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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Almighty God, Your glory endures through the seasons and Your divine majesty sustains us.

Lead the Members of this body to a faithfulness that fulfills Your purposes. Keep them steadfast in the faith that You are at work in our world, ordering their steps and preparing them for victory. Use them to create laws that will extend Your kingdom in the hearts of the people of our Nation and world. As the seasons change, remind them that in all generations You have been our dwelling place, and though we are swept away like a dream, You are God from everlasting to everlasting. Guide the deliberations, debates, and decisions of this day. Activate each of us to love, encourage, and bless others.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 17, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we will have an hour of morning business today. The majority will control the first half, the Republicans the second half. Senator STEVENS is going to be recognized for up to 7 minutes following any time Senator MCCONNELL and I use. Following that period of morning business, the Senate will begin consideration of the Labor-HHS appropriations bill, Calendar No. 280.

Last night, with the cooperation of all Members, the Senate concluded action on the Commerce-Justice-Science appropriations bill. It is the sixth appropriations bill we have acted upon. Today, we will begin consideration of the seventh appropriations bill.

At 1 p.m. today, the Congress will honor the 14th Dalai Lama of Tibet with the awarding of the highest civilian honor—the Congressional Gold Medal. In view of this ceremony, the Senate will be in recess from 1 to 2 p.m. today.

Members should expect votes throughout the day and into the early evening as we move forward with the consideration of this bill.

APPROPRIATIONS CONFERENCES

Mr. REID. Mr. President, I want to underscore and confirm we are working hard to try to get a bill or bills to the President as quickly as we can. The conferences are moving along well. I instructed my folks to make sure that Republicans know what is going on with all these conference reports. I think we have to show good faith that they are going to be some real conferences, and I am confident that will take place.

With all our new rules, with the earmarking rules we have, we cannot do things as quickly as we used to. But there has been work going on between the staffs—Democratic and Republican staffs—on both sides of this building with the Appropriations subcommittees. As a result of that, I think the final conference product should move fairly quickly.

RECOGNITION OF THE MINORITY LEADER

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

FISA REAUTHORIZATION

Mr. MCCONNELL. Mr. President, as the House prepares to take up the Foreign Intelligence Surveillance Act, I wish to remind our colleagues what we decided about this program a little over 2 months ago.

In August, a bipartisan Senate majority voted to embrace the two principles behind the original FISA law in 1978: that foreign terrorists overseas are a legitimate target—a legitimate target—for warrantless surveillance, and that Americans at home are not.

We did this because we had been informed by the Director of National Intelligence that advances in technology and an outdated provision in law had made it impossible for the intelligence community to act on the first of these principles, causing us to miss significant actionable intelligence.

The Senate responded to this information accordingly. We addressed the

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

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change in technology and updated the law, restoring to the intelligence community a tool it had effectively used even before the 9/11 attacks to track terrorist activity abroad.

Congress made sure in 1978 that the intelligence community was free to collect intelligence on foreign targets overseas and act on it quickly. In a post-9/11 world, we were insisting they continue to have this vital capability. Now we will have the chance to insist on it again, by voting against the bill that is being considered in the House or by approving an alternative that corrects its flaws.

The bill that is being taken up in the House has two major weaknesses. First, it requires intelligence officials to obtain a warrant before listening in on foreign terrorist suspects abroad. In other words, if we want to listen in on a terrorist in Tehran who may be talking about blowing up Los Angeles, we would have to stop and get a court approval first. I guarantee you, there is not a single person in this country outside this building who thinks that makes a bit of sense.

It is common sense that our ability to act quickly on the intelligence we get is a crucial part of our ability to prevent terror attacks here at home. This dangerous provision would create a new hurdle for intelligence officials to jump before they can collect and act on a live potential threat. Allowing it to stand would have been foolish before 9/11. It would be inexcusable now, which is exactly why we acted to remove it in August and why the President has rightly said he will veto any law that retains it.

Now, the second problem: This bill would expose U.S. phone companies to giant lawsuits for cooperating with the intelligence community in pursuit of terrorists, for doing their part—their part—to defend this country from terrorist groups such as al-Qaida. We need to be making it easier for our intelligence officials to detect terrorist plots against us, not harder, and we need to be rewarding people for helping us in this fight, not penalizing them or scaring them with the threat of a lawsuit if they do.

So let's make something clear right now: Any bill that leaves this Chamber must restore to intelligence officials the same tools they have had in fighting terrorism for decades. And it should reassure U.S. businesses that they have no reason to regret cooperating with intelligence officials in the past and that they should not be the least bit afraid to do so in the future.

The Bill of Rights does not extend to terrorists overseas who want to hurt us here at home. Our laws have always reflected that. In a post-9/11 world we are being asked to affirm it. We did not hesitate in August. We should not hesitate now.

The House bill that is being considered needs some major work. In addition to the two points I have raised, House Democrats have also struck a provision that allows the United States to conduct warrantless surveillance on foreign suspects who have information relating to the conduct of foreign affairs. In a time of heightened threats, we cannot throw away the tools we have always used to keep this country safe. I would urge my colleagues to give intelligence officials the tools they need to protect us, to give them a bill that the President will sign into law.

We cannot let our enemies exploit a weakness that we—and now they—can clearly see. We know the threat is real. The bill we pass should reflect that.

NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. MCCONNELL. Mr. President, I am pleased the Judiciary Committee will begin hearings this morning on the nomination of Judge Michael Mukasey to be the Nation's 81st Attorney General.

Judge Mukasey has outstanding qualifications and a sterling reputation. Throughout four decades, he selflessly devoted his life to public service, culminating in his selection as Chief Judge of the United States District Court for the Southern District of New York.

As a jurist, Judge Mukasey handled complex legal problems judiciously, thoughtfully, and fairly. The complex problems that face the Justice Department merit similar serious treatment, and I am confident that were he to be confirmed, Judge Mukasey will bring his trademark qualities to bear in analyzing them.

Analyzing these problems requires a careful and deliberative process. It is a process that starts today, and it will continue after the Judiciary Committee's hearings are over. It is a process that does not lend itself to snap judgments or snap answers.

