like the National Academy of Sciences. We took the politics out of science. The CJS bill implements the framework of the recently enacted America COMPETES Act. This bipartisan legislation recommended investments in science and education to improve America's global competitiveness.

We provide $6.5 billion for the National Science Foundation, NSF, $125 million above the President's budget request. NSF is important because it funds 20 percent of all federally supported basic research conducted by America's colleges and universities in many fields such as math and computer science. NSF is the major source of federal support. NSF keeps the U.S. on the leading edge of discovery in areas like astronomy and geology. And NSF supports our college and universities' efforts to educate our next generation of scientists and engineers, including at our historically Black colleges and universities, HBCUs.

We provide $860 million for the National Institute of Standards and Technology, NIST. NIST is important because it sets standards that are critical to successful commerce, and transfers technology to American industry. Our recommendations provide $100 million for the Technology Innovation Partnership program, which will replace the Advanced Technology Program to foster the development of the newest technologies, and $110 for the Manufacturing Extension Partnership, MEP, which helps U.S. manufacturers to be more competitive.

The bill also provides $17.5 billion for NASA, $150 million above the President's budget request. NASA is our No. 1 innovation agency. No other agency has the ability to inspire our future scientists and engineers like NASA does. The bill keeps our commitment to human space flight. It fully funds the space shuttle at $4 billion and the space station at $2.2 billion. And we provide $3.9 billion to Ares and Orion, the next generation vehicle. The space shuttle will be retired in 2010. We must continue to have safe, reliable space transportation.

Later, I will offer an amendment with Senators HUTCHISON, SHELBY and LANDRIEU to finally begin to pay the bill of returning the space shuttle to flight after the Columbia tragedy. To ensure that we continue to have the premier space agency in the world, NASA must have a balanced portfolio of human space flight, science and aeronautics research.

In the area of Earth science, the bill includes $25 million above the budget request to begin to implement the recommendations of the recent Earth Science Decadal Survey, the top priorities of the scientific community, and missions we need to accomplish to help us better understand and predict the Earth's environment and climate.

For aeronautics research, we provide $554 million. This is so critical because we must rise to the challenge of our international competitors. Aeronautics is an area that we would have liked to do more. As our bill moves to conference with the other body, we hope to be able to add funding for aeronautics.

A strong patent system is critical to an innovation-friendly government. We provide $1.9 billion for the Patent and Trademark Office, PTO—this is full access to all fees. We know there have been concerns that the PTO's fees have been used to pay for other priorities. Senator SHELBY and I are committed to giving PTO full access to the resources it needs. Our bill will allow the PTO to hire 1,200 new patent examiners to reduce application backlogs and processing times. We are livid that it takes almost 3 years for the PTO to make a decision on a patent application. Through our oversight, we have required PTO to implement management reforms to reduce the backlog of applications, while ensuring quality.

The CJS bill also provides $420 million for the International Trade Administration, ITA, to investigate unfair trade practices and enforce our trade laws. It includes $48 million for the United States Trade Representative, USTR, to negotiate trade agreements that protect our intellectual property.

For the National Oceanic and Atmospheric Administration, NOAA, the bill provides $4.2 billion, $400 million above the President's budget request. This includes $795 million to implement the bipartisan recommendations of the Joint Ocean Commission. Seventy percent of the Earth is covered by oceans, but only 5 percent of the oceans are explored. Our Nation's economy depends on the oceans. Oceans contribute $120 billion to our economy and support over 2 million jobs. The bill also provides full funding for the National Weather Service, which is so important to saving lives and livelihoods.

I think my colleagues would be interested in knowing that the CJS bill funds 85 percent of all federal climate change science. That's about $1.6 billion for peer-reviewed basic research at NSF, atmospheric weather and climate research at NOAA, and NASA Earth science missions studying. As we look for solutions to this crisis, the CJS bill will continue to give us sound science to inform our policy decisions.

The CJS bill emphasizes oversight, accountability and fiscal stewardship. Let me tell my colleagues—there's a new sherriff in town. It's a bipartisan posse against cost overruns, ineffective management and mismanagement of taxpayer dollars. The CJS Subcommittee, through its oversight, has uncovered enormous cost overruns and schedule slippages. NOAA's satellite program was $4 billion over budget. NSF's research equipment was $25 million over budget. At the appropriate time, I will offer an amendment to prevent this mismanagement and get our agencies back to fiscal discipline.

Through our oversight, we also uncovered dramatic backlogs at PTO and the Equal Employment Opportunity

Commission, EEOC. And we required effective, efficient management reform. The CJS bill insists on discipline and vigorous oversight. It requires each agency to notify the committee about cost overruns greater than 10 percent, bans funding for lavish banquets, and requires that inspectors general conduct random audits of grant funding.

Unfortunately, the President threatened to veto the CJS bill. He doesn't support funding for these additional investments I have outlined. The CJS bill reflects bipartisan priorities to make America safer and smarter. I think these investments in fighting terrorism and violent crime, and educating our future scientists and engineers, are wise uses of taxpayer dollars.

Let me be clear—we didn't overspend; the President under funded. It is not lavish to lift the DEA hiring freeze so we starve terrorists of their financing, or to give our men and women in blue the tools they need to keep us safe.

The President should not veto this bill. Instead, together we should veto funding for the Taliban and jobs moving overseas. I believe that, if necessary, the Senate will stand up for our families, neighborhoods and communities by standing up against the President's veto. Let's veto jobs going overseas; let's veto the Taliban.

Again, I want to thank Senator SHELBY and his staff for their cooperation and collegiality. This is a fair and balanced bill, and I urge my colleagues to support it. For the information of our colleagues, Senator SHELBY and I intend to move this bill quickly. We encourage Members with amendments to come to the floor and offer them now. The bill fully complies with the subcommittee's 302(b) allocation so any amendments will need offsets. It also fully complies with the recently enacted Honest Leadership and Open Government Act.

Mr. President, in a short time, I will be joined by my colleague, the distinguished senior Senator from Alabama, who is my ranking member. He, too, will be making his opening statement. I thank Senators REID and MCCONNELL for agreeing to bring up this billand Chairman BYRD and Ranking Member COCHRAN for a rather robust 302(b) allocation to let this bill go forward.

First, let me say to my colleagues in the Senate as they watch this debate that this bill is a bipartisan bill. The Senator from Alabama, Mr. SHELBY, and I worked hand in hand to craft a bill that is in the best interest of the United States of America and not trying to score partisan political points. That is what we have done.

The Commerce-Justice-Science bill promotes a strong economy, promotes a safer country, and also promotes U.S. competitiveness in the world.

The CJS bill totals $54 billion in discretionary budget authority. Did we spend more than the President asked for? You bet we did, and we are proud that our bill is $3.2 billion above the President's request because we put the money primarily into security. We spent the money in this bill on security, keeping 300 million Americans safe from terrorism and also fighting violent crime. We also promoted innovation and competitiveness by investing in scientific research and technology and the scientific education of our people. But we were also strong stewards of the taxpayers' money and have promoted accountability, fiscal accountability, and stewardship of taxpayers' dollars. We, working on a bipartisan basis, stood sentry against waste, fraud and abuse and we have put our language also in the checkbook.

The subcommittee's first priority is to protect the American people—to protect the American people from terrorism, a war without borders, a war without a front. We also want to protect them here at home against violent crime, against murder, mayhem, sexual predators stalking our children, violence against women, looking out for our children, and making sure there are enough cops on the beat.

The Justice Department is almost 50 percent of the CJS bill. Funding for the Justice component totals over $25 billion. But remember what we do: We fund the Federal law enforcement agencies—the FBI, the DEA, the Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as our Marshals Service. Our major law enforcement count on us. But who else also counts on us? State and local cops on the beat. We have put the money into the Federal checkbook to say: As you go after the bad guys, we are absolutely on your side.

Let us start with our primary responsibility as a Federal government, and that is funding the FBI, the Federal Bureau of Investigation. It is our premier domestic law enforcement agency. It has a dual mission. One is fighting violent crime in our communities, and in that it is well known, well established, and well respected. But after that terrible attack on the United States, we had to decide how we were going to have a domestic agency also focus on terrorism. We didn't create a new Federal agency to do that because we didn't want a new bureaucracy. We wanted a new and fresh effort against terrorism. So we gave it to the FBI. If you read all the British spy novels and so on, the FBI is akin to the MI5 in England.

This bill provides $6.6 billion for the FBI. That is $6.6 billion for the FBI, which is $150 million more than the President's budget. This includes almost $4 billion for their counterterrorism effort. To make sure we are fighting terrorism effectively, our bill also puts 230 new counterterrorism agents out there and gives them new tools to protect Americans at home.

At the same time, we want to make sure we are fighting violent crime. We have been very concerned about some of the budget games going on at Justice and OMB, where they keep moving agents around, out of their job of fighting crime to fight terrorism so those numbers look good; then they eliminate those vacancies, and there we are. We need our FBI doing both. Violent crime in America has increased 2 percent. Homicides are up 2 percent and robberies are up 7 percent. Nearly every region of the country has been affected, from very large cities to small communities.

We have heard from our colleagues the FBI needs more agents and more help fighting violent crime in their communities. The CJS bill rejects the President's cut. We provide funding to retain 100 FBI agents that the President eliminated. Eliminating FBI agents when we are fighting crime and fighting terrorism? I don't think that is a good idea. I don't think that is a good idea at all. On a bipartisan basis, we rejected that foolhardy recommendation. So we will be there for the FBI.

But they are not the only ones fighting terrorism and fighting crime in our streets. The other is the DEA. It is an international agency as well as an all-American agency. It is in over 60 countries. Yet, at the same time, has very strong border and local responsibilities. Fighting a $330 billion international drug trade, they need help. Drugs finance over two-thirds of the terrorist activities. It comes out of Afghanistan, from the poppy fields of Afghanistan, and they are seeing one of the biggest crops they have ever had. That money goes to funding the Taliban and funding terrorist activity.

The DEA is, right now, in Afghanistan fighting narcoterrorism, working hand-in-hand with the Karzai Government, working hand-in-hand with our military to disrupt that poppy trade. But right now they are also in our streets and our neighborhoods working with our local police chiefs, working with our local sheriffs, working with our local FBI, fighting to keep the scourge of illegal drugs, ranging from heroin to meth, from destroying our neighborhoods.

We were horrified during the committee hearing to learn that DEA has a hiring freeze. A hiring freeze on drug enforcement agents? Oh, my gosh. Foolhardy. Foolhardy. This is outrageous. So, again, working on a bipartisan basis, we added a modest $50 million to DEA to lift this hiring freeze so they can now hire up to 200 new agents to fight drugs at home, drugs in schools, and drugs overseas.

We have also funded the Bureau of Alcohol, Tobacco, Firearms, and Explosives, which does everything from investigating arson to stopping illegal firearms trafficking. They are also working hand-in-hand with our military to come up with ways to deal with these terrible improvised explosive devices.

We also provide robust support for our Marshals Service, where we ask them to track down everyone from dangerous fugitives to sexual predators. They protect our Federal judges,

they provide security at terrorist trials, and they are doing a good job, so we need to support them.

Where we have also made another significant effort, though, when it comes to State and local law enforcement in the CJS bill, is the most important source of Federal funding for that thin blue line of local law enforcement that is out there every day working tirelessly to keep our families, our schools, and our neighborhoods safe. Our cops on the beat are working harder than ever to fight this rising tide of violent crime. Our local and State police are often the first to identify suspected terrorist activities, but their budgets are under increased stress. So we were deeply troubled when the President came in with draconian cuts to the State and local police.

What did the administration do? Well, first of all, in that famous Cops on the Beat Program that helped local law enforcement have more officers, they reduced the funding to a skimpy, Spartan $32 million for the whole country to put cops on the beat. One State alone could use that. At the same time, they eliminated the Byrne grants. The Byrne grants are those Federal funds named after Edward Byrne, a police officer from New York killed in the line of duty, and this program was to help local law enforcement have the tools, the technology they need to protect themselves so they can protect us. That was eliminated.

We are spending a fortune on so many other things, such as the war in Iraq, and yet we eliminated the Byrne grants? Well, this committee stepped up to it and we have added $1.5 billion for grants for the State and local police. These funds will fight crime, gangs, meth, violence in the schools, and we think it is terrific. Our bill will provide $660 million for the Byrne grant formula. It will pay for the improved technology they need, improved training and police and prosecutors.

We also added $550 million to the community policing efforts, which is a competitive grant program that enables them to bring more police into their department, paying their salaries and their overtime. We stand with the frontline. We stand with the thin blue line.

We are also protecting ourselves against other threats. We do not want to have a declining economy or a declining ability to compete in the world. So our committee fostered innovation and competitiveness. So when we look at those things in our legislation, we added more money. We implemented the recently enacted bipartisan bill called the COMPETES Act. We added $1 billion to the science and commerce part of this bill, and $6.5 billion for the National Science Foundation. We provided $860 million for the National Institute of Standards and Technology. We provide close to $2 billion to the Patent and Trademark Office, to make sure they are fully functioning and dealing with the backlogs. We fund the ITA and our International Trade Representative.

We also have two premier science agencies, one is NOAA, the National Oceanic and Atmospheric Administration. We provide $4.2 billion for that, which is $400 million above the President's request; and $795 million to implement the bipartisan recommendations of the Joint Ocean Commission. We also provided money to look into Federal climate change. This is not new for this committee. The NSF, NOAA, and NASA provide 85 percent of all the Federal research looking at climate change. As we work on policy, as we try to find sensible solutions that are affordable to our country, they are going to turn to science, and in turning to science, we need to make sure we have funded them.

Last, but not at all least, a very important agency—NASA. Today is the 50th anniversary of Sputnik. Fifty years ago, the Russians launched into space a 180-pound satellite that shook the cosmos. It shook the cosmos and it said that the Russians were the first in space. Well, we knew we couldn't let that lie. So President Eisenhower answered that call with robust efforts in science and particularly the National Science Foundation.

A few years later, 3 years later, a dynamic President, named Jack Kennedy, put out a national goal that we were going to go to the Moon, we would be there first and return our astronauts safely. Well, 50 years later, we honor that legacy by providing $17.5 billion for NASA, $150 million above the President's request, to keep our commitment to a balanced space program—the space shuttle, the space station, and the next-generation space vehicle.

We make significant efforts in science and aeronautics, and I will talk more about that later when I will offer an amendment, along with my colleagues, Senators SHELBY, HUTCHISON, LANDRIEU, and NELSON, on how to help NASA continue to meet its responsibility.

In conclusion, let me say this committee has been strongly committed to reform, strongly committed to accountability and oversight and fiscal stewardship. Through our oversight, we uncovered cost overruns on the NOAA satellite programs, with $4 billion over budget; the NSF's research equipment program, $25 million over budget; and dramatic backlogs at the Patent Office and backlogs at the EEOC. We said we were not going to allow that.

We also found that some of our funds were going into things such as lavish conferences, lobster rolls, and limousines. Well, you are going to have an amendment later on that is going to take that right out. When we give money to these agencies to do the kind of training we want them to do, it is not to sit around sipping chardonnay and eating lobster rolls and so on. So if you will pardon the expression, we told them ''to take a cab.'' Our bill continues to do that.

I hope the President doesn't veto our bill. We will talk about that more in conclusion. Again, this bill is a bipartisan bill. I presented it to the Senate and now I compliment my ranking member, Senator SHELBY, and his staff.

Our staffs have worked together. I wish the taxpayers could see it; they would be proud of us. They would be proud of our working relationship, and that is why we produced a bill that works for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will not replicate what Senator MIKULSKI went through. She has done a very thorough explanation of the bill. This is a very complex bill. It funds Commerce-Justice-Science—NASA, for example—and related agencies. I will touch on some things.

I chaired this committee before and Senator MIKULSKI was the ranking Democrat on the committee. Now she chairs it and I am the ranking member. She probably has related on many occasions that we go back to our House days. We were on the Energy and Commerce Committee in the House of Representatives, working together then on a lot of these same issues but perhaps manifested in different ways.

This bill funds a number of our Nation's most important programs and initiatives, and I am pleased to outline some of the highlights. I thank Senator MIKULSKI, the chair of the committee. She works well with us, our staffs work together, and we tried to bring forth a bill that reflects our strong bipartisan relationship.

This bill was crafted with a tight allocation of $54 billion. Within these limitations, the subcommittee was forced to strike a difficult balance between the competing priorities of law enforcement, terrorism prevention, research, space exploration, and U.S. competitiveness through investing in science.

For the Department of Justice, the committee's recommendation is $24.3, $2 billion over the request. The President's budget request cut over $1.6 billion from State and local law enforcement at a time when violent crime is on the rise. Chairwoman MIKULSKI and I worked together to ensure that law enforcement receives the funding and support it needs to begin to address the increased crime problem and help protect our citizens and our communities all over this country.

The bill also provides the Department of Commerce with $7.35 billion—$754 million over the budget request. The Commerce Department oversees some of our Nation's most important business development, economic analysis, and science and research agencies, including the Economic Development Administration, the National Institutes of Science and Technology, and the National Oceanic and Atmospheric Administration, NOAA. Our bill provides $4.2 billion for NOAA, an increase

of $405 million over the fiscal year 2008 budget request. The committee believes it is critical to the overall health of NOAA to restore funding to programs that suffered over the past year under static funding levels.

