

I hope the administration will understand that a lot of the frustration with the current state of SCHIP has been the waivers—13 of them—that have been granted by this administration to expand SCHIP during the last 10 years, beyond what the Congress and beyond what the Senate intended it to be.

There is common ground in front of us, and it is the poor children of America. There is a good solution in front of us, and that is to see to it that SCHIP is what it started out to be. As Senator GRASSLEY has said, the bill that went to the President and was vetoed did correct some of those waivers. As others have said, there are serious questions on the financing mechanism. But there is no question that this Senate should be ready and prepared, immediately when the veto is sustained, to go forward and find a compromise that works for the poor children of America.

It is critical to me, as one who started in Georgia 10 years ago to register those eligible children, to see to it that they continue to get the promise that was granted by the Congress of the United States. It is equally important to me to see to it that we do not expand that program beyond what was intended and ultimately end up compromising the very poor children we started out to help.

I commend the Senator on his remarks. I urge the administration to immediately aggressively pursue avenues of agreement so we can come together as a Congress before November 16 and unanimously pass a SCHIP bill that works for the poor children of America and is fiscally accountable to the taxpayers of the United States of America.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

#### AMENDMENT NO. 3325

(Purpose: In the nature of a substitute)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 3325.

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

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

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

Mr. HARKIN. Mr. President, we are now on the appropriations bill for Education, Labor, Health and Human Services, and related agencies. Before we get into the bill, I want to explain a couple of things. I will be yielding to my partner, Senator SPECTER, for his opening statement. Then I will follow with mine. It is not the usual order. Usually, the chairman goes first. But Senator SPECTER is very much involved in Judiciary Committee hearings today, and he has to return to that. I will respect that and yield to him in a moment.

I wished to make it clear to our fellow Senators there is a change in the bill they will now notice, the substitute at the desk. The amendment Senator SPECTER and I offered basically strikes the language in the bill dealing with stem cells. Again, I do this with regret. Senator SPECTER and I have worked together for many years to advance the cause of embryonic stem cell research. In fact, we worked together on the first bill President Bush vetoed in his first 4 years. That was our stem cell bill, the only bill he vetoed in 4 years. We then came back with another stem cell bill this year, and he vetoed that also. That veto override has not taken place yet.

So together we put some additional language in this bill to further the cause of trying to break through and get embryonic stem cell research covered. However, we received a statement of administration policy from the administration yesterday saying they opposed our bill for two reasons. It says it includes "an irresponsible and excessive level of spending," and then it says, "The administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research."

I guess in the spirit of compromise, we wanted to show we are willing to compromise. We are willing to try to meet the President halfway. We know the President's strong feelings against this; they are misguided, nonetheless. Plus, the fact that, although not yet before the Senate, we will have a veto override vote on a stem cell bill he vetoed earlier this year. I don't know if we will have the votes to override. We may. With that, we thought we will show our good faith in saying to the

President: OK, we are willing to compromise. We will take that language out. That is what we have done with the amendment that is at the desk. We have taken that language out of the bill.

However, on another aspect in terms of the administration saying it is an irresponsible and excessive level of spending, I will say more about that in my opening statement, but the fact is, in the last 5 years, under the leadership of Senator SPECTER, when I was ranking member, this appropriations bill exceeded the President's budget request every single year. I thank Senator SPECTER for that. He provided great leadership. But the President never once threatened to veto one of those bills and never did, even though we exceeded his budget. This year, however, the President has said he is going to veto it because we exceeded his budget. What is the difference? Because the Congress changed hands? I don't think Senator SPECTER or I give a hoot about that. What we care about is investing in education and health, job training, biomedical research, all the other good things this bill does.

I respectfully disagree with the President that it is irresponsible. I believe it is responsible. We met our budget allocations. We are within our pay-go limitations. We do not exceed our budget allocation in this bill whatsoever.

I wished to make that clear for other Senators. We are on this bill. We have dropped the stem cell language. I did this in consultation with Senator SPECTER as a good faith reaching out to the White House to say: We are willing to compromise. So we will take it out, but we are going to stand firm on our funding levels because they are reasonable. They are within our budget allocation. They don't bust the budget.

I yield the floor to my partner in this for many years, Senator SPECTER, for his opening statement. I know he has to get back to the Judiciary Committee. I will return and make my opening statement at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Chair and note for the record that the other Senator from Pennsylvania is presiding. I do not use the term "junior Senator" because Senator CASEY is so distinguished, I wouldn't want to have any suggestion of limited status.

We are taking up now the appropriations bill which has no rival for greater importance to America. Others may stand alongside it as equals, but when you deal with the Nation's health and education and labor, job safety, job training and medical research, the Centers for Disease Control, and Head Start, we deal with the fundamentals of governmental involvement for the general welfare as recited in the Constitution. Health is our No. 1 capital asset. Without going into any details