Judge Mukasey will not abandon his trademark qualities of judiciousness and thoughtfulness today, nor should we want him to.

It would be injudicious and unthoughtful for Judge Mukasey to make snap judgments about particular outcomes on highly complex and highly sensitive policies in the war on terror before he even gets into office. Judge Mukasey is not read into some of these programs, and is not, at the present time, fully familiar with others. Even if he were fully familiar with them, it would be imprudent for him to discuss their classified features in open sessions while our enemies are watching.

The Senate Judiciary Committee should be mindful of the complex problems that Judge Mukasey is being called on to solve, as well as the constraints under which he is operating. And it should treat him fairly. If he is treated fairly, I am confident the committee will report him to the floor for a prompt up-or-down vote.

Mr. President, I yield the floor.

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

INTELLIGENCE BILL

Mr. REID. Mr. President, if I could briefly say, while the distinguished Republican leader is on the floor, I had a meeting late yesterday afternoon with the chairman of the Intelligence Committee, Senator ROCKEFELLER. He indicated to me that he and Senator BOND, the vice chair of that Intelligence Committee, are moving forward this week to have a markup on the Intelligence bill. It will be bipartisan. Senator LEAHY has announced he would move very quickly with the Judiciary Committee, which has joint jurisdiction of that.

Hopefully, we can have that bill to us within the next couple of weeks. We should get that done so it is not a last-minute deal like it was right before we broke for one of our breaks. I think it was before the August recess when we were pushed so hard on that matter. So I think things are moving along well. The Intelligence Committee is working extremely well. I am very satisfied with the work they have accomplished.

I see one of the members of the Intelligence Committee on the floor today, Senator NELSON, who has been such a great addition to the Intelligence Committee. He and other members of that Intelligence Committee devote hours of their time away from the TV cameras, away from reporters, trying to work out ways we can move forward against the evil that is focused on our Nation.

RESERVATION OF LEADER TIME

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

Under the previous order, the Senator from Alaska, Mr. STEVENS, is recognized to speak for up to 7 minutes in morning business.

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

ALASKA ARMY NATIONAL GUARD DEPLOYMENT

Mr. STEVENS. Mr. President, today, I ask the Senate to salute the men and women of the 3rd Battalion, 297th Infantry Regiment of the Alaska Army National Guard.

This unit just returned from the Middle East for demobilization. Within days, the Alaska Army Guard members will start their return journey back to Alaska.

Today, they will be honored at a ''welcome home'' ceremony at Camp Shelby in Mississippi. I had hoped to be with them today, but due to the votes in the Senate and the committee assignments, I have remained here in Washington, DC.

The 3rd Battalion served with distinction in both Kuwait and Iraq over the past year. When this unit was mobilized in 2006, it represented the largest mobilization of the Alaska National Guard since World War II. These Guard members represent 81 communities in our State, including many Alaska Native villages.

Before their deployment last October, Senator MURKOWSKI and I met with this battalion in Camp Shelby. It was an exciting day as members of the units successfully completed their predeployment training. I was impressed with their high morale and dedication to our country.

Most of the members of the Alaskan Guard left behind families and jobs in Alaska to be part of this mission. Their departure caused hardship for their families and communities, especially in their small villages. But they were steadfast in their commitment to the mission and to our country.

The dedication of the 3rd Battalion reminds us that in our Nation's darkest moments—when freedom has been on the line—our citizen soldiers have answered the call to serve. Their duties and traditions are deeply rooted in our country's history. During the Civil War and World War II, it was our citizen soldier who tipped the balance and ensured our victory.

Members of the 3rd Battalion have carried forward this proud tradition. Their dedication to serve reflects the bravery and courage of those who came before them. Many of them are descendants of those who served with COL Muktuk Marston and other Eskimo Scouts in the Tundra Army during World War II. During that war in which I served, their predecessors defended our freedom in Alaska and around the world. I remember well the heroism of the National Guardsmen I served with in World War II. They, too, and these people now, have earned also the honor of being called the ''Greatest Generation.''

There are few of us left who lived through the dark history of World War II, but as I reflect on their service, I appreciate their bravery, commitment, and dedication. The men and women in uniform today are truly our newest ''Greatest Generation.'' We are comrades in the deepest sense of the word, and we should salute their service.

As citizen soldiers, they are a force not only on the battlefield but also a force in their communities. They are the link between the standing military units they serve and the people they protect. They also answer the call in national disasters.

In recent months, their mission was critical to the overall success of our operations in the Middle East and Iraq, and all Alaskans, especially those in their communities, are proud of their service.

On a day when we honor the 3rd Battalion, I believe we should also take a moment to reflect on those we have lost. Tragically, two Alaska Army Guard soldiers were killed and two were gravely injured in a training accident near Camp Shelby last year. We still mourn their deaths and send our deepest condolences to their families and friends.

We should ask God to bless them and God to bless the brave men and women, such as the Army National Guard, who volunteer to defend our great country. The thoughts and prayers of Alaskans, and I think of a grateful Nation, are with all of them.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Florida is recognized.

FISA

Mr. NELSON of Florida. Mr. President, following the majority leader's comments and admonitions about the coming telecommunications surveillance intercept bill, otherwise known as the FISA bill, I think what the majority leader said was absolutely essential, that the work product that comes out of the Intelligence Committee and then the Judiciary Committee be bipartisan in nature. We do not want to repeat what happened in the first week of August, in which there was so much misinformation and mistrust on both sides of the aisle. It was very difficult to cobble together a bill, which the intelligence community told us was essential because of the increased traffic, which is otherwise defined as increased communications of some indication that there might be the planning stages of an additional attack upon the United States. In that atmosphere of warnings, we were told we had to pass a bill.

It was in that crisis atmosphere that a piece of legislation was cobbled together in the midst of mistrust and misinformation on this floor. But the safeguard was put on it that what was passed and ultimately signed into law by the President was only good for 6 months. In other words, it sunsetted or ceased to exit at the end of 6 months. Therefore, in now constructing the permanent law, we need to come together.