Also, existing competitive grant programs were given increased funding and new competitive grant programs were created in an effort to reduce earmarks. The subcommittee's bill also provides $7.5 billion for NASA, an increase of $150 million over the request. This funding will allow NASA to move forward with crew explanation and crew launch vehicles while also funding the ongoing activities of the space shuttle, the International Space Station, and other important research activities.

This bill funds the National Science Foundation at $124 million above the request. Nearly all the additional funds go toward investments into the scientific education of our students, from kindergarten to doctorates. Combined with the funding for the National Institute of Standards and Technology, the funding provides more than the request for the American Competitiveness Initiative, ACI, and lays the groundwork to address the concerns laid out in the National Academy of Sciences ''Gathering Storm'' report.

This investment helps keep the competitive edge our Nation holds in the world economy. By focusing on the ingenuity of our people, we will remain at the forefront of scientific and technical advancement for generations to come. In a year when discretionary dollars are scarce, Chairwoman MIKULSKI and I have worked together to find ways to ensure that the priorities of our Nation and our States are met. I urge all my colleagues to join with us in supporting this bill and expediting its passage.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, on August 2, 2007, by a vote of 83–14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to new rule XLIV, it is required that the chair of the committee of jurisdiction certify that certain information related to congressionally directed spending be identified and that the required information be available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested and the committee is required to make those certification letters available on the Internet.

The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending. This information is contained in the committee report numbered 110–124, dated June 29, 2007, and has been available on the Internet for 3 months. The Member letters concerning pecuniary interest are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the Committee on Appropriations.

I want to say this bill complies with the Honest Leadership and Open Government Act of 2007, and Senator BYRD certifies that, under Senate rules, all this information is available on the congressional Web site.

I ask unanimous consent the certification by the chairman of the Committee on Appropriations be printed in the RECORD.

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

Senator BYRD: I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110–124, filed on June 29, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Ms. MIKULSKI. Mr. President, this committee now says to our colleagues, if they have any amendments, this is an excellent time to bring them down and offer them. We know we have some amendments we are working now to clear, but if someone wants to talk about our bill, this is a very good time to come and speak on it. If they have amendments they wish to offer that might require a vote, this is a good time to offer them.

It will be the intention of Senator SHELBY and myself to try to finish this bill today, so this whole idea of let's hang around until 8 o'clock at night and then come around like little vampires to offer amendments is not a good idea. Frankly, as we move along and as some of the major amendments will be addressed, if there are no amendments, we will move the bill. It is not a threat. It is for people who know the holidays are coming. We are ready.

Colleagues, if you have amendments you think can improve this bill, come down and discuss them.

Mr. President, while we are waiting for the onslaught of Members coming to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3215

Ms. MIKULSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3215.

The amendment follows:

(Purpose: To require reporting regarding the costs of conferences held by the Department of Justice)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

Ms. MIKULSKI. Mr. President, my amendment is very straightforward. Remember earlier in my remarks I talked about our accountability and our stewardship? I will be offering two amendments that will deal with those. This is the first of them. It makes sure the Department of Justice is not misusing taxpayer dollars on lavish expenditures and conferences. Conferences are meant for training.

Our amendment simply requires that Justice do two things: Notify the inspector general of any conferences exceeding $20,000 and demonstrate what steps are being taken to implement the inspector general's recommendations that actually uncovered some of these expenditures at lavish conferences.

To elaborate, the Justice IG issued a report and said the 10 most expensive conferences had totaled over $6.9 million. Most conferences are well organized and the money is spent frugally—which I know is a big issue with the Presiding Officer. What we found was that some of those funds were spent on ''networking.'' They had lobster skewers. At one conference, each meatball cost $4. That is a lot of money for a meatball. Literally, we believed because we were working so hard to make sure that law enforcement had the tools they needed, we wanted to make sure the taxpayers got a good deal and that we got law enforcement for our money and not $4 meatballs.

I don't know if my colleague wishes to speak on the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I tend to agree with Senator MIKULSKI. We are trying to check with a couple of people to clear this amendment. I hope we can move it soon. We are checking with somebody right now. I think it makes sense.

Ms. MIKULSKI. I move the pending amendment be laid aside subject to the clearance of one of our colleagues.

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

AMENDMENT NO. 3216

Ms. MIKULSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3216.

The amendment is as follows:

(Purpose: To require certain evaluations by the Secretary of Commerce and the Director of the Office of Management and Budget before the satellite acquisition program of the National Oceanic and Atmospheric Administration may proceed)

After section 113, insert the following:

SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS BY THE DEPARTMENT OF COMMERCE.

(a) CERTIFICATION.—

(1) REQUIREMENT FOR CERTIFICATION.—Prior to the date that the certification described in paragraph (2) is made, the Secretary may not—

(A) obligate funds provided by this Act or by previous appropriations Acts to acquire satellites; or

(B) receive approval of—

(i) a major milestone; or

(ii) a key decision point.

(2) CONTENT OF CERTIFICATION.—The certification described in this paragraph is a certification made by the Secretary and the Director that—

(A) the technology utilized in the satellites has been demonstrated in a relevant environment;

(B) the program has demonstrated a high likelihood of accomplishing the its intended goals; and

(C) the acquisition of satellites for use in the program represents a good value—

(i) in consideration of the per unit cost and the total acquisition cost of the program and in the context of the total resources available for the fiscal year in which the certification is made and the future out-year budget projections for the Department of Commerce; and

(ii) in consideration of the ability of the Secretary to accomplish the goals of the program using alternative systems.

(3) SUBMISSION TO CONGRESS.—Not later than the 30 days after the date of the enactment of this Act, the Secretary and the Director shall submit to the appropriate congressional committees—

(A) the certification described in paragraph (2); or

(B) a report on the reasons that such certification cannot be made.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(3) KEY DECISION POINT.—The term ''key decision point'' means the initiation of procurement for a major system or subsystem of a program.

(4) MAJOR MILESTONE APPROVAL.—The term ''major milestone approval'' means a decision to enter into development of a system for a program.

(5) PROGRAM.—The term ''program'' means the programs of the National Oceanic and Atmospheric Administration for which satellites will be acquired.

(6) SATELLITE.—The term ''satellite'' means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

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

(c) INDEPENDENT COST ESTIMATES.—

(1) REQUIREMENT.—The Secretary may not approve the development or acquisition of a program unless an independent estimate of the full life-cycle cost of the program has been considered by the Secretary.

(2) REGULATIONS.—The Secretary shall prescribe regulations governing the content and submission of the estimate required by paragraph (1). The regulations shall require that each such estimate—

(A) be prepared by an office or other entity that is not under the supervision of the Under Secretary of Oceans and Atmosphere; and

(B) include all costs of development, procurement, construction, operations, maintenance, and management of the program.

(d) REQUIREMENT FOR ANALYSIS IF UNIT COSTS EXCEED 15 PERCENT.—

(1) REQUIREMENT.—If the percentage increase in the acquisition cost of a program in which the acquisition unit cost or procurement unit cost exceeds 15 percent more than the baseline cost of the program, the Secretary shall initiate an analysis of the program. Such analysis of alternatives shall include, at a minimum, the following:

(A) The projected cost to complete the program if current requirements are not modified.

(B) The projected cost to complete the program based on potential modifications to the requirements.

(C) The projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and other efficiencies.

(D) The projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

(E) The projected costs for an alternative system or capability.

(2) SUBMISSION TO CONGRESS.—The analysis of alternatives required under paragraph (1) with respect to a program shall be—

(A) completed not later than 6 months after the date of that the Secretary determines that the cost of the program exceeds 15 percent more than the baseline cost of the program; and

(B) submitted to the appropriate congressional committees not later than 30 days after the date the analysis is completed.

(3) CLARIFICATION OF COST ESCALATION.—For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 15 percent more than the baseline cost under paragraph (1), the baseline cost of the such Program is $6,960,000,000.

Ms. MIKULSKI. Mr. President, this amendment is simple and straightforward. It stops the cost overruns on NOAA's weather satellites before they get out of control.

The NOAA satellite program is an absolutely crucial program to the United States of America. It gives us major weather satellites, known as NPOESS, polar orbiting, and one called GOES that gives us the geostationary information. They are crucial to our ability to forecast weather, measure climate change, and actually pinpoint where disasters could be threatening a community. It saves lives and saves livelihoods. Thanks to these satellites, we can often get early warnings when a disaster is coming, from a tornado to a hurricane.

What has happened is the satellites have grown far beyond their original estimates. We are concerned that the ideas are good, but they are not being properly managed.

Let me tell you about these overruns. Two years ago, NOAA's polar orbiting satellite grew by 25 percent. That is $4 billion, $4 billion.

Now, because the Defense Department is a partner in the satellite program, the Nunn-McCurdy process was triggered. There was a stand-down and the processes were reassessed. Nunn-McCurdy acts like a circuit breaker, forcing management reforms and program changes to control costs.

But with the next generation of geostationary satellites we are beginning to see early signs of trouble. We have been alerted that the costs may grow substantially. One of our satellite programs has Nunn-McCurdy, but the one that is called GOES does not. Therefore, I am offering a commonsense amendment modeled after Nunn-McCurdy that all NOAA satellite programs follow essentially this kind of oversight.

The amendment requires the Secretary of Commerce to certify the satellite program; requires the Secretary to look at alternatives if the cost exceeds 15 percent of the original estimate; makes sure they notify Congress and keep us informed sooner rather than later; requires the Secretary of Commerce to utilize independent cost estimates.

This will act as a circuit breaker to make sure that as these satellites go forward, they are coming up with not only good ideas to protect the Nation but good fiscal stewardship to protect the taxpayer.

I urge my colleagues to support this amendment because it will bring strong management, better and stronger management and fiscal discipline to the satellite program.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I think this is a very good amendment that Senator MIKULSKI has proposed. We are checking with some of our colleagues

and hope they will not object. They are on their way to the Senate floor now, I understand.

I believe the amendment has merit. But I did tell them that I would check with them. If we can, let's set this aside temporarily until they get to the Senate floor and we see where we are.

Ms. MIKULSKI. Mr. President, I concur with setting aside the amendment.

I also want to say something. I believe I am the bastion of collegiality. I believe conversation avoids confrontation. That is why we have such a great bill. We have a fantastic bill we have arrived at together.

Senator SHELBY and I go back a long way, from the House of Representatives where we served, and we have been appropriators during our entire time in the Senate. But in clearing things, we are talking about clearing it with one Senator. That Senator must exercise a lot of fiscal responsibility. I am ready to move my bill along. I would like him or his representative to promptly come to the floor.

If we have this new kind of arrangement where we have to clear it with this Senator rather than clearing it with the ranking member and our leadership, then I would like that Senator to come to the floor. I will be collegial. I will be patient up to a point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate return to consideration of amendment No. 3216.

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

Ms. MIKULSKI. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If there is no further debate, the question is on agreeing to amendment No. 3216.

The amendment (No. 3216) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. 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. BYRD. I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

IRAN

Mr. BYRD. Mr. President, last week the Senate voted on an amendment to the Defense authorization bill that designated a portion of the Iranian Armed Forces as a terrorist organization. I joined 21 of my illustrious colleagues in voting against that amendment. It was a dangerous, unnecessary provocation that is escalating the confrontational rhetoric between the United States and Iran.

In response to the passage of that amendment, the Iranian Parliament on Saturday designated the U.S. Armed Forces and the Central Intelligence Agency as terrorist organizations. Would someone please explain to me what has been achieved by this exchange of international verbal spitballs? It is deeply troubling to see the Senate joining the chest pounding and saber rattling of the Bush administration. I am no apologist for the Iranian regime, anymore than I was for Saddam Hussein, but I fear we may become entangled in another bloody quagmire.

We have been down this path before. We have seen all too clearly where it leads. Four and a half years ago, Secretary of State Colin Powell made a speech before the United Nations Security Council claiming to have evidence that proved Saddam Hussein had weapons of mass destruction and was an imminent threat to U.S. and international security. Others in the administration made the rounds of Washington news programs to pound the drums of war, scaring the public with visions of mushroom clouds and mobile chemical weapons labs. The proponents of war compared Saddam Hussein to Adolf Hitler, warning ominously of the dangers of Chamberlain-like appeasement. That is a seductive analogy, but it is a dangerously specious one.

Every foreign adversary is not the devil incarnate. We know now that Saddam Hussein was militarily a paper tiger. The intelligence that suggested he was an imminent threat was flat wrong. Saddam Hussein had no weapons of mass destruction. Saddam Hussein had not attacked our country. Saddam Hussein was a ruthless tyrant, but he was not an imminent threat to U.S. national security. Now we hear the same scare tactics and several analogies trotted out again, this time with Iran. Analogies can be dangerous. They risk oversimplifying complicated situations and can lead to erroneous conclusions. While there may be some superficial similarities between Hitler and Ahmadi-Nejad, it does not mean our only option is to start world war III.

We are now more than 4 years into a war that was launched by false fears and scary hyperbole, and here we are again being led down a path by chest-pounding rhetoric, without a clear idea where that path is taking us.

As the philosopher George Santayana once said:

> Those who cannot remember the past are condemned to repeat it.

Are we condemned to repeat the colossal blunder that is the Iraq war or has the Senate learned the lessons of history?

Every day it seems the confrontational rhetoric between the United States and Iran escalates. We hear shadowy claims about Iran's destabilizing actions in Iraq, with little direct evidence offered to back it up. The President telegraphs his desire to designate a large segment of the Iranian Army as a terrorist organization—and instead of counseling prudence, the Senate rushes ahead to do it for him. I hope we can stop this war of words before it becomes a war of bombs.

We have seen the results when the Senate gives this administration the benefit of the doubt: a war that has now directly cost the American people $600 billion, more than 3,800 American deaths, and more than 27,000 American casualties; a war that has stretched our military to the breaking point; a war that the commander of our forces in Iraq, just 3 weeks ago, could not say had made America safer.

I daresay many—perhaps most—in this Chamber wish we had never gone into Iraq. Are we willing to sleep-walk into yet another disastrous military confrontation with a Middle East tyrant?

We need to talk directly to the Government of Iran without preconditions or artificial restrictions and indicate that regime change is not our goal. Unfortunately, the President seems unwilling to take that step. We have held only two talks at a relatively low level, and those have focused solely on Iraq.

Direct talks with North Korea about the issue we were most concerned with—North Korea's nuclear program—resulted in the first progress toward a denuclearized Korean peninsula in years. And yet with Iran we continue to refuse to discuss the issue we are most concerned about: insisting that they must first renounce their nuclear program. That is not negotiation; that is dictating ultimatums.

I agree that no option should be taken off the table when considering how to deal with any threat posed by Iran. But if the President concludes, after serious diplomacy has failed, that an attack is necessary, he must make the case to the Congress and the American people. Under article I, section 8 of the U.S. Constitution, only the Congress—the elected representatives of the people—have the power to declare war, not the President.

The President has stated his belief that previously enacted congressional authorizations to use force give him all the authority he requires to start a new war. I respectfully disagree. It is incumbent upon us—it is incumbent upon us—to reassert the powers granted to the people's branch in the Constitution. That is the best way to prevent another colossal blunder in the Middle East. It is the people of this country who pay the price of such Presidential misadventures. We, as their representatives in the Congress, must not fail in our No. 1 duty: to protect their interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3214

Mr. INOUYE. Mr. President, I wish to speak on amendment No. 3214. This amendment would establish a commission to investigate the circumstances surrounding the relocation, internment, and deportation of Latin Americans of Japanese descent from December 1941 to February 1948.

The story of the internment of U.S. citizens is a story that has been made well known after a fact-finding study by a commission authorized by Congress in 1980. However, far less known is the story of Latin Americans of Japanese descent.

Toward the end of its investigation, the 1980 commission discovered this extraordinary effort by the U.S. Government soon after December 7, 1941. However, because information surfaced so late in its study, the commission was unable to fully review the facts but found them significant enough to include in the appendix of its published report to the Congress.

It appears that soon after December 7, 1941, the Government of the United States called upon certain governments in Latin America and requested that certain Japanese be sent to the United States to be used for prisoner exchange programs. Approximately 2,300 civilian men, women, and children—who had committed no crime—were taken from their homes in Latin America. They were stripped of their passports, brought to the United States, and interned on American soil. Some were taken from this camp and used for civilian exchange with Axis countries. You can imagine the anxiety and the fear in the hearts and minds of these men, women, and children not knowing where they were headed for and for what purpose.

Despite their personal tragedies, these Japanese Latin Americans were not included in the Civil Liberties Act of 1988 because this program appears to have been executed outside of Executive Order 9066, and the internees were not citizens of the United States.

Under this amendment, nine commission members—three appointed by the President, three appointed by the Speaker of the House, and three appointed by the President pro tempore of the Senate—would have a year to report their findings to Congress.

This amendment does not authorize any payment for restitution and would not affect direct spending or revenues. It was reported out of the Homeland Security and Governmental Affairs Authorizing Committee and was approved by the Commerce, Justice, and Science Appropriations Subcommittee to attach to the Commerce-Justice-Science appropriations bill.

Today I seek your support for this amendment, which would establish a fact-finding commission to extend the study of the 1980 commission. I believe examining the extraordinary program of interning citizens from Latin America in the United States would give finality to, and complete the account of, Federal actions to detain and intern civilians of Japanese ancestry.

As a footnote, when the war was over, and these internees were released from their camps, they were persons without a country. They were soon arrested for not having a permit or passport to be in the United States. So they were scheduled for deportation to their supposed home, and these Latin American countries said: Oh, no, we are not responsible. We are not taking them. So there they were not knowing where to go. This is the subject of my amendment.

I think the United States would like to have this clarified. It is a blight on our record. I am certain my colleagues will go along with this.

I thank you very much.

I yield the floor.

Mr. BYRD. Hear hear.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3214

Mr. INOUYE. Mr. President, I ask unanimous consent to call up my amendment No. 3214, the Latin American internees bill, and I ask that it be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending business is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 3214.

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

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

The amendment is as follows:

AMENDMENT NO. 3214

(Purpose: To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

(b) The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c)(1) There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the ''Commission'').

(2) The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4)(A) The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d)(1) The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e)(1) The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2)(A) Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h)(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Mr. INOUYE. Mr. President, I ask unanimous consent that the amendment be set aside for future consideration.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, we are trying to clear amendments that have been cleared by Senator SHELBY and myself. Others are looking at them, so we are proceeding. While those amendments are being cleared, one of the issues I wanted to bring to our colleagues' attention is how we are making America more competitive with this bill.

Earlier in my presentation in which I gave an overview of the bill, I emphasized what we were doing in law enforcement, which I am so proud of, and of course the Presiding Officer himself as a former attorney general knows how important the Federal and local law enforcement agencies are. But this bill is called Commerce-Justice-Science.

We focused, in our subcommittee—myself and my ranking member, Senator SHELBY—on three issues this year: security, competitiveness, and accountability—the stewardship of the taxpayers' dollar. We focused on competitiveness because it is our subcommittee that funds the major science agencies that come up with the new ideas that help come up with the new jobs, the research that enables the private sector to take value and add to it to come up with the new products and very high-end technology. That provides jobs right in our own country and enables us to be competitive.

We based a lot of our work on legislation called the America COMPETES Act. I know the Presiding Officer was part of that. This year, it was a bill that was passed by the House and the Senate to ensure our Nation's competitive position in the world through improvements to math and science, both a commitment to research and math and science education. It follows through on a commitment to ensure U.S. students, teachers, businesses, and workers are prepared to continue to lead the world in research and then taking that research to the private sector so it can come up with those products.

In our bill, we don't do anything that picks winners and losers. We are not industrial policy people. What we are, though, is American policy people, to do this.

This America COMPETES Act was based a lot on recommendations that came from the National Academy of Science report called ''Rising Above the Gathering Storm.'' That report was done at the request of three leaders: Senator DOMENICI, Senator BINGAMAN, and Senator ALEXANDER. Then I, after it was published, became part of the group to implement it.

Well, this is a great day for our colleague from New Mexico. I know last night our colleague from New Mexico, Senator DOMENICI, announced that he is going to retire from the Senate. He is in his home State of New Mexico today sharing his plans for his own future with his constituents. But while he is talking about his own future with his constituents, I want to acknowledge that he worked very hard on a bipartisan basis to ensure the future of the Nation. He and Senator BINGAMAN and Senator ALEXANDER, again, working together, showed that we can do better so that we can compete in the world and that we compete in the world not only to win Nobel prizes—and we will continue to do so—but we will also win the markets, for which we must to have a stronger economy.

So ''Rising Above the Gathering Storm,'' which was promoted by those three excellent and wonderful colleagues, led to, with the help of people such as Senator LIEBERMAN and others, the America COMPETES Act. It keeps research programs at the National Science Foundation, the National Institute of Standards, and DOE on a path for doubling the money for research in these key areas.

But, in addition to research, we wanted to make sure we have the scientists, the engineers, and the technology experts to do so. We are falling behind in the number of people who choose science as a career or people with a science education to go into our classrooms. The America COMPETES

Act puts an emphasis on that into action. They wanted to prepare thousands of new teachers and provide current teachers with teaching skills in the area of NSF's Noyce teacher scholarship program. They also wanted to enhance undergraduate education for the future science and engineering workforce. They also wanted to authorize new competitive grants at the Department of Education to increase the number of teachers, so grant programs also help do that.

So we passed the America COMPETES Act. But, as my colleagues know—what is authorizing legislation? It sets the policy, sets the direction, and puts national goals into the Federal lawbooks, which is a great first step. But now, the legislation we bring before the Senate, the Commerce-Justice-Science bill, the Mikulski-Shelby bipartisan bill, following on the tradition that sparked us, we are actually putting money in the Federal checkbook to do that.

One of the areas, of course, where we do that is we increase funding for research. We are going to talk later on today about NASA, on the anniversary of sputnik, where that little round ball weighing 180 pounds shook up the cosmos and even the galaxies. But little known is something called the National Science Foundation. This was an agency which was created during the Eisenhower administration and has now withstood the test of time. President Eisenhower responded, a warrior—and we all saw the great miniseries of Ken Burns on the war. We are so proud of Senator INOUYE, who was featured in it. But Eisenhower, the man who led us in Europe, knew that when sputnik went up, we were in a race for America's future and we could either respond militarily or we could respond in a way that would have many uses.

Eisenhower created two things: One, the National Science Foundation, and two, something called the National Defense Act.

The National Defense Act was to get our young people involved in science and in technology so that they could come up with those new ideas to make sure that we not only beat the Russians in space but that we beat the Russians in everything—an idea with currency today, I might add. And then, the National Science Foundation. His brother was president of Johns Hopkins University, Milton Eisenhower. Later, what did the National Science Foundation do? We could have put a lot of money into the military so we could shoot those satellites down, but we said we were going to develop our own and be better at it. We became the premier country in satellites. Satellites defend the Nation. Satellites also give us information on weather. Satellites give us information and early warnings on things such as solar flares that can take out our power grid. Satellites were one of the greatest inventions ever created. America led the way.

Eisenhower created this, where we would fund—we, the Federal Government, working in a unique partnership with universities, not Government doing the research but the Government putting money out in almost intellectual venture capital to come up with new research in physics, chemistry, biology, and the basic sciences; and then to give stipends so young, smart people, such as the people who wanted to do the ''October surprise,'' could come out of the hollows of West Virginia and the streets of Baltimore, our communities, to go on to do this.

What did we fund? We funded programs that then we're able to do. In our legislation, we have now increased our research to $6.5 billion. In this, we have focused on education, K through 12. We have also funded other important programs in research, our science programs. We help with minority education.

By the way, this is one of the most important agencies that helps historically black colleges, to make sure they have the financial resources they need. An example would be the increased funding for the Louis Stokes Alliance for Minority Participation. We provide $75 million for math and science partnerships in education. We estimate that our program will have an impact upon over 140 math and science teachers. We also have a talent expansion program to begin to recruit them. We are bringing teachers into internships. Over at Morgan University and down at the Eastern Shore, we have something called the Chesapeake Consortium, where our young people are getting paid internships to work on rocket ships that go off—small rockets that go off from down on Wallops Island.

If you came with me to the Eastern Shore, to Somerset County, where primarily the lifestyle is that of watermen and agriculture—these people work hard and have dirt under their fingernails and big dreams. One of the largest employers is our prison. This is an area the Senators from Virginia share, where the facility is called Wallops Island. Our young people at the Chesapeake Consortium are working at Wallops to develop these small rockets and also work with UAV research. If you went down there with me to that county that has one of the highest poverty rates, in terms of cash income, in my State, and you saw these young men and women with the Chesapeake Consortium shirts on, where they had worked at historically black colleges with our talented science team instead of flipping hamburgers, they had a paid internship, they are flipping ideas. Each and every one of them is a graduate and they have jobs in major technology agencies in our country. This is what we are doing.

I want my colleagues to know we are increasing funding in research. We are investing in education. We are investing in and implementing the America COMPETES Act, and we are making sure we are truly rising above the gathering storm.

I hope Senator DOMENICI will be here today. I will personally pay my respects to him for being the leader he is. When he returns, he will find we passed this bill. It is a tribute to what bipartisanship means, finding that sensible Senator, and we are going to build a stronger country because of this. I wished to bring this to our colleagues' attention as we clear these amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3231

Mr. SHELBY. Mr. President, I call up amendment No. 3231 and ask for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Ms. MIKULSKI, proposes an amendment numbered 3231.

The amendment is as follows:

(Purpose: To improve the working conditions for the United States Marshal's Service)

On page 28 line 3 strike ''.'' And insert '': *Provided further*, That $10,000,000 shall only be used to address the health safety and security issues identified in the United States Department of Justice, Office of Inspector General Report I–2007–008.''

Mr. SHELBY. Mr. President, Senator MIKULSKI and I have cleared this amendment on both sides. This will provide $10 million for upgrades to the DC Superior Court Moultrie Courthouse for the U.S. Marshal space. It is badly needed and long overdue.

Ms. MIKULSKI. Mr. President, I concur. I thank the Senator from Alabama for bringing this to our attention. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to amendment No. 3231.

The amendment (No. 3231) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3220

Ms. MIKULSKI. Mr. President, I ask that the pending amendment be set aside, and I call up amendment No. 3220 on behalf of Senator MENENDEZ of New Jersey.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. MENENDEZ, proposes an amendment numbered 3220.

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

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

The amendment is as follows:

(Purpose: To provide additional funding for juvenile mentoring programs)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading ''JUSTICE INFORMATION SHARING TECHNOLOGY'' under the heading ''GENERAL ADMINISTRATION'' under this title is reduced by $5,000,000;

(2) the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title is increased by $5,000,000; and

(3) of the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $10,000,000 is for juvenile mentoring programs.

Ms. MIKULSKI. Mr. President, this amendment provides additional funding of $5 million for juvenile mentoring programs. The Senator from New Jersey has an appropriate offset. We have no objection to the amendment. It has been cleared on both sides. Therefore, I ask for the adoption of the amendment. As I said, it has been cleared on both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to amendment No. 3220.

The amendment (No. 3220) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3227

Ms. MIKULSKI. Mr. President, I continue to ask that the pending amendment be set aside, and I call up amendment No. 3227.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DORGAN, for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN, proposes an amendment numbered 3227.

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

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

The amendment is as follows:

(Purpose: To provide adequate funding for the Drug Courts program)

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,415,000,000''.

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded;

Ms. MIKULSKI. The amendment provides additional funding for a drug court program. The amendment has appropriate offsets. I ask for the adoption of the amendment. It has been cleared on both sides of the aisle.

Mr. SHELBY. The amendment has been cleared. I concur with the chairwoman.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to amendment No. 3227.

The amendment (No. 3227) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, while we continue to clear our amendments, I say to our colleagues who might have amendments, bring them down. I note that we have hotlined our request.

While we continue to clear amendments, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, first, I thank the chairman of the committee, Senator MIKULSKI, for allowing me to speak for 2 or 3 minutes.

Last Thursday, the Senate Foreign Relations Committee held a hearing on the Law of the Sea Treaty, and we will hold another hearing. The committee may be holding another hearing today. As chairman of the Environment and Public Works Committee when the Republicans were in the majority, I held several hearings in March of 2004. We also had hearings before another committee on which I serve, which is the Senate Armed Services Committee.

Proponents of the ratification of the Law of the Sea Treaty will tell you that the treaty will be a great asset to the military by allowing our Navy the freedom of movement to and from any point on and under the ocean, unencumbered by the need to send requests to foreign governments for permission to enter territorial waters or to pass through straits. While this treaty does maintain that this is true, it is subject to several caveats that really do concern me.

Under the terms of our treaty, our naval warships must pass by the coast and not engage in any type of exercise, ground all aircraft, and negate the use of any defensive devices. The issue of passage not only applies to ships but also to aircraft, both commercial and military.

This is interesting because when we had our hearing, one of the Under Secretaries, I believe his name was Turner, appeared before the committee. He was promoting the ratification of this treaty.

I said: As I read this, it is not just 70 percent of the Earth's surface, water, but also the air above it. He said that could very well be. He could not respond or deny that fact.

Another issue of concern is the effect the Law of the Sea Treaty will have on the President's Proliferation Security Initiative, PSI, with which we are all familiar. It was designed to combat the transfer of weapons of mass destruction. Advocates of the treaty assure us that the treaty in no way damages the effectiveness of PSI because countries that want to participate in these open ocean inspections to assure nuclear weapons are not being traded illegally voluntarily sign on to the President's PSI agreement.

However, under the treaty, boarding a vessel is allowed under four circumstances: One, if there is suspicion of piracy; second, engaging in slave trade; third, unauthorized broadcasting—I am not sure what that is, Mr. President—and fourth, whether it is unwilling to show its nationality.

Taken literally, as most countries will, a U.S. warship would not be allowed to stop a vessel with a shipment of nuclear energy materials if it is flying a State flag on purportedly legitimate business.

The Law of the Sea Treaty creates—and this is, I think, the worst part of it—this international seabed authority. There is a mentality around Washington that unless you have some great big international body, we shouldn't have any sovereignty, and that is exactly what this treaty does. It has an international seabed authority which actually would have jurisdiction over 70 percent of the area of this globe.

They also have taxing authority. I think a lot of us—and I have to admit I have been critical of the United Nations, and they are the ones behind this issue. If they are able to have this taxing authority, then those of us—and most of the Members of this Senate have done this at one time or another—when it gets to the point where they are not doing a good job with something or the U.N. has something with which we disagree, we send a resolution that says: If you don't stop doing this, then we are going to withhold some of our dues. The way they overcome that is with global taxation so that the U.N. would not have to be accountable to anyone.

With all these problems, this is a treaty on which we should be able to have hearings. I would like to have a hearing, as I did in 2004, and have some of the same people testify because nothing has happened since then. I am talking about in both the Environment and Public Works Committee and in the Senate Armed Services Committee because this is a national security issue. I am putting that request in, and, hopefully, we will be able to do it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Inouye amendment be set aside.

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

AMENDMENT NO. 3233

Ms. MIKULSKI. Mr. President, I have an amendment which I wish to send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. SHELBY, and Mrs. MURRAY, proposes an amendment numbered 3233.

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

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

The amendment is as follows:

(Purpose: To provide additional funding for the Office on Violence Against Women)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading ''GENERAL ADMINISTRATION'' is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN'' is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN''—

(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

Ms. MIKULSKI. Mr. President, this is a very straightforward amendment. What it does is add $10 million to the Office of Violence Against Women.

October is Domestic Violence Awareness Month, and we wanted to be sure that, in our legislation, one of the things we were going to be clear about was that there would be enough resources for our local communities to really deal with the growing issue of domestic violence.

It might come as a surprise that many local law enforcement people are injured in the line of duty when responding to domestic violence. You might say: Well, aren't they hurt when they are responding to robberies and burglaries? The answer is yes. But when a police officer responds to a domestic violence call and he walks into a home—or she—the police officer usually does not have a weapon drawn because they want to de-escalate the situation. This is often happening behind closed doors where someone is being battered, and the perpetrator could very likely feel threatened and, in turn, use the officer's weapon or another lethal object on the police officer. So the police officers are in danger, the spouse or the child being battered is also in danger, and we want to make sure the funding is not also in jeopardy.

I strongly support the Office of Violence Against Women that was established by our colleague from Delaware, Senator BIDEN. My amendment simply increases the money, for a total of $400 million. It has an appropriate offset, and it will provide more funding for the training of police officers and prosecutors. It would also continue the funding for battered women shelters and at the same time have a very strong effort in reducing rape, and also prosecution of rape.

The amendment is noncontroversial. We have several cosponsors, including my colleague, Senator SHELBY, and also Mrs. MURRAY of Washington State. So I hope my colleagues would accept this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend Senator MIKULSKI for offering this amendment. I am a cosponsor of it, and many of us believe what she is doing is the right road to go down. I believe we should adopt this amendment as soon as possible.

Ms. MIKULSKI. Mr. President, I thank my colleague for supporting this, and I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3233) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I thank my colleague for his support.

It will not be our intention to adjourn for lunch. We are going to keep on working and keep on hearing our amendments, and then somewhere around 2 p.m. we will be offering an amendment to deal with NASA funding, which we think will take a considerable amount of time. With our colleagues' cooperation in bringing their amendments to the floor and the NASA amendment, we really do believe, with those who are working to clear these amendments, we can finish up late this afternoon. So we are not going to take a break for lunch; we are going to keep on working. To any colleagues who wish to speak on our bill or bring amendments to us, this is the time. With their cooperation, we can cooperate with all those who would like to be able to call it a day today and get back to their districts for the recess period.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I admire our two floor managers and their diligence and perseverance in moving the legislation forward. I have a few small items I think are of some importance, but I don't want to interrupt the process or the consideration of the amendments. So I will proceed, but if the managers find there is an amendment that needs addressing, I will be glad to withhold. I don't intend to take very long, but I would like to be able to make these comments.