Now, this Senator, a member of the Intelligence Committee, has been quite firm in my insistence to both of the leaders of our committee—Senator ROCKEFELLER, the chairman, and Senator BOND, the vice chairman—that they come out with an agreed-upon, bipartisan piece of legislation to protect the rights of American citizens, their civil liberties, their privacy and, at the same time, to be able to utilize instruments of the Government of the United States to be able to go after the people who want to do us harm. I believe that the agreement has pretty well been reached between Senator ROCKEFELLER and Senator BOND. What is potentially going to hold up an agreement is the question of what kind of immunity should be given to the telecommunications companies who had, at the request of the U.S. Government, after September 11, 2001, allowed their databases to be used for the purposes of trying to determine who the bad guys were.

Everything I am saying has all been out in the press. It is well established. The House has taken a position of not wanting to have any immunity for the telephone companies on a retroactive basis. They already have immunity on a going-forward basis as a result of what we passed in August, and that is now law. It is my hope that the two leaders of the Intelligence Committee will be able to get agreement on what that immunity should be, and that will be a large part of the discussion that is supposed to take place in the markup in the Intelligence Committee tomorrow.

As the majority leader, Senator REID, said, it is very important we get this right and that we get this done soon in order that it can then go from the Intelligence Committee to the Judiciary Committee and that it can come out of the Judiciary Committee, come to the full Senate and then a conference committee can iron out the differences between the House and the Senate versions and then get a final product to the President for him to sign into law. It is important it be done now in a timely manner, instead of waiting until the last minute, when the clock is going to strike 12 on the tolling of the time of the 6 months that the law will cease to exist. This ought to be done under the cool deliberation of making it right instead of being forced into decisions at the last moment because time is running out. It is my hope, and it is certainly going to be my intent, to try to help this process along as a member of the Intelligence Committee.

PRESIDENTIAL PRIMARIES

Mr. NELSON of Florida. Mr. Presdient, I actually came here to talk about a different subject, and that is the fracas that is now engulfing the National Democratic Party with regard to the selection of its Presidential nominees. Florida is right in the middle of this because an order was set up under the rules of the Democratic National Committee that allowed four States to go before any other State, and those four States, they set out an order and said it would be first a caucus in Iowa, then a caucus in Nevada, then an election, a primary election in New Hampshire, and then a primary

election in South Carolina. Those were going to be representative of the country and all of those four had to occur before any other State could start its primary or caucus in the selection of the Presidential nominees and that the date they could start was February 5 of next year.

Over the objection of Democratic State legislators in the Florida legislature—indeed, with the Democratic leader of the Florida Senate offering an amendment to keep Florida's election from violating the Democratic National Committee rules and, therefore, to be on February 5, over his and others' objections—the Florida legislature changed the date of the Florida Presidential primary from March to January 29. The Florida legislature is basically two-thirds Republican, one-third Democrat, in both Houses of the legislature. Governor Crist, a Republican, signed the legislation, setting the Florida primary date as January 29, and signed it into law.

The Democratic National Committee took great umbrage at this and under its rules said it was going to strip Florida of half its delegates. That is what the Democratic National Committee rules provide. In the Democratic National Committee Rules Committee's deliberations, they went further. Unlike the Republican National Committee, which said they would take away half of Florida's delegates for the Presidential nominee, the DNC said: We are going to punish Florida completely by taking away all their delegates to the convention. What is more, we are going to enforce a part of the DNC rules that say, unless Florida backs up and ignores that election, makes it a ''beauty contest'' that has no meaning and selects their delegates sometime from February 5 or later, Florida was going to receive additional punishment, which was that no Presidential candidate could go and campaign in Florida, and campaigning was defined as speaking in Florida, interacting with voters in Florida, hiring campaign staff in Florida, opening an office in Florida, having a press conference in Florida, except—oh, by the way, you can go into Florida to raise money.

This is as violative of the constitutional right of freedom of speech as anything I have ever heard. It conjures up that you can't come to Florida so Florida Democratic voters can interact with Presidential candidates unless you pay a fee at the door in order to gain entrance because it is a fundraiser. Doesn't that remind you of something that was held unconstitutional called a poll tax?

It was because of this kind of punishment that was inflicted on the 4.25 million registered Florida Democrats that this Senator, with a heavy heart, joined with his colleague, Congressman ALCEE HASTINGS, also with a heavy heart, and filed suit in Federal District Court in Tallahassee, the seat of government of our State, against Howard Dean, the chairman of the DNC, and the Democratic National Committee.

A defendant was also named, Kurt Browning, the secretary of state of Florida, purely for functionary purposes since he is the one authorized under Florida law to conduct the election. As a result, that suit had been filed 2 weeks ago alleging the violations of the Constitution in the 1st, 5th, and 14th amendments, as well as violations of the Voting Rights Act of 1965.

A Federal court will ultimately determine that issue of whether the party has the right to prohibit people, in a duly called, State-run, State-sanctioned by State law election, whether that national party can take away those constitutional rights of people to see and hear and interact with the Presidential candidates, as well as taking away all of their ability to be heard at the national convention by stripping away all of the elements. That is the issue in front of the court.

It should not have come to this. For the last 6 months, I and others, like Congressman HASTINGS, have offered compromises on three different occasions, three different compromises on how we could get out of this box. It would be a win-win situation, but the DNC and its rules committee said ''nyet,'' they are going to sanction Florida.

Why am I making this speech this day, Mr. President, when the suit was filed 2 weeks ago? Because there is a news article in this morning's papers saying that the Iowa Republican Party has announced that it is bumping up its caucus, not where it was previously prescribed—somewhere in the middle of January of next year—but instead moving it up to January 3. And South Carolina Republicans, some time ago, had a joint press conference with the secretary of state of New Hampshire, who under New Hampshire law is the sole authority to determine what date New Hampshire's primary, both Democratic and Republican, will be held, and the South Carolina Republicans announced that they were moving their primary up some 10 days earlier—it might have been 8 or 9 days, but it was earlier than the prescribed time of January 29—to which the New Hampshire secretary of state said he would move New Hampshire's primary up early.

So the question that is begged today, Wednesday, the middle of October, is, if all of these parties are jumping early and the order that the Democratic National Committee wanted to preserve is being thwarted, does the DNC intend only to punish Florida Democrats or will, in fact, they punish the Democratic parties in New Hampshire and Iowa if they, in fact, jump forward from what the DNC rules had prescribed?

So I bring to the floor of the Senate something that involves only a few States. Yet it has enormous implications for the entire country because this is the process by which we select the Presidential candidates of the two major parties, one of which is likely to be the next President of the United States.

Because of all this fracas and I think just the news of today that indicates the Iowa parties are jumping much earlier, we will probably now see all of the others start to jump, and as a result there will be increased turmoil. It is certainly my hope that reason will prevail and the Democratic National Committee, which has taken out its frustration on Florida, will suddenly realize there is no reason to continue that frustration on Florida because, at the end of the day, if everybody else is doing it, why just try to punish Florida? And because of this fracas, this turmoil, will reason prevail that there is a better way to do this? It is regional primaries spaced out in a logical order over one in March, two in April, two in May, and one in June, that would give the candidates plenty of time to get around to these regional primaries, which order could be determined by lot, and in that primary one State from each region in the country could have an election, so no particular part of the country is favored. In the favored first status, all of this fracas should point to that goal.

Let's bring order out of this chaos in the way we select the next President of the United States in both of these great political parties that participate in American politics.

I yield the floor.

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

Mr. LOTT. Mr. President, it is none of my business, but I say to the Senator from Florida that I tend to agree with him. Maybe it is a regional thing. I wish him good luck in his effort to have Florida assume its rightful place.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. LOTT. Mr. President, a lot of discussion has been going on today, this week, and over the last few weeks about a very important program; we call it SCHIP. That is Washingtonspeak for health care for children, which has a very important role for the States to administer this program. This week, the House will be voting on the President's veto of this issue. That is the way things work in Washington. It is not very pretty. I am not proud of the whole process we have gone through on this issue.

First of all, I have a message for everybody involved. Let's put low-income, poor kids first. Let's figure out how we deal with their needs. That is what caused this program to begin with.

I had the pleasure of being the majority leader in the Senate in the 1990s when this program was created. I remember the debate. It was pretty hot. Phil Gramm of Texas was saying: Wait a minute, we need to put protections in

here, and Senator KENNEDY and Senator HATCH were very much involved. But then a bipartisan agreement broke out, the way we used to have happen around here occasionally. We created a program, well-intentioned, that was targeted for low-income children, to make sure they had insurance coverage. It was not a massive number; I guess we were thinking in terms of 6 million, with the idea that might go up as time went by and more people or parents were made aware of the program and information was gotten to them and they could come onto the program. I think it has worked well. It has been successful. It covered a lot of low-income children who would not have been covered otherwise.

Now, of course, we come to a period where we have to extend the program, and it has been very difficult. I acknowledge right up front that Senator GRASSLEY tried to find a way to work through this issue and get a proper result. He and Senator BAUCUS, the chairman of the Finance Committee, wound up coming together and getting an agreement. I also acknowledge that a lot of the problems have been exacerbated by the previous administration and this one because they kept granting waivers to States to go above the 200 percent of poverty, up to as high as 350 percent of poverty, making not just low-income, poor children eligible but children of families making up to—I don't know the exact number—$62,000 or $63,000, and some States were applying to go to 400 percent of poverty, which would go as high as an $80,000 income for families. That was not our intent. Plus, adults have been added. Only in Washington can you get confused about a program that is for kids and then start putting adults on it. But States started doing that and waivers were requested, and the administration, unfortunately, for a while granted those waivers. I think we should put limits on those waivers. Thank goodness, finally the administration turned down the most recent application for going up to 400 percent of poverty.

So here we are. Some of us on the Finance Committee said: Look, we want this program extended. The President recommended that it be increased by $5 billion, which is about $1 billion a year. Some of us on the Finance Committee realized that probably was not enough to cover the children now on the program plus to get more low-income children who should be eligible and should be covered, covered. So we were looking at going above the $5 billion increase the President originally suggested. How much? That is what the legislative process is about. Is it perhaps $9 billion instead of $5 billion or maybe $12 billion? I wasn't wedded to a number; I was wedded to a concept and a program to make sure we cover those now on the program. Some should not now be on the program. But we wanted to make sure low-income children are covered first.

The administration, to its credit, did put in place a provision that would say you cannot start insuring middle-income children until you have insured 95 percent of low-income children. This bill which has been vetoed by the President would knock that out. What? If our goal is to insure low-income children, why would we not require that? But the compromise that was worked out went to $35 billion. It would allow for kids who are not in the low-income category to be covered.

The President vetoed it. I think he should. Now the House is going to sustain that veto. My question is, Now what? We have made our positions clear. We have had a grand old time playing politics with kids. Let's get over it. We need to get a result. That is the way it works. Somebody was saying in that very chair last night that the Congress has a role to play. Yes, and so does the President. Some people say: Look, there was a bipartisan compromise worked out. Yes, but some of us who would like to have been involved, who were there when the program was created, didn't get involved. We just thought we would do what we want and shove it over to the President and say: Take this. But he doesn't take it. So now we sit down and work it out.

What is the plan of the Democrats? To let the program just collapse? That is unacceptable. Nobody is going to stand for that. Then I hear: Well, the plan is to keep extending it in increments—maybe 30 days, maybe 90 days. We want to keep it alive until next fall. Look, we can play politics and partisan politics, but do we have to use kids in the process? I don't think we should do that. We need to make sure we have a program that works.

One of my big problems about the plan we have is that it would put 2 million kids who now have private insurance on the Government rolls. That is part of the plan. The plan is to get them off of the private plan, which the families can afford; they could not get on Medicaid, so we will get them on the SCHIP program. I think that is a mistake. Of course, I think there is phony budgeting in the bill the President vetoed. I think the funding is not reliable.

Now, at least the Senate came up with something that was a little more defensible than what the House was working on. They said: We want to take money from Medicare Advantage, elderly people in rural areas, and use that savings to pay for the children's health program. That was a total nonstarter with the Senate, thank goodness.

What did we come up with? Cigarette taxes. Who wants to stand up here and defend tobacco? I will. I smoke a pipe. I don't do it in public. My mother wouldn't approve of me doing that. By George, I make that choice. I don't apologize for it. But, oh, it is a part of the politically correct position now: Let's make everybody quit smoking cigarettes. There are no good tobacco products.