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

Mr. KENNEDY. Mr. President, I rise in response to the shocking news reported on the front page of the New York Times that the Department of Justice gave legal advice authorizing the use of extreme interrogation techniques not only in 2002 and 2003 but also at least two more times in 2005. This revelation shows that the Justice Department has fallen even lower than we had realized and that it is up to Congress to take a firm stand against torture because this Executive cannot be trusted to do so.

We have been here before. Before this morning, we already knew about an earlier opinion by the Office of Legal Counsel that authorized the use of torture. When this ''torture memo'' came to light, the Bybee memorandum, it inspired worldwide outrage and condemnation. America lost its moral high ground in the fight against terrorism, possibly for years to come. This memo and others like it violated the values we hold dear, undermined our intelligence gathering, and encouraged our enemies to respond in kind. But the opinion was not only morally wrong, it was also legally wrong. After the public outrage over the opinions broke, the Office of Legal Counsel took the extraordinary step of withdrawing it, and as far as we know, this is the first time an OLC opinion had ever been overturned within a single administration.

Today's New York Times story tells us that this disgraceful episode did not end when the torture memorandum was withdrawn. At the same time the Justice Department was publicly claiming it had put things right, the Office of Legal Counsel was secretly issuing two new opinions. The first opinion authorized harsh interrogation techniques together, in combination, to create a more extreme overall effect. In other words, interrogators

could withhold food at the same time they subjected detainees to freezing temperatures. The second opinion declared none of the CIA's interrogation methods violated the ban on cruel, inhuman, and degrading treatment that Congress was getting ready to pass. This was at a time when the CIA was using waterboarding and other foreign techniques copied from the Soviets and other brutal regimes.

So how did the Justice Department go from secretly authorizing brutal interrogation techniques in 2002 and 2003 to withdrawing some of that authorization in 2004 to once again secretly reauthorizing such techniques in 2005? The answer, we now know, is that the White House overruled all those pesky officials who told them what they didn't want to hear—who told them that torture is wrong and illegal.

James Comey told his colleagues at the Justice Department that they would all be ashamed when the world eventually learned of these opinions. He was sidelined by the White House. Jack Goldsmith met the same fate. These were conservative Republicans and loyal patriots who were simply trying to uphold the law.

It is clear why President Bush wanted Alberto Gonzales to run the Justice Department—he wanted to install his personal lawyer, not a guardian of the rule of law. Mr. Gonzales approved these two memos and everything else the President needed for legal cover.

It would be bad enough if this administration had disgraced itself and this country by engaging in cruel and degrading treatment of detainees. It is worse still that it enlisted the Justice Department in an attempt to justify and cover up its activities.

Today's revelations give new urgency to the need for congressional action. I am the sponsor of a bill that responds to this need—the Torture Prevention and Effective Interrogation Act. The bill makes one basic reform: to apply the standards of the Army Field Manual to all U.S. Government interrogations, not just the Department of Defense interrogations.

When Congress passed the Detainee Treatment Act of 2005, we recognized that the Army Field Manual represents our best effort to develop an effective interrogation policy. The Senate voted 90 to 9 to apply its standards to all Department of Defense personnel. By enacting the Detainee Treatment Act, Congress tried to ensure that our Government honors its commitment to the basic rights enshrined in the Geneva Conventions, which protect both the values we cherish as a free society and the lives of our service men and women overseas.

We now know, however, that the 2005 Act falls short of our goals. We left open a loophole that undermines the basic safeguards against torture and cruel and degrading treatment. We applied the reform to the Department of Defense, but not to the CIA. And as today's New York Times story shows, it is the CIA that we need to be most worried about.

Last year, in the Military Commissions Act, Congress left it to the President to define by Executive Order the interrogation practices that would bind all government interrogators, including the CIA.

The President's Executive order took maximum advantage of this loophole. It is vague and fails to prohibit many of the most flagrant interrogation practices. Combined with these new OLC opinions that have just come to light, this Executive order makes clear that the President believes these interrogation practices to be perfectly acceptable.

The Torture Prevention and Effective Interrogation Act closes the loophole left open by the Detainee Treatment Act. It follows the warning of General Petraeus that brutal interrogation methods are both illegal and immoral, and that ''history shows that they also are frequently neither useful nor necessary.''

This bill is an opportunity to restate our commitment to the security and ideals of our country. It is an opportunity to repair some of the damage done to our international reputation by the Abu Ghraib scandal and the abuses at Guantanamo. It is an opportunity to restore our nation's role as a beacon for human rights, fair treatment, and the rule of law. And it is an opportunity to protect our brave servicemen and women from similar tactics.

It is a simple measure that is long overdue.

Once again, this morning, Americans and people all over the world are revolted by what they have learned about this administration's refusal to reject cruel and degrading treatment. It will be up to the next Attorney General to restore the Justice Department to integrity. It is up to Congress to restore the rest of the government to the principles of law and justice that make this country great.

Mr. President, I will make a brief comment on an item that I think needs addressing.

CHIP VETO

Yesterday the President vetoed the CHIP program. I mentioned at that time that it was the most intolerable, inexplicable, and incomprehensible veto I have seen in the Senate. I think today the American people are beginning to understand why.

This is President Bush's quote, when he was Governor of Texas. This is from President Bush's Web site when he was Governor.

> Governor Bush and the Texas legislature worked together to implement the CHIP program for more than 423,000 children. . . .

Taking credit for the CHIP program in Texas when he was Governor. This is what he went on to say in 2004.

> America's children must also have a healthy start in life. In a new term we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance program. We will not allow a lack of attention or information to stand between these children and the health care they need.

We read that the President only yesterday had vetoed this program because, as he pointed out, he believed it was a government health insurance program, and his allies have called it socialized medicine. I was here in the Senate when we passed Medicare, and that was called socialized medicine. Those who called it socialized medicine were successful the first time, and then 9 months later we were successful in passing that program. It was in 1964, and it was passed in 1965. The intervening event was a Presidential election.

They said Medicaid was socialized medicine. They said the prescription drug program was a socialized program, and it was passed. They said the veterans health programs are socialized medicine programs.

We have found the President stated that Social Security, he believes, ought to be privatized—and that has been resisted by Democrats and Republicans—and that Medicare ought to be privatized. Let's make no mistake about it across this country: The President has now selected the CHIP program for the beginning of the privatization of these health programs and Americans ought to be very much aware—children today, seniors tomorrow, veterans the next day. Let's understand that.

Americans want practical solutions to these issues. The practical solution was the CHIP program. Even the CBO says if you are interested in ensuring uninsured children, the CHIP program is the way to go. The administration's own agency has stated that. Americans want the practical, not the ideological, which the President resorted to yesterday.

Finally, Americans want investment in America and American priorities. The No. 1 priority for Americans is American children, rather than the sands in Iraq—pouring billions and billions of dollars into the sands of Iraq. Americans want to invest in the children. That is what this debate is about. That is what this discussion is about, Republicans and Democrats coming together for practical resolution and decision on this issue of the CHIP program.

When we recess briefly now and return to our States, hopefully the American people are going to speak to their representatives and say: On this issue, do what is right for the children. Put children first. Put American children first and vote to override the veto.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

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

Ms. STABENOW. Before the distinguished Senator from Massachusetts

leaves the floor, I thank him for his leadership in so many areas but none more important than advocating for health care and for the children of this country. As he has said numerous times, we are spending $330 million a day in Iraq and we have come together in a bipartisan way to say children should be receiving $19 million for health care; $19 million for children's health care in the United States for working families versus $330 million for Iraq.

I thank the Senator from Massachusetts for his voice. There is no one stronger or more passionate or more effective on this issue.

Also, before speaking further about health care, I thank our leaders on this very important appropriations bill in front of us, our Commerce-Justice-Science bill which Senator MIKULSKI has led so effectively, along with her ranking member, Senator SHELBY. When we talk about changing the direction of the priorities of this country, this particular appropriations bill does that. Under the leadership of the chairwoman, we are investing in community policing, we are beefing up the FBI, we are dealing with drug enforcement, we are doing those things to keep our communities safe every day. I am very proud to support her efforts in changing the direction of this country, to focus, among other things, on keeping Americans safe and investing in science and research and opportunities for jobs for the future.

HEALTH CARE REFORM

I particularly come to the floor today to speak about affordable, accessible health care—quality health care for Americans. Access to affordable health care is one of the most critical issues facing families of America, facing businesses of America. There is not a meeting I go to—whether it is with seniors, with families, with those advocating for children, with small businesses, big businesses—the No. 1 issue folks want to talk about is the skyrocketing cost of health care, health insurance premiums going up, and the difficulty in getting health insurance. They want us to come together, our Federal Government, our Congress, our President, and find a solution to something that is a national crisis.

Health care should not be a commodity. It should not be just an issue. It is a public issue, a public service, a public health issue. We are all paying the price for not having addressed this sooner.

According to a recent study by ''Families USA,'' approximately 90 million Americans have gone without health insurance for all or part of the last 2 years. These numbers are even higher than we had thought. Certainly in my home State of Michigan, where we are seeing the middle-class families across Michigan being squeezed on all sides—folks who have worked in manufacturing and continue to work in manufacturing, the industries that created the middle class of this country—they find themselves being squeezed, being asked to take less pay in order to continue to have health care for themselves and their families; more and more people falling into the category of those losing their jobs, therefore losing their health insurance. What is most amazing and important for us to understand, of the 90 million people who have not been able to get health insurance for all or part of the last 2 years, 70 percent of them are working full time.

This is a crisis and it is not acceptable in the greatest country in the world. To add insult to injury, we in America pay twice as much of our GDP for health care as any other industrialized country. We are paying twice as much, and 90 million people in the last 2 years were without health insurance for part or all of that time. This has to change. It is long past needing to change. This has to change soon.

That is why I am so pleased to be joining a bipartisan group of Senators in making a commitment to universal health coverage. I am very proud to be cosponsoring the Healthy Americans Act, which has been championed by RON WYDEN, my friend and colleague from Oregon, and his partner, Senator BENNETT from Utah. It is important that we tackle this issue in a bipartisan way so both parties, so all of us, are invested in making the changes we need to make the health care system work for everybody, for all Americans—for our businesses, for our families, individuals, small towns, big cities. We have to get a handle on this. I am so appreciative of the focus and the leadership Senator WYDEN is providing, in bringing all of us together to do that.

There is a sense of urgency that is needed and we are coming together to provide that sense of urgency, to say we hear it from those around the country and we are rolling up our sleeves and getting to work. This legislation is a good place for us to start, for us to develop a real solution to the health care crisis. The bill's main goal is making sure each American gets health insurance that is equal at least to what every Member of Congress gets. I would think as employees of the American people, the employer should be asking for nothing less.

It creates a strong insurance regulatory system that protects families against discrimination based on preexisting conditions. This is absolutely critical. If we are talking about a universal system that is privately administered, then you cannot have insurance companies cherry picking, covering only certain people, saying if you have some kind of a preexisting condition, you cannot get insurance. That is not going to work and this bill changes that.

It is critical that there be accountability and oversight and the regulation that is needed to make sure everyone can afford to get the insurance they need for themselves and their families. This is the goal all of us as Members of the Senate should be behind. I do understand this is a work in progress. I come to this bill with important improvements that I believe need to be done in order for me to ultimately support a final bill. As the process moves forward, it is important that certain critical improvements be made, such as people who currently have good insurance plans and want to keep them should be able to do so. We should not do anything to undermine employer-sponsored health insurance for those who choose to keep it.

Second, and this is so important, we are seeing with so many people in Michigan now, and others in the auto industry, any voluntary employee benefit association, or so-called VEBA, that results from a collective bargaining agreement must get the same tax treatment they do under current law.

Three, I believe there should be a choice of a public plan for health insurance, such as Medicare, to compete with private sector plans. When we are talking about a choice of private plans or keeping what you have, we should also add to that a public choice, so people have real competition and real choice. That is something I am advocating for.

I mentioned earlier that we need to make sure whatever is done involves the best possible consumer protections; that whatever we are doing in terms of private sector insurance, they should need to take allcomers. They should not be able to pick and choose who gets insurance based on preexisting conditions. There are other important regulatory mechanisms that need to be in place.

Finally, it is critical that there be a real safety net for low-income families who are now on Medicaid or similar programs. I strongly believe we cannot keep the status quo when it comes to health care. We cannot do it anymore. We cannot do it. It is affecting every part of our economy.

Rapidly growing health care costs are literally costing us jobs in America. When we look at good-paying manufacturing jobs in this country, I invite you to come to Michigan and talk to people who have worked hard all their lives, who have built a good life for their family, who are now, because of health care costs, losing their jobs.

American businesses are at a serious disadvantage in competing with businesses around the world that do not have to pay the same costs for health care. Our workers are being asked to take pay cuts in order to keep their coverage. Too many Americans find themselves without basic health insurance in the greatest country in the world. Shame on us. It is time to get this right.

It is past time for every American to have access to the health care they need and deserve. Let me say as part of that, we have shown what we can do as a Senate, in a bipartisan way, when we

come together and we have a focus on the goal of covering children and working families with health insurance.

Despite the President's veto, which is, to me, unexplainable, given the overwhelming need and support of American families, and even from business and labor, and health care providers coming together on a bipartisan basis here, it is mind boggling to me that the President would veto that bill. We have shown what we can do together.

I am so pleased to be working with my colleagues on the other side of the aisle, as well as with Senator WYDEN, certainly Senator BENNETT, but I want to particularly say I am proud to be coming to this process and this legislation at the same time as my good friend, Senator CHUCK GRASSLEY, who has shown such courage. He and Senator HATCH are heroes in terms of advocating for children's health care and showing the courage to stand up to their President. It is not an easy thing to do. But to stand up and tell the truth, to debunk what has been said as inaccurate, it is something that truly everyone in this Chamber and around the country respects and admires.

Coming to this legislation with Senator GRASSLEY is also something that is important to me. I believe in addition to making sure that 10 million children have health insurance they need, it is time to then take the next step—universal health care for every person in America. I believe health care should be a right in the United States of America, not a privilege.

It is time to get this done. I am hopeful this legislation will serve as a starting point for Democrats and Republicans to accomplish what the vast majority of Americans want: to be able to afford good health insurance for themselves and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

Mr. WYDEN. Mr. President, let me begin by saying that Senator BENNETT and I are thrilled to be able to welcome Senator STABENOW to this bipartisan coalition, the first bipartisan coalition in 13 years that has been designed to try to finally fix American health care and ensure that all of our citizens have good quality affordable coverage.

Four Senators joined us this week. I want to say just a little bit about each one of them. First, Senator STABENOW has put decades into this cause of improving health care. Again and again, she has spoken for seniors, for kids, for holding down costs, for prevention. We sit right next to each other in the Senate Finance Committee. And to have Senator STABENOW and Senator GRASSLEY who have pulled out all of the stops once again to try to bring together a bipartisan coalition for our children, when I think about having Senator STABENOW and Senator GRASSLEY join those of us in this coalition and to have their support in the Senate Finance Committee, this is an enormously important day.

As Senator STABENOW said, she represents constituents facing one of the great challenges in American health care; that is, how to make the transition for so many of our key workers and companies in basic industries. When you open a business today in the State of Michigan or Montana or Oregon or anywhere else, you spot your foreign competition about 18 percentage points the day you open your doors. Those businesses in our States see premiums go up 10, 12, 14 percent a year. And they are competing in global markets against people who have State-funded health care.

So as Senator STABENOW has said, and as we have seen just in the last couple of weeks with the new UAW agreement, there is going to be change in the air. The question is how we shape it. And to have people such as Senator STABENOW and Senator GRASSLEY, who have been leaders for years and years in this cause, it is of enormous benefit.

Senator BENNETT and I are very appreciative. We are also glad to have Senators LANDRIEU and COLEMAN join us. Senator LANDRIEU, of course, is wrestling with the great challenge of how to reform health care in the State of Louisiana. She has looked at a number of innovative reforms that we support.

Senator COLEMAN, coming from Minnesota, which has been a huge tech center that has contributed to an area that Senator STABENOW has a great interest in, which is health information technology—Senator COLEMAN's involvement will be very helpful as well.

It seems to me this Congress has the chance to deliver a bipartisan one-two punch for health care this year. Punch No. 1 is to try to make sure our kids are covered. Americans are watching the back and forth between the Congress and the President with respect to children's health care.

Clearly, it is a moral abomination that so many of our youngsters in America do not have health care. The American people want action. They cannot understand the bickerfest going on in Washington, DC, over this issue.

I am very hopeful that the White House will continue to work, pick up on the model set out by Senator GRASSLEY and Senator HATCH, working with Senator BAUCUS and Senator ROCKEFELLER, and we will resolve this issue quickly.

It is clear to me that covering kids is a moral issue, but it is also a financial issue. If these youngsters do not get good health care, America plays catch-up ball for years and years in the aftermath. Because they cannot get the preventative services they need, they pick up illnesses, and we are already seeing the great problems with childhood obesity and chronic illnesses setting in at a very early age.