This is still America. We do still have choices. And by the way, let's assume it works. If we jack the price of a package of cigarettes a buck a package, which is what this would do, it is going to eventually, I guess, discourage people and low-income, poor working families: Gosh, we can't afford cigarettes; maybe we will quit. Good, that is great. I don't deny it is not good for your health. Maybe they will quit.

This is the problem: If they do quit, we would not get the money to pay for the SCHIP program. Think about that. We are do-gooders here, we are going to raise taxes on tobacco products to pay for the Children's Health Insurance Program. That way we will make them quit smoking. And, oh, you mean then we would not have the money? Yes. You can't have it both ways. It is the kind of stuff we do around here. It is ridiculous.

So the money would not be there. The program is not going to be funded. We all know better than that; it is going to be funded. At some point, if the tobacco money doesn't come in, which I assume it would not because we have gone crazy trying to tax it out of existence—by the way, this is an area States usually handle. But, no, we are going to put a 61-cent Federal tax on cigarettes and that will further block what the States might do to raise revenue for their programs. By the way, they do a better job of running the health programs than we do anyway. It is part of the inconsistency here.

There are many problems with this bill. I have always said, OK, let's have our political debates. Let's stake out our partisan positions and then let's sit down and work something out. Is that what the people expect us to do? That is what the legislative process is all about.

I don't have the Holy Grail in this area. I realize it would be a give and take. I believe Senator GRASSLEY and I and representatives from the administration and Democrats can work out this legislation. The President said: Let's negotiate. Yes, I think he ought to send his top people down here and humbly say to the leaders in the Congress, Republicans and Democrats in the House and Senate: What can we do to work through this bill now and get this program extended to where it covers genuinely poor kids and get it beyond the next election? I urge we do that.

I don't presume to try to say who would be in the room. Pick anybody. But I say this: That is what needs to be done. Let's go ahead and rack up the political points and politically let's say this one goes to the Democrats. Policywise, I have no qualms about the position I have taken. I am perfectly comfortable with it. But also I am prepared to say enough is enough, let's move on, let's get a compromise worked out, and let's protect this program which is well intentioned but which, for good reasons, we have gotten carried away.

There are some people who might say: Let's cover all children with a federally funded health insurance program. Maybe we can raise taxes to $5 a package, 10 bucks a cigar. It is ridiculous. There are other ways we can get revenue. I hope we will get started on that as soon as the House votes. They will sustain the veto, and then we can sit down and work this out.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I came to the Chamber to speak on an oversight issue on which I have been working for well over a year. But before I speak on that subject, I wish to take advantage of the opportunity to respond to incorrect impressions about the compromise State Children's Health Insurance Program bill on which the House is going to be voting tomorrow. I am speaking as much to Republicans in the House of Representatives as I am responding to some of the points Senator LOTT has made. These reminded me that regardless of how many speeches one gives around here, regardless of how many explanations one gives of what our bill does and does not do, nobody listens. We get the same wrong statements being made time after time. I wonder, does anybody ever listen? Maybe they don't like to have CHUCK GRASSLEY say it.

I was a negotiator for the Republicans. I never had a single Republican tell me since January that they didn't want the SCHIP program reauthorized after a 10-year sunset. I never had one of them say it wasn't a program that was serving a good purpose. I had a lot of people express faults about what is wrong with the present program. Most of those issues have been corrected in the legislation the President vetoed.

I finally got people to realize the $5 billion the President put in his budget on top of baseline is not enough to do what we are already doing. Even the Republicans on this side offered $14.5 billion over baseline, which still is not enough to do what needs to be done to take care of the kids we are taking care of now and extend coverage to other eligible but uninsured low income children.

Some people are saying this bill should have been vetoed because there are adults in the program. But it was this Administration that approved the waivers to cover adults. The bill that the President vetoed did away with waivers. What has been in the program for 10 years this bill does away with. Childless adults are not going to be on the program. New waivers for parents under SCHIP is prohibited. For states that currently cover parents, the federal match is reduced. But yet people are still saying to me, from the other body, as I talk with Republicans over there to vote to override the President's veto: Why are we letting all these adults on? The waivers did that, and we do away with the waivers.

Also, in my conversations with people in the other body, as I try to convince them they ought to vote to override the veto, this $83,000 number keeps coming up. There was an inference made to it in the previous speech. That is not in our bill, and yet the President in his veto message referred to our bill allowing people up to $83,000 to get on SCHIP. That is in the law. It has been in the law for 10 years, and that can only happen if the President of the United States says a State can do that upon that State's request. Only the President can allow that to happen. That has been that way for 10 years. So don't tell me our bill allows States to go up to $83,000. That has been the law.

What about the statement of having genuine poor children on this program? I agree. Do you know that 92 percent of the kids on the program are in families under 200 percent of poverty? Somebody can say: What about the other 8 percent? OK, so what do we do about that? Because there has been an inference to a State Health Official letter to states released on August 17, 2007 that we did away with what would have prevented that. But the policies in that letter were flawed and unworkable. What we did is we made those policies workable in our legislation. So the emphasis on kids under 200 percent of poverty works out this way: First, we reduce the Federal match to the Medicaid match for any state that wants to go over 300 percent of poverty, beginning upon enactment of the bill. Then, by 2010, any State that wants to go or to continue to go above 300 percent of poverty for children has to demonstrate that they have reached the targets determined by the 10 best States covering kids under 200 percent of poverty. If they do not meet the target, they get no Federal match for kids over 300 percent.

So don't tell me the bill before us does not have emphasis on low-income kids. It has emphasis on low-income kids.

It was not brought up in the previous speech, but in my conversations with the House of Representatives, I have had this other smokescreen thrown at me: Our bill allows illegal immigrants to get on the program. For the first time, we are doing in SCHIP what has never been done before, what we have done for Medicaid in the Deficit Reduction Act. We are making it so that illegal immigrants cannot get on the SCHIP program.

People are paid to read legislation, and I don't know how the President of the United States, who gets paid a heck of a lot more than I do and has a lot of advisers who get paid a heck of a lot more than I do—I don't know how they can have him put in a speech that this bill allows people over $83,000 to get into the program, or there can be speeches in the Chamber of the other body saying we are opening the door for illegal immigrants to be covered by this program when we are doing more than existing law does in that area and where existing law already allows, if the President approves it.

And then this business of adults being in the program—absolutely right, three States have more adults on the program than other States. How did that happen? This administration gave waivers for that to happen. We do away with those waivers. I have heard all the complaints from this side of the Senate, the Republican side of the Senate, that there is no ''A'' in SCHIP—and I agree, it shouldn't be for adults—and I even heard Democrats strongly speak to this point. This program should never have gone in that direction. We do away with waivers.

I ask everybody to read the legislation, and particularly Republicans in the other body, before they vote tomorrow to override or not override because all these inaccurate representations of the compromise bill are creating a very bad mistake. It's so bad politically that the White House is looking for some way to get out of this situation. Probably that some way to get out of it is negotiating another bill with us. But it would be smart if the White House would send a signal to the House of Representatives: Override our veto; we made a mistake.

GENERAL SERVICES ADMINISTRATION INVESTIGATIONS

Mr. GRASSLEY. Mr. President, I now wish to address this body about some investigations I have been doing over a long period of time.

This is a report to my colleagues that senior executives at the General Services Administration may have failed to meet their responsibilities to the American taxpayers. These issues were carefully examined in two oversight investigations conducted by my staff. These investigations have uncovered a disturbing change of circumstances at the General Services Administration.

In a nutshell, it is this way: These studies indicate that top-level General Services Administration management interfered in contract negotiations with Sun Microsystems. They put pressure on contract officers to sign a potentially bad contract. When that person refused, they had that contract officer removed under duress.

All the evidence from this investigation suggests that this particular contractor had been overcharging the Federal Government for years. The contract officer believed the proposed terms were still not fair to the Government. Even worse, these reports also indicate that allegations of intimidation against the General Services Administration Office of Inspector General and its auditors may have been fabricated. This may have been done to cover high-level pressure on contract officers or maybe because the new contract was signed on terms dictated by the contractor. When I asked for audits of the new contract, this contractor resisted tooth and nail, and in the end they canceled the contract before audits could be completed. I want to repeat that, because this is the bottom

line. When I asked for audits of this new contract, this contractor resisted tooth and nail, and in the end they canceled the contract before the audit could be completed. That ought to tell you something about that contract.

I think it is important my colleagues know what my staff uncovered at the GSA, not merely for the purpose of pointing out mistakes but for the purpose of seeking solutions, because these investigations are about fixing a problem.

Let me set the record straight. This is not some sort of witch hunt for the Administrator of GSA or anything else. Quite simply, this is oversight and investigation, or O&I, as we call it around here on the Hill.

In doing this oversight and investigation work, I am fulfilling one of the most sacred responsibilities of a Member of Congress. As with all my investigations, I want to be certain every tax dollar is spent wisely and according to law—nothing more, nothing less. With that in mind, I want to address the findings of these investigations that are documented in separate staff reports.

The oversight work began last September when I was informed Administrator Lurita Doan of the GSA was attempting to cut the inspector general's budget for audits. These are the policemen to see that the money we appropriate is spent wisely. It appeared that this administrator was attempting to neutralize the inspector general, especially in the area of oversight of Government contracts. This was a red warning flag, so I decided to dig deeper.

The Administrator was alleging that the Office of Inspector General—or I might refer to that as the OIG—was abusing its power by threatening and intimidating Government contracting officers and vendors. These allegations were raised by the Administrator in numerous statements, publicly and internally, and in letters to me. According to three separate witnesses, Administrator Doan even compared the inspector general officials to terrorists.

These allegations concerned me for two reasons: First, I was extremely concerned that sworn Federal law enforcement agencies and agents, and accredited auditors, might be abusing their power. Second, if there was no factual foundation for these allegations, if they were fabricated, where did they come from and why did they come?

I asked Administrator Doan to provide me with specific examples of the alleged intimidation. Since she had aired these allegations in public, I thought she would provide me with specific details to support the charges. The fact is, she could not. In reality, only one specific instance was brought to my attention. In the end, my staff could find no evidence whatsoever to support those allegations. Sadly, it appears as if that one specific allegation was fabricated to cover up intense top-down pressure on contract auditors to award a contract that was detrimental to the taxpayers.

It was a bureaucratic smokescreen that opened a much larger can of worms. That can of worms was a contract awarded to Sun Microsystems, Inc. in 1999 for computer products and services. The inspector general had this particular contract under a microscope for several years. The IG audits indicated that Sun had failed to report significant discounts given to commercial contractors, as mandated by the contract; in other words, transparency when you are doing business with the Federal Government. Because this information was withheld—in other words, their commercial contract arrangements—Government customers paid much higher prices than Sun's commercial customers. The Government was losing money because of these unfair pricing policies, losses potentially in the tens of millions of dollars. These and other alleged contract violations, including potential fraud, were referred to the Department of Justice and now are in the Federal courts.

The alleged fraud was first reported to General Services Administration management in February of 2005. GSA management had several options, including seeking a better contract, canceling that contract, or suspension. In fact, three GSA contracting officers who handled the Sun contract attempted all three remedies. In each case, intervention from upper management at GSA blocked those moves. Upper management turned a blind eye to the alleged fraud, preferring instead to do business as usual. Then they began applying serious pressure on the contracting officer to extend the contract with Sun for another 5 years.

In August of last year, the GSA contracting officer assigned to the Sun contract dug in his heels, holding out for a better deal, protecting the taxpayers of the United States. He believed the terms offered by Sun in negotiations were not fair to the Government.

Now, if you ask senior GSA management, you get a very different story. Those individuals, including Ms. Doan and FAS Commissioner Williams, claimed this contracting officer was so intimidated, browbeaten, even, by OIG auditors, that he had to be replaced. The facts, however, do not support that allegation or explanation.

The contracting officer and his immediate supervisor both deny experiencing any intimidation from the inspector general auditors. They say, in fact, it never even happened. The source of the allegations has changed her story several times. In fact, she continued to support the contracting officer's position in negotiations—a position that was fully aligned with the inspector general auditors' position—even after claiming he was being intimidated into that position by the same auditors. If that position was tainted by the inspector general auditor intimidation, why would she support it?