So punch No. 1 is covering the kids, and punch No. 2, as Senator STABENOW suggested, is moving on to the broader reform issue of making sure all Americans have quality, affordable coverage. What is promising about this period that we have not had in the past is that both Republicans and Democrats have been willing to search for common ground.

In our conversations, Senator BENNETT, Senator GRASSLEY, and I, and others, have talked about the need to cover everybody. Certainly, back in 1993, that was something that was a bit of a show stopper. People said: You cannot afford it. Today, many Republicans share the view of Senator STABENOW and myself that the country cannot afford not to cover everybody because what happens today is people who are uninsured shift their bills to people who are insured, and not only do they shift the bills, they shift the most expensive bills: those hospital emergency room bills and expensive treatment bills for acute illnesses.

So I very much credit Republicans such as Senators BENNETT and GRASSLEY and GREGG and all of those who have joined us from the other side of the aisle by being willing to search for common ground around the proposition of getting everybody covered.

But Democrats have also been willing to look at new approaches to make sure we could address this issue in a bipartisan way. Senator STABENOW has said the Healthy Americans Act focuses on a private delivery system, a private delivery system which is, of course, what we enjoy. When we all go home, we go home to Montana or Michigan, and everyone says: We would like coverage like you people have back in the Congress.

Well, we have private coverage. I have a Blue Cross card in my pocket. A couple of Wyden twins in a few weeks are going to get their health care through that Blue Cross card. Nancy is at home in Oregon, and we are going to have those kids in a few weeks. They are going to be covered with private health insurance.

So we want to make sure everyone in this country has private choices like Members of Congress have. As Senator STABENOW has mentioned, Democrats who might have said, well, we ought to be looking at a Government program, are willing to reach out and work with Republicans to say: If we can cover everybody, if we can get everybody in America good, quality, affordable coverage, we are willing to make sure there are private choices, which is something our colleagues on the Republican side have talked about as well. We also have responsible ways to pay for this program that covers all Americans.

As the Lewin Group has indicated—and the report is on our Web site so folks can see it—by redirecting the

money in the Tax Code, which now disproportionately favors the most affluent and rewards inefficiency, you get substantial funds in order to pay for the transition to a program that covers everybody.

Why in the world would we want to continue to say, if you are a high-flying CEO, you can go out and get a designer smile put on our face and write the cost of that off your taxes, while a woman of modest means at the neighborhood furniture store, with no employer coverage, gets virtually nothing out of the Tax Code. So Senator STABENOW and Senator GRASSLEY and Senator BENNETT and the other cosponsors and I are going to work to redirect that Tax Code money to the people in the middle-income brackets and the lower middle-income brackets so we make better use of that money, which now is well over $200 billion.

We are also going to create, in our effort, significant administrative savings. We are going to get some, as Senators STABENOW and WHITEHOUSE and others have talked about, through better use of health information technology. I support that. We are also going to get the savings, as the Lewin Group reported in looking at our legislation, by making sure that after you sign up once under the Healthy Americans Act, you are not going to have to go through a sign-up ever again if you wish.

From that point on, everything will work through the world of electronic transfers. And all of those folks who are low income, on Medicaid, who have to dive through all of these different boxes in order to be eligible, they will get choices like Members of Congress have. And once they sign up, they are done. No more dehumanizing, wasteful kinds of programs where you have to sign up again and again and again. And you waste money and take dollars that ought to go, as Senator STABENOW has talked about, to make sure that every poor person does not fall between the cracks of the American health care system.

Our coalition is going to be talking a fair amount about this effort on the floor of the Senate in the days ahead. We now have nine Senators as part of this effort. We are going to be talking about the ways this proposal modernizes the health system and how we make the changes from what we have today to what we will have in the future.

One other area that I would like to just touch on briefly is that I think under the Healthy Americans Act we can respond to something that Americans are talking about all over this country; that is, making the health care system portable. Right now, so many folks are pretty much locked in their jobs and just hoping that their employer is not going to find health coverage unaffordable in the days ahead.

I cannot tell you how many times people in their late fifties have come to me and said: Ron, I just hope my employer can hang on until I am 65 and I will be eligible for Medicare. We ought to make coverage portable so that if you change your job, in Michigan or Montana or anywhere else, your health care coverage goes with you.

Andy Stern, the President of the Service Employees Union, points out that the typical worker today changes jobs about eight times by the time they are 35. Let's come up with a system that ensures coverage is portable, and that even if you fall on hard times, even if you lose your job, even if your company goes down, you are in a position to take good, quality, affordable coverage—with choices like we have in Congress—with you.

I see a number of colleagues on the Senate floor. I think I would just like to wrap up by expressing my appreciation to Senator STABENOW for coming today. She has appropriately singled out Senator GRASSLEY as well. I want to thank all of the members of our coalition. Health reform is a top issue. Everybody remembers what happened in 1993 and all of the ads and the shrill rhetoric.

It seemed every time you turned around in 1993, the decibel level went up and up. Now what we are seeing, as Senator STABENOW touched on, is a group of Senators coming together on a bipartisan basis who want to roll up their sleeves, take out a sharp pencil, and go to work. This is going to be a lot of work. If Senator STABENOW and I got 100 Members of the Senate to be cosponsors of the Healthy Americans Act today, it would still be a lot of work because we are going to have to look at a variety of issues and walk the country through all of these choices, through hearings and town meetings and forums, so we can pick up on all of the wisdom and suggestions that are out there across this land. But we are making a very important start. We have received a huge boost this week with the four additional Senators who have joined us.

To my friend from Michigan, for all her knowledge and passion and years of effort, I want her to know how much I am looking forward to teaming up with her on this issue in the Finance Committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3215

Ms. MIKULSKI. We are making slow but steady progress. I, therefore, call up amendment No. 3215. It is a Mikulski- Shelby amendment.

The ACTING PRESIDENT pro tempore. The amendment is pending.

AMENDMENT NO. 3230 TO AMENDMENT NO. 3215

Ms. MIKULSKI. I also call up a second-degree amendment offered by Senator COBURN of Oklahoma, amendment No. 3230.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. COBURN, proposes an amendment numbered 3230 to amendment No. 3215.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure Department of Justice conference spending does not fund excessive junkets, lavish meals, or organizations linked to terrorism)

At the appropriate place, insert the following:

SEC. ____. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

Ms. MIKULSKI. I ask that the second-degree amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3230) was agreed to.

Ms. MIKULSKI. Parliamentary inquiry: Did we agree to amendment 3215, as amended by Coburn, or did we just agree to the Coburn second degree?

The ACTING PRESIDENT pro tempore. We agreed to the Coburn second degree.

Ms. MIKULSKI. I now ask that amendment 3215, as amended by the Coburn amendment, be agreed to.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to amendment No. 3215, as amended.

The amendment (No. 3215), as amended, was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. CASEY. I ask unanimous consent to speak as in morning business.

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

IRAN

Mr. CASEY. Madam President, I rise to speak on the challenge posed by Iran to our national security and the interests of our friends and allies, how the United States should best address the challenge posed by Iran and its leader Ahmadi-Nejad.

This has been much in the news lately. The Iranian President visited New York to the United Nations general assembly last week and delivered a controversial address at Columbia University. During the very same week, the Senate approved a resolution condemning Iranian activity that helped destabilize Iraq and called upon the administration to take actions to deter future Iranian meddling in Iraq and other places. It is no surprise that the debate over how to handle Iran occurs very much in the shadow of the Iraq war.

Five years ago, Congress voted to give the President the authorization to go to war against Saddam Hussein based upon Iraq's alleged weapons of mass destruction programs. The shocking failure to uncover those so-called WMD programs and the fatally flawed manner in which the President took our Nation to war must weigh upon all of us now as we debate the right course of action against Iran.

Let me be clear from the outset: Through its refusal to halt prohibited nuclear activities in the face of multiple United Nations resolutions, its support for extremist groups across the region, and its harsh crackdown in recent months on human rights and civil society leaders, the Government of Iran has demonstrated why it should be isolated from the international community. The United States must take the lead in a concerted campaign to coerce Iran into changing course, drawing upon all facets of American power, in close coordination with friends and allies. We must always remember that while the Iranian Government may be hostile to our interests and values, it does not speak for the Iranian people. While the Iranian clerical regime, in power since the 1979 resolution, has remained reliably anti-American, the Iranian people, led by a younger generation born after the traumatic events of the last 1970s, are remarkably open to American ideals. Two-thirds of the Iranian population is below the age of 30. These Iranians view the United States as a potential friend, not as an implacable enemy.

Few Americans remember that a candlelight vigil was spontaneously organized in Tehran shortly following the 9/11 attacks, attended by thousands of ordinary Iranians to honor the memory of those who perished in those terrible attacks. I can think of no other Muslim nation where such a public expression of sympathy and solidarity emerged in the grief- stricken days following September 11. So in articulating our response to Iran's recent provocations, we must always distinguish between the oppressive clerical regime and the Iranian people.

The mullahs in Tehran would love nothing more than a perception that the United States, and the broader West, by extension, is hostile toward Iran itself. It would spark an instant boost in popularity for the regime. Accordingly, any U.S. policy to diffuse Iran's nuclear program and halt its support for extremist groups elsewhere must be undertaken in a careful fashion, emphasizing that our quarrel lies with the clerical regime, not the people of Iran.

Let me first address Iran's nuclear program. The Iranian regime has forfeited the goodwill of the international community by engaging in a secret program over the past two decades to develop the key components of a nuclear fuel cycle—uranium enrichment and plutonium reprocessing. These activities can constitute the elements of a peaceful civilian nuclear program, but the nuclear nonproliferation treaty to which Iran is a signatory requires that nations fully disclose such activities in an open and transparent fashion. That Iran went to such lengths to conceal its activities and continues today to refuse to provide a full accounting of the history of this program leads a reasonable observer to suspect that the program was intended not just for a civilian nuclear program but also to enable the production of fissile material for nuclear weapons.

This crisis came to a head in 2003, when reports from an Iranian exile group prompted the International Atomic Energy Agency, IAEA, the U.N. nuclear watchdog, to open an investigation. Despite initial efforts by an alliance of European powers to persuade Iran to come clean with the IAEA, Tehran continued to work on its uranium enrichment program, spurning offers of economic and trade benefits.

Last year the United Nations Security Council took action, passing an initial resolution calling upon Iran to suspend all uranium enrichment activities. Iran ignored that resolution. The Security Council passed two successive resolutions imposing a set of limited sanctions. Yet again, the Iranian regime chose to ignore a clear message from the international community. Today the United States is in talks with other U.N. Security Council members on a third and potentially more far-ranging round of sanctions. To its credit, the Bush administration has made very clear to Iran that the United States is willing to join a comprehensive dialog with Iran and the so-called EU–3 nations—meaning the United Kingdom, France, and Germany—once Iran verifiably suspends its uranium enrichment activities. Iran has refused to do so, and so it is on pace to operate as many as 3,000 uranium centrifuges by the end of the year. Under a worst-case estimate, if Iran were to eject all international inspectors and operate these 3,000 centrifuges around the clock, it could produce sufficient fissile material for one nuclear warhead within a year.

An armed Iran that has a nuclear weapon or nuclear weapons would be emboldened to intimidate its neighbors, export Islamic extremism throughout the region, and deter the United States and others from defending their core interests. A regime with leaders who have openly called for the destruction of the State of Israel by ''wiping it'' off the face of the Earth cannot be allowed to possess the means to achieve that goal. Furthermore, we cannot abide the risk, however small, that a nuclear Iran may one day decide to share its nuclear technology and material with a client terrorist group such as Hamas or Hezbollah.

Iran's nuclear program also poses a genuine danger to the future of the nuclear nonproliferation treaty, so-called NPT, an agreement that has helped prevent the nightmare vision of President Kennedy of a world with 20 nuclear powers from coming to fruition. The NPT is based upon a fundamental premise. A nonnuclear weapon state is entitled to a civilian nuclear program in exchange for committing to verification and inspections to ensure it does not produce nuclear weapons. Yet Iran threatens to demonstrate a backdoor option for future nuclear aspirants. Here is what it is: build a civilian program, with a complete nuclear fuel cycle, in open view to acquire the basic knowledge to produce nuclear fissile material.

After achieving that goal, a nation can then withdraw from the NPT and, utilizing the knowledge gained from its civilian program, build nuclear weapons. This so-called virtual nuclear weapon threatens to undermine the NPT and lead to a world where multiple states are poised on the thin line between civilian nuclear power and weapons programs. For that reason, the international community must demonstrate a united front to compel Iran away from that path through diplomatic and economic pressure.

The threat posed by an Iranian nuclear weapon is very real. However, we cannot afford to panic and blindly accept worst-case scenarios, as we did with Iraq to such tragic ends. Iran has made great strides in its nuclear program over the past 3 years, but it must do much more if it seeks a nuclear weapon. We do not know to what extent those Iranian centrifuges already produced are operationally active and whether they have been linked together in a required ''enriched cascade.'' We do not know whether the Iranian regime has begun work on warhead design so any highly enriched uranium that may eventually be produced can be fabricated into an actual nuclear weapon.

It is those uncertainties, and the recognition that any ''crash program'' to build a nuclear weapon will encounter inevitable difficulties, that explain

why our intelligence community has judged that Iran is not likely—not likely—to acquire a nuclear weapon until the early to middle part of the next decade. This conclusion is spelled out in the most recent National Intelligence Estimate.

Based upon what the International Atomic Energy Agency has been reporting with regard to the Iranian nuclear program, and what our own intelligence community is telling us, we have time—we have time—to resolve this very complex, serious challenge. That does not mean we have the luxury to relax or postpone difficult choices, but, rather, that we can exercise a methodical approach that gradually escalates the diplomatic and economic pressure against Iran in a unified manner.

We must present a very clear choice to the Iranian regime—it is this—one that will be visible to the people of Iran: End all illicit nuclear activities, come back into compliance with IAEA safeguards, and provide full transparency. That is one choice. In return, the United States and our European partners will be prepared to return to the table and discuss potential economic and trade benefits. If Iran chooses the path of continued defiance—the path they have been on—we must show that the international community is prepared to deny Iran the benefits of the global economy, including trade in key energy products, facilitation of essential financial transactions, and investment in key economic sectors.

Iran's nuclear program is not the only threat that emanates from Tehran today. Just as critical is Iran's ongoing support for extremist movements across the region, ranging from Hamas in the Gaza Strip and Hezbollah in Lebanon to Shiite militia forces in Iraq. Unfortunately, Iran's leadership today has made the strategic decision to support these forces, promoting chaos and instability across the Middle East.

The Iranian Government has placed itself on the side of those who are undermining democratically elected governments, fomenting violence and anarchy, and contributing to attacks against U.S. forces. So long as the Iranian Government continues to bankroll and supply weapons to terrorist groups and insurgent militias, we cannot expect any semblance of constructive dialog between Tehran and Washington.

The evidence surrounding Iranian involvement in Iraq is particularly disturbing. Iran has interests in Iraq. We know that. The Shiite majority that now has power for the first time in Iraq shares vast cultural, religious, and political links with the Iranian people. However, Iran and Iraq are two different nations, and the Shiite population in Iraq does not and should not serve as a proxy for the mullahs in Tehran. When the Iranian Government provides weapons and financing to sectarian militias battling other Iraqis as well as U.S. forces in Iraq, it is only exacerbating the violence that currently plagues Iraq.

The administration in Washington, supported by our military leadership, has alleged that the Iranian Government has directly supplied insurgent groups in Iraq with mortars, rocket-propelled grenades, and, most dangerous of all, the explosive formed penetrators that have served as the most lethal of roadside bombs killing American troops.

The evidence the administration has provided—serial numbers on the weapons linking them to Iranian sources and eyewitness testimony—is compelling. It remains unclear to what degree this assistance has proceeded with the direct knowledge of Iran's senior ruling leadership. Regardless, the Iranian Government must be held responsible for all activities—all activities—emanating from its territory or carried out by its agents. Iran must work with the United States and the international community in supporting a stable Iraq and deemphasizing sectarian conflict there.

The question that we, as Senators, must answer is how best to persuade and, if necessary, compel Iran to change its behavior both in terms of its nuclear program and its support for extremist groups. What are the tools available to us to persuade Iran that its current course of action will only further isolate it from the international community? How can we promote fissures inside the Iranian regime between the hard-line elements associated with President Ahmadi-Nejad and more pragmatic figures?

I believe the United States should implement a strategy of containment to deny the Iranian regime any benefits from its nuclear program and support for extremist forces, while laying out potential—potential—incentives if and when the regime changes its behavior. Let me be clear: Military force is always an option, but it is not an option that makes sense under the current circumstances.

Instead, the United States should pursue a three-pronged strategy against Iran's nuclear program and its support for extremist groups.

First, the United States should continue its campaign to diplomatically isolate Iran at the United Nations Security Council. The Security Council has condemned Iran's evasion and deceit of the IAEA and called on Iran, in order to restore the world's confidence in the ostensibly peaceful aims of its nuclear program, to halt all work—to halt all work—on its uranium enrichment and plutonium reprocessing activities.