One other fact seems to have escaped the GSA managers making these allegations. IG auditors have no direct influence over a contracting officer's career. The only person with that kind of authority is the contracting officer's supervisors, not the inspector general.

There is some irony here too. The same GSA managers who accuse the OIG auditors of intimidating this contracting officer had themselves attempted in vain to intimidate him into awarding the contract.

So it seems that GSA management tried to turn the concept of intimidation upside down. Now, why would they do that?

The evidence suggests these allegations were a smokescreen to hide the actions of the General Services Administration management. They used it for cover while ramming through a contract that may be bad for the taxpayers. There should be no greater motivation for those in Government procurement than protecting the taxpayers' money. Contracting officers who are warranted by this Government should be allowed to fight in negotiations for the best deal for the taxpayers, saving money where they can. Any pressure, any suggestion, any direct involvement by management to thwart that mission would be out of line. What Administrator Doan, Commissioner Williams, and others did to short circuit this process, then, is entirely wrong. To turn up the pressure, senior GSA officials, including Administrator Doan, were communicating directly with Sun Microsystems, Inc. and their lobbyists during negotiations. They made sure that contracting officer knew about that contact they were having. What kind of message does that send to a contracting officer fighting for a good contract to save the taxpayers' money? What kind of message does that send to the current and potential Government contractors, wherever they might be?

I would say that, at the very least, it tells them that if you don't like the deal offered by the contracting officer, go over his or her head. Go to the very top. Get the problem fixed. Get the price you want out of the taxpayers. It also says if the contracting officer is in the way, get rid of the contracting officer and get one who will do the dirty deed.

It would be bad enough were this the end of the story, but it isn't. After forcing out the contracting officer, GSA management assigned a new officer. It took her 9 days to negotiate a final deal with Sun. But what did the Government get?

In interviews, this new contracting officer claimed that she didn't need to talk to IG auditors who had years of knowledge on the Sun contract. She claimed she could solve any impasse in negotiations by listening to what the

contractor had to say. Many of the provisions she adopted were ones steadfastly opposed by the previous contracting officer—the very same ones that led to the so-called ''impasse'' and the removal of that contracting officer.

The new contracting officer even admitted during questioning that she did not fully understand key provisions of the contract. She admitted making ''big oversights'' in some of the contract terms. I fear the Government got a contract based on terms that were dictated by the contractor. I ask you: Is this GSA management's idea of how to negotiate?

After my staff interviewed the new contracting officer, I realized I needed to know more about the new contract. That is the one signed in September 2006. Was the Government continuing to lose money due to the unfair pricing and unreported discounts that they had with the commercial sector?

As a Member of the Senate who cares deeply about oversight, I would have been remiss in not asking more questions. So on June 5, 2007, I asked the GSA inspector general to conduct an audit. I asked the IG to look at the terms of this new contract.

Now, if this contract was such a ''good deal for America,'' as has been suggested by Sun on the one hand and GSA management on the other hand, then one would think Sun would rush to cooperate. Wouldn't they? Well, they did not. Instead, for 3 months, Sun complained to me, they procrastinated, they withheld information and fought the audit at every step. They also lashed out at the GSA inspector general, claiming bias—maybe because the IG had nailed him in the past. To his credit, IG Brian Miller held his ground and forged ahead with the audit.

This is what happened, and sadly so, because you don't get to the bottom of it then. Sun chose to cancel this contract on September 13 of this year, without waiting for the completion of those audits. This entire situation is extremely unfortunate, possibly preventable, and certainly baffling. Why would Sun cancel a contract that it had fought so hard to get? Did Sun have something to hide?

Government contracting, particularly multiple award schedule contracting, appears to be in serious jeopardy. Contracting officers are in short supply and are quitting in alarming numbers. They are overworked, they are stressed, and some try to juggle 100 or more contracts at any given time. With that kind of workload, assuring contract compliance is out of the question.

One of the culprits here may be the industrial funding fee structure we use in Government. This is money that the GSA charges other agencies that tap into governmentwide contracts negotiated by GSA. These fees are the lifeblood of the General Services Administration and are responsible for the lion's share of the agency's budget. The incentive is to maximize fees and agency profits. This creates what has been described as a ''perverse incentive.'' Getting the best deal for the Government and the taxpayers gets lost in the drive for more contracts that generate more fees to fill that agency's coffers.

I feel the Sun contract fiasco may be only the tip of the iceberg. I hope it is an exception, but many contracting officials suggested otherwise.

Am I suggesting that Government procurement is broken beyond repair? No. I do think that GSA procurement officials have a lot of work to do to make sure these situations are corrected. They certainly need to clean up their act, and they will need to make hard choices to fix these problems.

GSA has a professional force of contracting officers. GSA management needs to let them negotiate the best deal possible without interference from the top. Interference in that process as evidenced by the Sun negotiations may not violate the law, but it is not right and it does not protect the taxpayers.

Senior GSA management needs to realize that what may be profitable or strategically important for the GSA may not always be in the best interests of the taxpayers. GSA managers also need to recognize the need for oversight and followup on awarded contracts. Contract officers need to be able to fight for the best possible deal for the taxpayers, even if it means the loss of a contract that is lucrative to the agency for their operating expenses, or for the vendor. GSA must never forget that the real customer is the American taxpayer.

Today, I am forwarding three investigative reports to Administrator Doan, to the GSA inspector general, to the House and Senate oversight committees, and the White House Chief of Staff for review. These reports contain proprietary and privacy-protected information and will not be made public by me. The reports provide in great detail the results of these significant investigations into the allegations of inspector general auditor intimidation and top-level GSA management intervention in the Sun Microsystems contract negotiations.

As I said, it is not my intent to point the finger at any one individual or company. My sole purpose is to get to the bottom of what may be a significant problem in Government contracting and, of course, get it fixed. I respectfully ask GSA Administrator Doan and the inspector general to address the problems identified in these reports and to take appropriate action in the future. I hope GSA will do a better job of protecting the taxpayers' money.