While some may view that action as insignificant, it is important to remember that Iran never expected Russia or China—its two primary benefactors—to sign onto such resolutions. Yet the State Department has carefully brought along Moscow and Beijing at every step so that the international community is speaking in a united voice to Tehran. Today, the Iranian regime is viewed as a pariah state at the international level, with sanctions imposed by the Security Council and key officials linked to the nuclear program prohibited from international travel.

Now it is time for the United States to further isolate Iran diplomatically. Washington can encourage other nations to avoid contact with Mr. Ahmadi-Nejad, who should be shunned first and foremost for his noxious anti-Semitic remarks. The United States should propose, as one element—as one element—of the next sanctions resolution, to impose a complete prohibition on arms exports to Iran. To the extent we can make a clear linkage between Iran's defiance on its nuclear program and its further diplomatic isolation, more and more Iranians, including influential officials in the Government and military, will question the wisdom of proceeding with its nuclear program.

Second, the United States should take action in concert with other nations to apply substantial pressure on Iran's energy sector. Although Iran boasts the world's second largest oil reserves, its oil production has been falling in recent years, as its oilfields suffer from a lack of investment. More importantly, as Iran's population continues to grow by a half a million people every year, demand for oil and other energy resources is beginning to outstrip domestic supply. Iran will soon be forced to confront a choice between diverting petroleum exports to its domestic needs, thus surrendering much needed foreign currency, or facing increasing shortages at home.

There are concrete steps the Congress can take. S. 970, the Iran Counter-Proliferation Act of 2007, of which I am proud to serve as a cosponsor, would close existing loopholes in the Iran Sanctions Act that currently allows subsidiaries of multinational firms to escape U.S. sanctions when they invest in Iran's energy sector. I agree with Representative TOM LANTOS, who has pushed forward similar legislation on the House side, when he says the ultimate U.S. goal should be zero—zero—foreign investment in Iran's energy sector until it changes course on its nuclear program.

Iran exhibits a particular vulnerability when it comes to gasoline. It is still suffering from the after effects of the Iran-Iraq war of the 1980s, when much of Iran's capacity to refine gasoline was destroyed. In recent years, U.S. sanctions have limited the ability of Iran to rebuild its refining capacity through foreign investment. Accordingly, Iran is forced to import as much as 40 percent—40 percent—of its annual consumption of refined gasoline, despite its vast oil riches.

This imbalance between supply and demand for refined gasoline is exacerbated by Iran's practice of subsidizing gasoline prices for its citizens, which only artificially boosts demand. Today, Iran ensures that refined gasoline is available to Iranian citizens at the subsidized price of 38 cents per gallon. It is

no wonder, then, that Iran, early this year, was forced to take the draconian step of rationing gasoline, limiting the owners of private vehicles to no more than 26 gallons of fuel per month. This decision produced a backlash in the country, with more than 50 petrostations in Iran burned to the ground by angry mobs and plummeting support for the Iranian President, who largely ascended to power in 2005 on the basis of his promise to improve Iran's economy.

Iran's growing shortages of refined gasoline is a golden opportunity for the international community as it tightens the screws on Iran's leadership.

The average Iranian will question why Iran's leadership continues to pursue an illicit nuclear program at the cost of gasoline shortages and economic unrest. For that reason, I am working on legislation to expand the scope of the Iran Sanctions Act to crack down on all foreign exports of refined gasoline products to Iran until the leadership there changes course on its nuclear program.

I wish to now go to the third and final pillar of a comprehensive U.S. strategy to coerce Iran into ending its defiance of the international community.

Ms. MIKULSKI. Madam President, will the Senator yield for a moment?

Mr. CASEY. Yes.

Ms. MIKULSKI. How much longer does the Senator intend to talk? We know the Senator from Wisconsin needs to talk, and we need to clear some of our amendments and get ready for a NASA amendment. Of course we want the Senator to finish his third pillar.

Mr. CASEY. If I could have about 3½ to 4 more minutes.

Ms. MIKULSKI. If the Senator could contain his remarks, it would be useful to us.

Mr. CASEY. I thank the Senator.

The third pillar, just like the first two, should be to take prudent steps in this strategy.

The third and final pillar of a comprehensive U.S. strategy to coerce Iran into ending its defiance of the international community is to lay the groundwork for financial sanctions that make it increasingly difficult for Iranian companies and banks to do business with the global economy. The steps taken by the Treasury Department under the leadership of Secretary Paulson and his deputy, Stuart Levey, are a good first step. Utilizing existing U.S. law, such as the PATRIOT Act, the Treasury Department has convinced a series of major financial institutions in Western Europe and Asia to suspend business with Iranian financial institutions such as Bank Saderat and Bank Sepah by cutting off the access of these institutions to the U.S. financial system. The United States can pursue these measures outside the United Nations Security Council, as they involve U.S. laws and regulations. As a result, Iranian firms are increasingly forced to finance their transactions in Euros, not dollars, and find that conducting routine financial transactions to be more difficult and costly. Once again, we must demonstrate to the average Iranian that they are the ones who pay a price for the unwise decisions of the Iranian regime—which will only serve to heighten domestic unrest and dissatisfaction with the regime's current course.

It is for this reason I am so pleased to cosponsor the Iran Sanctions Enabling Act, introduced by my colleagues Senators OBAMA and BROWNBACK. This legislation would call upon the Treasury Department to publicly identify all companies that invest in a minimum level of funds in the Iranian economy, giving pension funds and individual investors an informed choice on whether to continue to direct funds to those firms that do business with Iran. In addition, the legislation would grant unfettered legal authority to State and local governments to divest their investment holdings of any such firms that do business in Iran. If the State of Pennsylvania, for example, wishes to wash its hands clean of any firms that directly or indirectly support Iran's pursuit of a nuclear program, this legislation ensures that it can do so free from any lawsuits.

I wish to conclude this statement by briefly discussing what we should not do. If we are to convince the Iranian regime that a nuclear weapons program and support for extremist groups are not in their best interests, then we should strive to remove any plausible excuse they have for engaging in such behavior. That means the United States should de-emphasize the threat of regime change. When people associated with the Vice President drop hints on their desire to overthrow the Iranian regime and the advantages of using military force, they only reinforce a strong nationalist streak within Iran and serve to rally the Iranian people around an otherwise unpopular government.

The Iranian people rightly aspire for democratic change. To the extent that the U.S. Government can support such aspirations in an effective manner, we should do so through quiet assistance to forces promoting civil society and the rule of law inside Iran. People-to-people exchanges can help bring young Iranians to the United States and demonstrate the benefits of a democratic culture and a government informed by the consent of the people. Credible public diplomacy, including the transmission of accurate and unbiased news into Iran, is another necessary pillar. But, as Iraq has so painfully taught us, imposing democracy at the spear of bayonet is not a realistic option, especially when our military is already so overstretched.

So the United States should talk less about regime change and talk more about behavior change when it comes to Iran. We should make clear that Washington is prepared to engage an Iran that ends its illicit nuclear activities and ceases support for Hamas, Hezbollah, insurgent forces in Iraq, and other extremist groups across the region. Laying out a credible choice to the Iranian regime represents our best hope for defusing the crisis over Iran's nuclear program and persuading Iran to end its support for antidemocratic groups throughout the Middle East.

The tentative success achieved in North Korea gives us a model for which to aspire. During the President's first term, his administration raised the desirability of regime change in Pyongyang at every opportunity. Since 2005, under the leadership of Assistant Secretary Chris Hill, the United States has substituted patient diplomacy for fiery rhetoric and we may finally achieve real success in containing and rolling back North Korea's nuclear program.

Iran today represents one of the greatest national security challenges to the United States. It is incumbent that we respond to this threat with hardheaded diplomacy and an appropriate set of financial sanctions to squeeze the Iranian economy, putting aside for now ill-advised talk of hasty military action. Iran's leaders must be presented with a fundamental choice: end your defiance of the international community or face growing isolation.

I think we have an opportunity to get this policy right, but this will require bipartisan work. It will require cooperation in this body and the other body, and it will require the administration to work with the Congress to get this policy right. We cannot afford to get our Iranian policy wrong and make the same mistakes we made—this country made—leading up to the war in Iraq. So for that reason and all of the reasons I outlined in my statement, it is imperative that we do this carefully and thoughtfully to get this policy right, to prevent Iran from obtaining nuclear capability which threatens the Middle East and threatens the United States and threatens the entire world.

Madam President, I yield the floor.

Ms. MIKULSKI. Madam President, I ask that the pending Inouye amendment be set aside.

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

AMENDMENT NO. 3213, AS MODIFIED

Ms. MIKULSKI. Mr. President, I call up amendment No. 3213, as modified, by Senator DOMENICI of New Mexico and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DOMENICI, proposes an amendment numbered 3213, as modified.

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

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

The amendment is as follows:

AMENDMENT NO. 3213, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. DEPUTY UNITED STATES MARSHALS.

(a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, may increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals assigned to work on immigration-related matters, including transporting prisoners and working in Federal courthouses.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

Ms. MIKULSKI. Mr. President, this amendment has been cleared on both sides of the aisle, and as an act of respect for our colleague, I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3213), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we are continuing to clear our amendments, and at or about 2 o'clock, we will begin our debate on the NASA amendment, which we expect will take roughly about 2 hours. At the conclusion of that, we want Senators who have amendments to have either brought them over for consideration, to have either worked with us to clear the amendments, to be either offering the amendments or withdrawing the amendments, so that we can meet our goal to be done in the early evening. We believe we can meet that goal with cooperation. We are in the business of clearing amendments. We hope to have several cleared before we begin the NASA debate, which we expect to be extensive.

I note the Senator from Wisconsin wants to speak at this time. I am going to need about 10 or 15 minutes to actually do the work of the bill. I understand both of my colleagues wish to speak. I am more than happy to cooperate, but at about 10 of 2, we have to move to cleared amendments.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DEMOCRATIC REPUBLIC OF CONGO

Mr. FEINGOLD. Mr. President, it is no secret that Africa has not been high on Congress's priority list historically. This is due to a number of reasons including that African issues have not generated the same kind of public passion and constituent attention as closer-to-home subjects like health care or education. But this is beginning to change. Interest in Africa is at its highest level in recent memory—perhaps ever.

I am concerned, however, that because the bulk of this attention is focused on humanitarian tragedies and grave violence we are depicting a continent caught in a downward spiral, which offers little motivation for long-term U.S. engagement. Funding relief efforts in response to crises—while an important element of U.S. policy—does not address fundamental issues such as the development of democratic institutions and civil society, good governance, security and justice sector reform, and regional security arrangements. We must provide more focus on these underlying concerns—and to do so requires consistent, long-term engagement, collaboration, and commitment from national governments, regional and international organizations and, of course, bilateral donors like the United States.

Sporadic engagement that is devoid of a long- term strategy is like sticking a band aid on a gaping wound instead of taking a trip to the hospital. The abundant potential that exists in so many parts of Africa, and which the United States and others should be more actively promoting, is being stalled or even undermined by our quick-fix approach to problem-solving on the continent. Without identifying and developing the possibilities for more serious engagement, we may end up doing more harm than good.

At the end of our August recess I traveled to the Democratic Republic of Congo and Uganda, two countries that have made impressive gains since I was last there 7 years ago. But today I want to talk about the Democratic Republic of Congo primarily, because the situation is gravely deteriorating and urgent steps much be taken to stop it from devolving further and threatening the region writ large.

Last year's historic elections in the DRC injected hopeful momentum into the war-torn country, thanks in large part to generous funding from the U.S. and others and with critical support from a strong United Nations peacekeeping mission—the largest in fact in the world. During my visit, however, I was troubled to learn of the new government's failure to consolidate and build upon this historic progress. A lack of capacity, political will, and democratic experience is reversing early gains and increasingly destabilizing an already fragile political situation. The local population is growing disenchanted with the government's inability to follow through on its election promises as decisions on key issues—including those on decentralization and the illegal exploitation of natural resources—are slow-rolled.

One of the first promises President Kabila made after his election was to restore order in the war-ravaged provinces of his country. But violence in eastern DRC has only gotten worse in recent months, not better. More than 120,000 people—many of whom voted in favor of Kabila—have been forced from their homes because of increased fighting, with little attention or assistance from the capital.

There is no easy solution to the rapidly unfolding conflict in the restive east, but it is clear that the underlying drivers for this continued violence must be addressed at the same time that the more immediate emergency needs are dealt with.

On my trip, I visited a camp for internally displaced in eastern DRC. One Congolese man, living in a camp nestled in the rolling hills outside Goma spoke for many others when he told me: We want to restart our normal agricultural work and resume our lives. We want it to be stable enough so we can do that.

I met with a group of displaced Congolese women who had been sexually abused and in many cases raped. Extreme sexual violence and rape in the DRC is so pervasive because it is committed by all actors and with little consequence. Sadly, afraid I am afraid it is not getting any better. Just 2 days after I left, tens of thousands more civilians were forced to flee their homes because of renewed fighting between the Congolese army and dissident General Laurent Nkunda's rebel forces, whose ammunition, weapons, and fighters are likely supplied by Rwanda.

In early September, U.N. peacekeepers secured an informal, and I might add, already violated truce between the government and a main rebel leader. The U.N. Security Council has appealed for more dialogue between the two warring parties but this appeal needs to be significantly amplified and backed by incentives for peace. Neighboring countries—and particularly Rwanda—need to be part of this conversation, to ensure the current situation does not worsen while also effectively addressing longstanding regional tensions.

In contrast, on a recent trip to Uganda, the U.S. Assistant Secretary for African Affairs signaled that the U.S. would support regional efforts for a more militarized policy towards all rebel groups. In fact Assistant Secretary Frazer said: We feel we have the basis to assist in efforts to mop up the LRA and to get them out of Congo, out of Garamba Park. And so we will not sit still and just let them live in Garamba Park and cultivate land and kill animals. This is not the time to start talking about our support for a military solution to these conflicts.

Instead, we should seek to build upon current diplomatic initiatives—both in the region as well as at New York last week at the opening of the U.N. General Assembly.

We should work to expand existing forums such as the Tripartite Plus Commission to become genuine opportunities for political solutions. The United States, a proud champion of building strong and independent institutions that create the space for lively debate and discussion, should be advocating for enriched dialogue and diplomacy to address the entrenched problems that have allowed these conflicts to fester—or worsen. We should not be

encouraging military operations if there are other legitimate avenues open—or if they have not yet been explored. Military action should be the path of last resort, period.

The Great Lakes region is at a critical moment in its history and we run the risk of contributing to events that could have far-reaching and long-term repercussions if we do not engage responsibly. With its vast resources, the DRC could be an anchor of stability in an area that has been plagued by violence and destructive activity for decades. The changing nature of global threats could render sub-Saharan Africa—and the Great Lakes region in particular—ripe for exploitation by any number of rogue actors. We can stop this before it begins if we work to ensure stability for the long term.

Our National Security Strategy states:

> We will work with others for an African continent that lives in liberty, peace, and growing prosperity.

We must help strengthen Africa's fragile states and help build indigenous capability secure porous border.

I know the United States has many priorities that compete for attention and resources, but if done right, and as part of a comprehensive long-term strategy, a little can go a long way towards achieving these lofty goals in Africa. The United States should increase engagement in and expand assistance to the eastern DRC.

We should work in concert with other allies and press all regional governments—and in particular Rwanda—to adopt a renewed focus on a political solution for peace. It must be clear that the United States supports peaceful conflict resolution, and that we are not a war-mongering country that prioritizes quick military fixes over more protracted, but also more likely to be sustainable, political dialogues.

First, we must increase our support for the DRC's security sector reform initiatives by working with the Congolese government to downsize, discipline, and further transform its military. The national army must no longer be allowed to commit grave human rights abuses with abandon as this only contributes to the rampant impunity and public legitimacy deficit indicative of a weak state. Justice sector reform, within and outside the security sector, is essential in this regard.

Second, while Ambassador Bill Swing is doing an incredible job in the DRC as the Secretary General's special representative, we must augment diplomatic attention to the east part of the country by calling for the appointment of a U.N. special envoy who will work in conjunction with the current special envoy for northern Uganda—former Mozambique President Chissano. Such an initiative will jump start a regional process for political engagement that can help to reverse the current deterioration and work towards resolving longstanding grievances between a number of actors in the region. Time and time again on my recent trip I was pleased to learn of the credibility and integrity President Chissano has injected into the northern Uganda peace process; we need to see the same thing for eastern Congo.

Third, we need to significantly augment U.S. government efforts in the region. The U.S. government needs to be fully engaged to bring about stability in eastern Congo and to establish conditions for a sustainable peace throughout the region. The dearth of U.S. personnel in the DRC means we have little choice but to outsource our diplomacy to others, which should not become the norm. In the face of a steadily increasing conflict that could ignite tensions throughout the region, we should be looking to robustly increase our on-the-ground presence before it is too late.

It is the grim truth that our mission in Kinshasa is not equipped to handle the looming instability in the east and that we are limited in our engagement because we have no diplomatic presence in the conflict-affected areas.

I do not wish to insinuate that this is due to lack of interest, concern, or dedication from the committed embassy team we have on the ground in Kinshasa. On the contrary, I got to know those individuals on my recent visit and was very impressed with both their capacity and resourcefulness with the limited means available to them. It is because of this administration's myopic focus elsewhere that we are not adequately able to respond in places like the Democratic Republic of Congo.

As a first step, the Secretary of State should dispatch a ''booster'' team to help prepare the embassy to deal with the diplomatic, humanitarian, and security work needed in order to exercise our influence and to participate in a broader international effort to prevent eastern DRC from deteriorating into complete chaos. At the same time, we need to begin looking at serious infrastructure change that will enable our front line diplomats to have the resources and flexibility they need not just in Africa, but throughout the world.

The United States has much to offer beyond public statements to ensure that violence in the DRC does not escalate further and that those who have been displaced can look forward to returning home sooner rather than later.

We in Congress need to send a strong signal that we are not going to turn a blind eye to the deteriorating situation in the east—or to the administration's inadequate response. In eastern DRC, as in other parts of Africa, we must take steps today to promote political solutions that truly address the underlying causes of conflict, or else we will be grappling with these vicious crises for years to come.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Wisconsin on his comments and his compelling defense for the oppressed, and particularly his eloquent and poignant description of what is happening to women there in the Congo, which should motivate us more to action.

I am happy to report we are getting momentum here and are clearing our amendments. We have some right now that I wish to clear. In a few minutes, we will be going to the NASA amendment.

Mr. President, I thank everybody on both sides of the aisle, and especially Senator SHELBY and his team for being great in helping us with this. Many Senators are being cooperative.

AMENDMENT NO. 3222

Ms. MIKULSKI. Mr. President, I call up amendment No. 3222 by Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland (Ms. MIKULSKI) for Ms. LANDRIEU, proposes an amendment numbered 3222.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To provide for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice, and for other purposes)
>
> On page 35, line 12, insert '': *Provided further*, That of the amount appropriated under this heading, $2,000,000 shall be used for salaries and expenses for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice: *Provided further*, That not less than 3 of the conciliators hired under the preceding proviso shall be employed in region 6'' before the period.

Ms. MIKULSKI. This amendment has been cleared on both sides. I ask for its immediate adoption.

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

The amendment (No. 3222) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3210

Ms. MIKULSKI. Mr. President, I call up amendment No. 3210 by Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland (Ms. MIKULSKI), for Mr. BINGAMAN, proposes an amendment numbered 3210.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To conduct a study regarding investments in intangible assets)

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce shall set aside sufficient amounts to complete the study described in subsection (a).

AMENDMENT NO. 3210, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification of the amendment to the desk.

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

The amendment, as modified, is as follows:

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce may set aside sufficient amounts to complete the study described in subsection (a).

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3210), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3219

Ms. MIKULSKI. Mr. President, the last amendment I have cleared is amendment No. 3219 by Senator MURRAY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for Mrs. MURRAY, proposes an amendment numbered 3219.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure FBI work force is properly allocated to meet the FBI's mission requirements and priorities)

On page 37, line 14, strike the period and insert '': *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.''.

AMENDMENT NO. 3219, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification to the desk.

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

The amendment, as modified, is as follows:

On page 37, line 14, strike the period and insert '': *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations and the Committee on the Judiciary of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.''.

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides of the aisle. I ask for its immediate adoption.

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

The amendment (No. 3219), as modified, was agreed to.

Ms. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, many of our colleagues have filed amendments. I want to soon recognize the Senator from North Dakota who, I know, wants to speak on a tribal issue. First, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3250

Ms. MIKULSKI. Mr. President, I call up an amendment which is at the desk relating to the National Aeronautics and Space Administration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. SALAZAR, Mr. LIEBERMAN, Mr. BENNETT, Mr. VITTER, Mrs. CLINTON, and Mr. BROWN, proposes an amendment numbered 3250.

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

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

The amendment is as follows:

(Purpose: To provide necessary expenses for return to flight activities associated with the space shuttle and to provide that funding for such expenses is designated as emergency spending)

On page 74, between lines 4 and 5, insert the following:

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $1,000,000,000 to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to ''Exploration Capabilities'' and ''Science, Aeronautics, And Exploration'' for restoration of funds previously reallocated to meet return to flight activities: *Provided*, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

Ms. MIKULSKI. Mr. President, this amendment has got a rollcall of cosponsors. Of course, it is cosponsored by my very able ranking member, Senator SHELBY; Senator HUTCHISON of Texas, another strong advocate of space and one of the original architects; Senator LANDRIEU of Louisiana; NELSON and MARTINEZ of Florida—NELSON is an astronaut—SALAZAR of Colorado; LIEBERMAN; and strong bipartisan support from Senators BENNETT and VITTER. Senator CLINTON of New York is included, as well as Senator BROWN of Ohio.

This amendment will increase funding for NASA. It is unique and historic

that we offer this amendment right at this minute. This is the 50th anniversary of Sputnik. Fifty years ago, that 180-pound piece of round metal went into space and changed the destiny of mankind. When Sputnik went up, we didn't know what the intent of the Russians was, but a wonderful Republican President by the name of Eisenhower knew we had to get into the space race. We have been in it ever since. But it has never been for predatory purposes or military purposes. Our NASA has always been to go where no man or woman has ever gone before, to be involved in discovery, to also come up with the science to protect our own planet and to further our national agenda in aeronautics.

Joining us today, as we offer this amendment, in the gallery are the astronauts from the space ship *Endeavor*. They have spent 14 days in space, continuing the work to assemble the International Space Station, which is our lab in the sky, which will also be a gateway to go back to the Moon and stay there when we do, and then on to Mars; after that, who knows where. We welcome them today to watch this debate because, just as we want to keep space free of politics, we want them to see that here on the Senate floor we can work on a bipartisan basis to put the money in the Federal checkbook to do what NASA needs to do to keep this mission.

What this amendment does is adds $1 billion to NASA's budget. It covers the cost of repairing and upgrading the safety of its space shuttle fleet. It comes in the aftermath of the Space Shuttle *Columbia* accident in 2003. The funding was declared an emergency and they received full funding to return to space.

Our amendment follows the precedent set after the 1986 Space Shuttle *Challenger* accident, when Congress made a special appropriation to get the shuttle flying again. So this amendment follows the precedent set in 1986 after the *Challenger* accident. A one-time amount of $3 billion was given to NASA to get the shuttle flying again—not only to simply get it flying, but to make sure our astronauts were safe when they did fly.

By contrast, after the *Columbia* accident in 2003, NASA only received $100 million in special appropriations. Let me be clear, our goal is not to increase the NASA space budget but to restore the funding that was forced to get after the *Columbia* accident.

This funding is necessary for three reasons: First, since 2003, when that terrible melancholy event occurred, it has cost NASA over $2 billion to comply with the recommendations of Admiral Gehman to fix what it would take for the remaining shuttles and to fly them safely. Admiral Gehman was asked by the Nation to chair a commission to see what it would take to restore the shuttle's ability to fly again, but also to protect those astronauts. It had engineering solutions, technological solutions, and management recommendations. It was a great report and it was expensive, and do you know what. It was worth it. Is the shuttle flying safely today? You bet it is, and we are all thankful.

At the same time, though, the shuttle has become more expensive to maintain and fly safely. The shuttle is a bit old. It has been hit by unforeseen events, from a hurricane to damage in space. We need the shuttle to maintain our commitment to the International Space Station, where we have treaty obligations.

Second, another reason to support this amendment is the shuttle will be retired in 2010, and we are faced with the challenge of developing a new, reliable, safe human flight vehicle. But the costs of returning the shuttle to flight have forced NASA to cut funds for the next transportation vehicle by almost $500 million. This cut contributes to the gap of over 5 years between when the shuttle retires in 2010 and when we get a brandnew vehicle in 2015.

This is not acceptable. We cannot let China get to the Moon before the United States does. We also need to make sure we keep our astronauts safe for the remaining time they use the shuttle. Also we have to keep that excellent talent down there of scientists, engineers, and mechanics, to keep our shuttle flying safely.

Third, NASA has had to forage for funds in other programs to pay to fix the shuttles. Since 2003, science and aeronautics have been cut by almost $100 million.

Science on the space station has been drastically cut. This has a ripple effect within the scientific community. It affects our future ability to understand and protect changes in our planet and in other issues. The National Academy of Sciences says we need more space science, not less.

The consequences of not doing this amendment are clear. It contributes to the delay of our next space transportation vehicle. No one wants that. We do not want to be grounded for an extensive period of time. It reduces our commitment to our international treaty obligations on the space station.

The goals of the amendment are clear. It maintains our commitment to safe, reliable, and robust human spaceflight. It keeps us on track for the next reliable space transportation vehicle and maintains our commitment to scientific discovery.

We didn't leave NASA with an unpaid bill 20 years ago, and we shouldn't do it now. Twenty years ago, our colleagues, Senator BYRD and Senator STEVENS, provided $2.7 billion out of the defense budget to buy a replacement space shuttle. We did not cut NASA's budget after the *Challenger* accident. We shouldn't do it after the *Columbia* accident.

We recommend this amendment because it is $1 billion. It follows the precedent from the *Challenger* accident. It does not add to the base. It fulfills important national goals which were set by our President to lay the groundwork for space exploration to Mars. But if we are going to do that, I believe we have the national will to do that, I believe we need the national wallet to do that.

So 50 years after the birth of our great Apollo Program, we need to make sure we keep our commitment to exploration and discovery. I urge my colleagues to support this bipartisan amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on an amendment Senator MIKULSKI and I have worked on for a long time. After we lost the space shuttle *Columbia* over Texas and we were so involved in the cleanup of that tragic accident, all of us—Senator SHELBY, Senator MIKULSKI, Senator NELSON from Florida, many of us—did try to make sure we had the funding that was needed, first of all, for a comprehensive review of what happened. We did have an incredibly good product from the Commission that was put together that did determine the cause. We did fund that at $100 million. But the added safeguards and safety measures that were required by that study and the Commission report were not funded.

As Senator MIKULSKI said, we are about $2 billion to $3 billion in the hole. We cannot allow that to happen because here we are on the 50th anniversary of Sputnik and it is another sputnik moment. When all of us in America were shocked that Russia had put up the first spaceflight, we were left to say: Why weren't we first?

Today, 50 years later, we are looking at a 5-year gap from the end of the space shuttle before the crew-return vehicle will be on line to put American astronauts back in space. That is another Sputnik moment.

Are we going to rely on Russia after 2010 to put American astronauts in space? I hope not. I hope America never loses its commitment to be the first in technology, in knowing what can be done, in exploring issues we haven't even thought about because we know how much that exploration has already done for our country.

In fact, what has happened is exactly as Senator MIKULSKI just explained. The accounts for NASA have been drained. We have drained from science, we have drained from the Hubble telescope, and we have drained from other aeronautics research to fund the Columbia accident report and safeguards, and we have not moved forward for the crew-return vehicle.

It is estimated that if we can get this billion dollars and if we can fully fund the accounts that have been bled, we could chop at least 2 years off that gap.

We are talking about a technological and educational issue at a time when India and China are doing more and more exploration into space, and we

are talking about a national security issue that the United States would not have the capability for 5 years to put an American astronaut in space.

Who can forget the beginning of the war against terror when we were putting missiles, guided through satellites, into windows from 2 miles away because we have that capability we have gained from the exploration in space. In addition, if we look at the science and innovation we must continue to pursue to make the investment in the space station worthwhile and to keep our commitment to our international partners, we have to be willing to put the amount that is required from America with our international partners into the space station. That, too, has been robbed.

Just think, last month Senator MIKULSKI and I went to a signing between the National Institutes of Health and NASA of an agreement that the National Institutes of Health would be a partner in the international space station lab, that it would begin to do some of the far-reaching medical research that could only be done in the space station because of the microgravity conditions, and NIH signed the agreement. Are we going to continue to rob the accounts for scientific research at a time when we are on the cusp of doing the research about which we have been talking—research into breast cancer, research into osteoporosis—where we can see the cells grow because there is no gravity that is pulling against the growth?

What about Dr. Samuel Ting, the Nobel laureate from MIT who testified before our committee? I am the ranking member—former chairman—of the NASA, space, and science subcommittee. He came to our committee and wowed all of us with the potential for scientific research on the space station. He is a Nobel laureate in physics. He said cosmic rays are the most intense in space. On the space station, we can begin to find what cosmic rays do in that intensity and perhaps even begin to find a new energy source from being able to harness those cosmic rays and create a form of energy which he says can only and best be done on the space station.

I ask my colleagues, in a time when we are all trying to find ways to cut back on expenditures that are not necessary, to look at this amendment carefully because it is an investment in the future. It is an investment to make sure our technology transfers are continued. As an example, look at the items on Earth that have been discovered or enhanced by space research: international TV broadcasts, pacemakers, automatic insulin pumps, car phones, CAT scans, infrared thermometers, long-range weather forecasting which has revolutionized not only our agriculture industry but the ability to predict hurricanes. We have so many quality-of-life issues that have been enhanced or discovered because we were willing to do this research.

I ask my colleagues to look at this investment. Do we want to see this go to the Chinese or to India or to Russia, or do we want to continue to make sure that America is the creator, America is the innovator, that it is Americans who take the discoveries and turn them into products that can change our lives, especially in medical science?

I ask my colleagues to look at what we have gained in superiority in defense because we have invested in space. Yet, at a time when we are at war, when we know we have used the satellites to the most effective point they have ever been used for intelligence gathering, for the ability to do intelligence gathering without harming Americans, without putting Americans in a plane because we can take from the satellites the information so that the pilot is not in danger of being shot down because there is no pilot. We can gather intelligence, we can retain our superiority and technology and creativity, but it will take the investment. If we are going to pay for an emergency out of operating funds, we are eating our seed corn.

Madam President, surely America and our Congress and this Senate understand that issue. The leadership of the appropriations and authorizing committees, Senator MIKULSKI, Senator SHELBY, myself, and Senator BILL NELSON of Florida, are the four chairmen and ranking members of the relevant committees. All of us have asked to meet with the President to talk about this priority that we must continue exploration in space and determine how we would go forward in a bipartisan way to assure America's leadership in this important endeavor. I hope the President will support this amendment, will meet with us to have a joint effort to do this amendment.

The President himself has already laid out the vision. He has said we are going to put people on the Moon again, we are going to establish a base on the Moon, and from there we are going to go to Mars. The President has laid out the vision, but we must have the capability to fulfill the mission by having the scientific research that will keep us in the technological lead by continuing to make sure we are looking at all of the energy sources we can use, by creating the medical capabilities that can only be done in the microgravity conditions.

I join with so many of my colleagues on both sides of the aisle in asking that we adopt this amendment, that we get 60 votes, if that is what we need, to assure that this goes forward, not as another appropriation but as an investment to assure that America's leadership continues.

Madam President, I wrote a piece for the Hill, which is one of the local Capitol magazines. It goes into more detail about why this is so very important.

I ask unanimous consent to have the article printed in the RECORD.

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

[From The Hill, Oct. 3, 2007]

MAINTAIN U.S. SUPREMACY IN SPACE

(By Sen. Kay Bailey Hutchison)

On Oct. 4, 1957—almost 50 years ago to the date of this publication—the Soviet Union launched the world-famous Sputnik satellite, setting off alarm bells throughout Washington that America was falling behind in space technology. But America's ingenuity was dramatically mobilized by President Eisenhower, who passed The National Defense Education Act, which provided massive investments in science, engineering, and technology. Those investments paid off when we safely landed a man on the Moon, fulfilling President Kennedy promise. The research program we created spawned some of the most significant technologies of modern life, including personal computers and the Internet.

Today, we are on the verge of another Sputnik moment. In November, China will launch its first lunar orbiter—a major milestone in its rapidly-developing space program. In fact, China's progress has been so substantial they're planning on landing a man on the moon by 2020. A decade or so from now, the Red Flag may be flying on the lunar surface.

In this ominous environment, you would think Washington would be trying to recharge America's commitment to space exploration. In fact, the opposite is happening. Right now, NASA is planning to retire the Space Shuttle in 2010. Until its replacement is ready—not expected until 2015—the U.S. will have no way to launch humans into space.

During this five-year time gap, we will have to rely on Russia to get our own scientists and astronauts to the International Space Station. As the world's leader in space technology, it is simply unacceptable that we will be in this position technological dependency. Our national security depends on our ability to explore space without relying on nations who may not always have our best interests at heart. Thankfully, there is still time to prevent this frightful scenario from becoming reality.

Congress should provide NASA with the added funds it needs to narrow or close the gap in our human spaceflight capability, by accelerating Ares and Orion—the shuttle replacement vehicles—providing increased support to potential commercial vehicles, and, if necessary, keeping the space shuttle flying longer than 2010. This will ensure that America stays in control of its space destiny.

Since NASA was created in 1958, the research that has gone into the space program has also spurred innovations that have greatly improved our lives—from car phones to heart monitors, from ultrasound scanners to laser surgery. Recently, NASA has been implementing my plan to use the U.S. segment ofthe ISS as a ''National Laboratory,'' which means that even more breakthroughs can be expected once that lab is fully operational. On Sept. 12, NASA and the National Institutes of Health signed the first of what should be several inter-agency agreements to facilitate ISS research in the future.

We want the U.S. to be the global leader in space research because the unique environment of outer space enables scientists to conduct many experiments not possible on Earth. For example, NASA is considering placing a sophisticated particle detector on the ISS to learn more about cosmic rays. This research must be carried out in space where researchers can collect data without the hindrance of Earth's dense atmosphere

and gravity. The results could lead to breakthroughs in our fundamental understanding of matter, and possibly new sources of energy.

There is a strong, symbiotic relationship between space research and national security. For example, by using space-based navigation systems, we can guide a missile to within meters of its intended target. This not only allows our military to more effectively hit a target, it also saves civilian lives and limits collateral damage.

The Chinese are gaining ground in technological areas. For example, China recently surpassed the U.S. as the world's largest exporter of information-technology products (and the U.S. has become a net importer of those products). The Chinese are now turning their attention to space technology—and they are determined to use it as a means of strengthening their military. We cannot allow other countries to acquire new weapons technologies while America does not keep up.

On the day before he was tragically assassinated, President Kennedy remarked, ''This nation has tossed its cap over the wall of space, and we have no choice but to follow it. Whatever the difficulties, they will be overcome.''

As we mark the 50th anniversary of Sputnik, let's renew our commitment to overcome those difficulties once again. We've worked too hard, and accomplished too much, to willfully forfeit our leadership in space. Let's make the necessary adjustments to maintain our supremacy. Our future depends on it.

Mrs. HUTCHISON. Madam President, I urge my colleagues to support the Mikulski-Hutchison amendment that has bipartisan support of all of the four members of the relevant committees' leadership. I hope together we can take this step to assure America's leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I join with my colleagues, Senator MIKULSKI, Senator HUTCHISON, and Senator NELSON from Florida, in asking all Senators to support this amendment.

Senator MIKULSKI and I have worked hard with the others to craft a bill that addresses the priority of our Members, but despite our generous allocation, the funding necessary for NASA to aggressively pursue the President's ''Vision for Space Exploration'' cannot be accommodated without this amendment.

Since the tragedy of the Space Shuttle *Columbia* breaking up during reentry in February of 2003, NASA has spent $2.7 billion to make the shuttle program as safe as possible to ensure our Nation continues to be the leader in space exploration. Unfortunately, as has been pointed out by Senator MIKULSKI and Senator HUTCHISON, the NASA budget requests have not adequately restored the necessary resources in their subsequent requests. Instead, the costs have been absorbed from within NASA.

Science funding has been cut significantly, and programs not directly associated with the exploration vision are being deferred, delayed, or canceled. By slowing down the cutting-edge science carried out by NASA, we are mortgaging our future. The foundation for technological leadership and the successes of tomorrow are built on the investments that we make in NASA today.

NASA's research in cutting edge technological advancements have driven science and innovation in this country since the dawn of the space age. We are shortcoming our future by not fully funding science innovation and space exploration. This critical knowledge will be needed in the years to come to make human exploration of the Moon and other planets a reality. These effects cannot be ignored any longer if we are to maintain our leadership and our presence in space.

With the burden of correcting the dramatic Presidential budget cuts in critical justice programs and in NOAA, it is increasingly difficult for the committee to find the resources necessary to keep NASA on the right track. In order to balance the lack of support for NASA's science and aeronautics programs in the budget requests, there are few options left to consider.

The adoption of this amendment, offered by Senator MIKULSKI and Senator HUTCHISON, will not only respond to the pressing needs brought about by a tragic accident, but will also send a clear signal that Congress is serious about ensuring that the U.S. retains its leadership position in space exploration. I would urge all my colleagues to vote for this amendment. It is sorely and direly needed now.

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.

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

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

Ms. MIKULSKI. Madam President, Senator NELSON will be coming out to speak shortly, an astronaut Senator who will speak eloquently about this. We also hope, for those who would like to challenge our thinking, that they will use this as a time to come to the floor so that we can have an ongoing and continuous debate. We would certainly like to vote on this within the hour, in the interest of moving our bill forward. So we would ask our colleagues to come and speak.

Before I yield the floor, Madam President, I ask unanimous consent that Senator BOXER be added as a cosponsor.

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

Ms. MIKULSKI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, we are observing the 50th anniversary of the launch of Sputnik, the first artificial satellite that was launched by humans. In that time, 50 years ago, it shocked the entire world that the Soviet Union had become sufficiently technologically proficient that they could suddenly seize the high ground—a high ground that heretofore had not been achieved but that mankind had always longed for—to soar into the heavens.

As a result of that significant technological achievement, the United States got shocked out of its lethargy, out of its willingness to just go along with the thinking that we were that good, but in fact we were falling behind. As Senator SHELBY said, we suddenly became shocked at the fact that we were falling behind in math, in science and technology, and that, lo and behold, with the symbolic value of the Soviet Union—at that point our mortal enemy in the Cold War—having achieved that first.

Finally, we got Explorer into space, the first American satellite, and we started to take comfort that this Yankee ingenuity of America would suddenly screw up its determination to achieve and that we would not be passed by. And then, lo and behold, as we are preparing Alan Shepard to go into space—not into orbital space, really, but only into suborbit—suddenly the Soviets surprised us again and they sent Yuri Gagarin into one orbit to achieve what no earthbound nation had done.

I remember years ago, Madam President, as a Member of the House of Representatives—and I had already flown on the space shuttle—as I was sitting on the floor of the House, the then-Speaker of the House, Tip O'Neill, beckoned me over.

He said: Billy, I want to tell you a story. He said: When I was a young Boston Congressman, I remember I was down at the White House—President Kennedy was the President—and I had never seen the President so nervous. He was just pacing back and forth like a cat on a hot tin roof. He said: I leaned over to one of his aides, and I asked what in the world is wrong with the President?

What was happening was we were getting ready to launch Alan Shepard on the Redstone rocket, which only had enough lift power to go into suborbit. Here we were, 3 weeks behind the Soviet Union, which had just put up Gagarin into one complete orbit. And, of course, we know what happened. Alan Shepard made that first suborbital flight successfully.

We didn't even have a rocket at that point that would get us into orbit with that mercury capsule. We flew a second time in suborbit with Gus Grissom. In the meantime, the Soviets now send another cosmonaut, Titeuf, and he goes into several orbits, and here we are struggling to get up for the first time in orbit. Well, they said, we are going with that Atlas rocket, which was an intercontinental ballistic missile. And so there, among those first seven astronauts, they chose John Glenn. We knew

that we had a 20-percent chance that rocket was going to fail.

It is hard for me even to tell this story without getting a lump in my throat, but John Glenn is in orbit for three orbits when there is an indication that his heat shield is loose, which would mean, upon reentry, that John Glenn and the capsule would burn up. And on that de-orbit burn, as he is starting to plunge back into the fiery reentry of Earth's atmosphere, before we lost radio contact, John Glenn was heard humming the ''Battle Hymn of the Republic.''

Of course, his flight was successful, and we continued on. But because that President said we were going to go to the Moon and return within the decade, and because the Nation put its mind to it and put the resources to it, we achieved what was almost unbelievable—sending 12 Americans to the Moon and returning them safely, including the crew of Apollo 11, which was one of the greatest rescue ventures ever in all of mankind, with Jim Lovell and his crew, when they lost all of their power en route to the Moon on that crippled Apollo 13 spacecraft.

They shut down the Apollo Program in the early 1970s, with massive layoffs, and it was a long time from that last flight in 1972 to the Moon and a follow-on 1975 flight linking a Soviet Soyuz with an American Apollo. And for days, in the midst of the Cold War, two mortal enemies, two cosmonauts and three Americans, were docked together in space, lived and worked and enjoyed each other and communicated to the world as peaceful partners. Because of the disruptions in the space family, it was not until 1981 that we got back into space, with humans, in the space shuttle.

Now, there is a lesson in what I have just discussed about our history in space that would teach us not to repeat that now. What is that lesson? First of all, one of the great lessons of that era is the fact that we got excited about science and technology and mathematics and engineering and space flight. We produced a generation of exceptionally talented and educated young people who were told to go to their limit. As a result, we had, in a space program that had to have limited volume, light in weight, and highly reliable systems, a technological revolution of micro-miniaturization that had come directly out of the space flight. This watch is a direct spinoff of the space program. So many of the modern medical miracles and medical techniques are a direct spinoff of the American space program.

In fact, one example in our daily lives is the communications we take for granted. We can go anywhere on Earth and know precisely where we are by the global positioning system, GPS, which is now in our cars, and we can have a hand-held unit and go out on a boat, and if we get lost or stranded, with no motor in the ocean, the Coast Guard knows exactly where to come because we have a GPS to tell us exactly where we are. So, too, spinoff after spinoff: enhancement of our Nation's economy; the educated workforce. About that workforce, need I remind you now that China is graduating five times the number of engineers that the United States is and India is graduating three times the number of engineers?

I want to return to that era, where we can get young people excited again about science and technology, and there is nothing like the space program that will rivet and ignite those little imaginations.

Right now we are at a critical point because NASA has been starved of funds. That is part of the reason why Senator MIKULSKI and Senator SHELBY have brought this amendment to the floor. It is not like the loss of Challenger over two decades ago, when emergency funds funded the recovery to flight, the investigation, the designing of new systems, the repair of old systems that got us into safe flight again—not this time. NASA had to pay for this out of its operating expenditures, to the point of $2.8 billion. It was already a tight budget to begin with, not helped by the inability of us last year in the Congress to meet agreements, and we had to operate under an appropriation called a continuing resolution, that left us at last year's funding levels—not the increase.

As a result, what we have is that NASA is desperately short of funds, to the point that when it shuts down the space shuttle in October of 2010, with the paucity of funds, the next vehicle, called the Constellation System, with a capsule called Orion and a rocket called Aires, will not be able to fly with humans until after a 5-year gap.

That is not good for our educational system. It is not good for our technological prowess and achievements.

The amendment of Senator MIKULSKI will help correct it; not with the $2.8 billion NASA lost but only a third of that, that we are asking that this Senate will appropriate out of emergency funds.

There is not a young person in America who does not get excited about space flight. There is not an old person in America whose heart does not quicken when they think of the daring adventures and the exploration. There is not a scholar or academic who does not appreciate what manned and unmanned space flight has done by putting up the Hubbell Space Telescope, which has opened up the vistas into the beginnings of the universe and understanding where we came from and how all of it came about and what is the order in the universe. Yet we only know 4 percent of all that we can know about the universe. We still have 96 percent, still to learn.

That is what our space program can do for us. It can ignite the imaginations and the desire to achieve in those young people. It can quicken the hearts of all Americans. It can lead to great new technological achievements that will spin out and affect our daily lives. It will open the new areas of knowledge about what we are as a people who populate a planet called Planet Earth in a solar system that revolves about one star that we call Sun, in a galaxy that is ours in a universe that is so large our human minds cannot even contemplate it.

These are the worlds we want to explore. It is our nature, it is our character as Americans that we are, by that nature and that character, explorers and adventurers. At the beginning of this country, we had a frontier and it was westward. The great leaders of our country at the founding of the country said: Go and explore. Today those frontiers are different. Those frontiers are upward and those frontiers are inward. The great leaders of today ought to be saying: Go forth and explore.

I am hoping the great leaders in this body called the Senate will support Senator MIKULSKI and Senator SHELBY in approving this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in support of the Mikulski amendment and to echo the comments of my good friend and colleague from Florida, Senator NELSON. The Senator and I both have had the great privilege, not only of representing the great State of Florida but also both of us grew up within a short car ride from where all this excitement was happening, as we were young people growing up. Cape Canaveral, the excitement of flights to space, the heroics of our early astronauts and then later the flights to the Moon and the touch of the tragic that, from time to time, have been a part of any dangerous endeavor, have been a part of our daily lives. Of course, my senior Senator from Florida took it a step further. He himself donned the suit and went into space on the space shuttle on what was, I know, a life-changing event for him.

I know the excitement with which he speaks of the space program is not something I can speak about firsthand as he does, because he has been a part of it, but I can certainly speak to it as a person who has seen the benefits of it to our communities, through research, through improvements to so many things that have been derivative from our space program.

As we go to the Kennedy Space Center these days and we talk to these great scientists, these great engineers, these people who are so enthusiastic, who are so competent in what they do, they speak with great commitment to completing the space shuttle flights that are pending. They speak with great commitment about our space lab and the great advancements in science and technology that are taking place in the space lab—now a new component in biomedical research that will hopefully be opening the doors to the cure

of many illnesses. All of these things have been a part of our space flight, of our tradition, and our history.

The 5-year gap Senator NELSON spoke of, where we will have no manned space flight, is something I do not think most Americans understand. As it is right now, because of shorting the space program year after year, what we have is a situation in which there will be a 5-year gap from the last space shuttle flight until the next vehicle is ready for manned flight.

I think, as the American people would know about this, it would raise concerns for them in the area of science and technology, of advancement, of exploration, which has been such a part of our country where we have led the world without a doubt.

But there is something else about it which troubles me greatly and which I think the American people also ought to be made aware of, which is the fact that in order for an American to fly into space for those 5 years, we would be completely and totally at the mercy of Russia. We have had a very good and cooperative relationship. The Americans and Russians and, frankly, many other citizens of other countries, have been a part of the space shuttle and more particularly of the space lab. We have modules there—obviously the space shuttle arm from Canada, modules that have come from Japan and from Italy and many other countries. Each of those countries with great pride has had one of their crew members go on the space shuttle and go to the space lab. Our cooperation with the Russians has been fantastic, even back to the days of the Soviet Union.

But in an ever-changing world, should not we wonder if it is safe for America to totally be reliant upon an increasingly undemocratic Russia for our space flights? I do not necessarily want to create enemies where none exist. But it does concern me to see these Russian bombers coming into areas where they know very well are our waters, our airspace, and repeatedly now over the last month or so coming into what is U.S. airspace and challenging us to intercept them. Why are they doing that? What is the purpose behind that? What could happen over the next 3 years as we conclude the space shuttle, and then the next 5 where we are without the ability to put a man in space, if our relationship with Russia is not as strong as it is today in 8 years, 5 years, 6 years? It certainly isn't as positive and strong as it was 3 years ago.

It behooves us, for the sake of our independence, our sovereignty, our ability to be in control and the destiny of this magnificent laboratory up in space, that we could accelerate the time where this gap was going to exist. It is going to be there no matter what we do, but we can shorten it. I believe if we shorten it by a couple of years, that would be in our best interests.

When we look at the totality of our expenditures, when we look at the cost-benefit ratio of what we get from our space program, how it inspires our young people at a time when we are falling behind in competition with the world in science and technology, when we know the world is moving faster than we are as it relates to the education of our young people and science and technology, what could be better than a vibrant space program to continue to imbue our young people with the desire to explore, the desire to invent, the desire for all he things that the space program has been to our country?

Our technological edge was never finer honed than when we had a vibrant and strong space program in the late 1950s and on into the 1960s. That was our finest and best time when it comes to science and technology.

We have, in many ways, been living off that for the last 25 years. Now we can have the dawning of a new age of space exploration into areas that have so far eluded us completely—well beyond the moon. This can all happen. This is a small downpayment into a very important part of America's future. It is certainly a very strong and important issue as we look also at very practical issues like our workforce.

The workforce at Kennedy Space Center is a well-trained workforce. It is a workforce that has, over the years, developed and over the years improved its skills. If we were to tell these people over the next 5 years there is no work for you, they will go into other pursuits. These are sharp, talented people. It is not like they are going to be unable to get a job, but it is going to be our loss when those people are not engaged in the continuation of the U.S. space flights.

NASA is a good investment for America. We are not talking about breaking the bank. We are talking about a very small investment for what I believe would be a great return. I am very pleased to join with my colleague from Florida, Senator NELSON, who is my expert when it comes to these issues. We both have great affection for the Cape. He grew up a very few miles south of it. I grew up a very few miles to the west of it. This is our backyard. We know it, we love it, and we know what it has meant to our country. We know the future of it can be very bright and we certainly do support this effort to improve funding for NASA.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, the proponents of this amendment have had a very thorough discussion of why we support this amendment. We have spoken for about an hour. We certainly want to be sure that those who might have pause or flashing yellow lights about it bring their concerns to the floor so we can engage in a discussion, maybe even a debate, so we could move this debate forward and dispose of the amendment no later than 4:00 and earlier if possible.

I want to give everyone warning, if there is nobody here, we will move the amendment.

BAN ASBESTOS IN AMERICA ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 321, S. 742, the Ban Asbestos in America Act of 2007; that the amendment at the desk be considered and agreed to, the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to and any statements be printed in the RECORD.

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

The Senate proceeded to consider the bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ban Asbestos in America Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than $100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) there is no known safe level of exposure to asbestos;

(7) even low levels of exposure to asbestos may cause asbestos-related diseases, including mesothelioma;

(8) millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;