I apologize to the chairman and ranking member of the Labor-HHS Subcommittee for taking this time, but I believed I needed to respond to some of the speeches that were made about the health program before I gave my report on my investigation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before the distinguished ranking member leaves the floor, I wish to acknowledge a couple of things—one, my appreciation for his hard work on the SCHIP program and my understanding of his frustration with some of the misunderstandings that have taken place in the debate on all sides. For just a couple of minutes of the Senate's time, I wish to discuss how we got where we are and how we need to get to where we are going to be. But before he leaves, again, I commend the distinguished ranking member on his effort on behalf of children's health insurance and his effort to clear the record in hopes that, in the end, it will be a foundation for all of us to clear the record of misunderstandings. There is fault enough to go around, starting with the administration and then taking both sides of the issue. But I commend the chairman for his hard work.

Ten years ago, I chaired the State Board of Education of Georgia when the SCHIP program was first authorized. I took it upon myself, in that capacity—the one that met closest with the children in need in Georgia—to initiate a broad program of registering and getting the information out so that every poor child in Georgia who was eligible could be covered by SCHIP, which in Georgia is known as PeachCare.

On the floor of this Senate earlier this year, I fought, along with Members from 17 other States, to get additional funding necessary on an interim basis because of the shortfalls that took place in the SCHIP program. I commend this Senate now on working to reauthorize SCHIP.

We are in a dilemma. There are differences of opinion on the eligibility. There are differences of opinion on the amount of money. There are differences of opinion on how it should be raised. There have been statements that have been made that are correct and statements that have been made that are wrong. But if the House sustains the veto of the President, we find ourselves in a position I would like to address for a second, a position where there are enough agreements for us to make to come back to the floor and pass a SCHIP bill that can be reauthorized and pass this Senate almost without objection.

Everybody in the Senate agrees SCHIP should be reauthorized. On the vote to extend the current program through November 16, on the continuing resolution, there was only one dissenting vote, and it was not about SCHIP. The questions are who should be eligible, how far the program should go, whether it should run in one direction or another, and how it should be funded. Just in the remarks made by the distinguished ranking member, as well as previous remarks made by the minority whip prior to Senator GRASSLEY's remarks—both sent the signal that there is room in the middle.

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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

on that, I know that in depth from personal experience. Without your health, you can't do anything. But similarly, or about as important, is an education, to be able to do something productive and constructive.

We have submitted a bill which we believe fairly addresses the needs of the country and is not excessive in its expenditures. Last year's bill for this committee was $144.8 billion. The President has come in with a budget request of $141.3 billion. That is $3.5 billion less than last year. If one figures in inflation, we are looking at about a $7.2 billion cut. We simply can't accommodate that and do the Pell grants, the education funding, the title I funding, the President's program on Leave No Child Behind or the National Institutes of Health. We are out of fat. We are through tissue. We are to the bone and beyond.

The National Institutes of Health are the crown jewels of the Federal Government, maybe the only jewels of the Federal Government. Enormous strides have been made in combating the major ailments of our society—heart disease, cancer, Alzheimer's, and Parkinson's—but in FY06 there was a $50 million cut on the National Cancer Institute, which I won't call scandalous or outlandish, I will say it is inappropriate. This year we have added in this budget only $1 billion. When I say ''only,'' at $20 billion, raising it to $29.9, that doesn't keep up with the cost of inflation. There are many grants which are now being turned away by NIH.

We had a vote last night on a motion to recommit the bill on Commerce-Justice-Science. I voted against recommitment and made a brief floor statement that to send the bill back to committee to come back with the President's figure would constitute a surrender of the congressional responsibility to appropriate.

Article I gives us that responsibility and the authority. If we are going to accept the President's figure, then why don't we start there and leave us to fill in the blanks. But so that the record will contain a statement on legislative process, if anybody is watching on C–SPAN 2, coming to these bills, the one today on Labor, Health and Human Services, and Education and coming to the bill which we passed last night on Commerce-Justice-Science, it is an elaborate, painstaking process. There are hearings. There are deliberations. There are meetings. Then there is what is called a markup in the subcommittee. We go through the budget.

Meanwhile, staff has worked diligently on it. If it was generally known how hard the staff works, people would be amazed. They say if you asked: How many people in Washington in the Federal Government work? that most people would respond about half. The fact is, this is a very difficult job, especially for staff. Senators work too. So do House Members. Without going into that, though, we did not come up with these figures and pull them out of the air. They were worked through very carefully.

The bill which was passed yesterday had some increases which were very vital increases. They were increases on law enforcement which America needs. For example, the appropriation for the Federal Bureau of Investigation was increased by $383 million over the preceding year.

The Community Oriented Policing Services, the program known as COPS, to get additional law enforcement officers on the street, was increased by $1.639 million. That means that America is being better protected. It goes to the local governments. It is seed money. They hire additional police. The Federal allocation does not last long. Then it is our expectation they will keep the police.

State and local law enforcement assistance was increased by $163 million. I refer to that only briefly to give you some idea as to what we did yesterday and why it seemed to me to be inappropriate to refer it back to committee, which means we would take the President's figure, which was about $3.2 billion lower, in another subcommittee worked under the distinguished leadership of Senator MIKULSKI and Senator SHELBY. If we are to discharge our responsibilities under the Constitution, we have to stand by our guns as to what we want to do.

Now, I am not saying the figure on yesterday's bill is not to be modified. The President has set the tone on that when he vetoed the SCHIP bill. Congress came in at $35 billion over 5 years, and the President came in at $4.8 billion. Then he said he was willing to negotiate. There are some in the Congress who do not want to negotiate, who want to let the program lapse because it would be politically disadvantageous to the President if there is no continuation of the program for children's health.

Well, I do not think that will happen. I do not think that should happen. Because if some Members of Congress stand in the way of negotiations and a compromise, people will find out about it and it will be a political detriment to those who stand in the way of negotiations.

So as I said last night on the Senate floor, if you have the Senate bill on Commerce, Justice and Science higher than the President's figure by $3.2 billion, let's negotiate, just like the President said on SCHIP.

On this bill, we are prepared to negotiate. The first line of negotiation has already been announced by Senator HARKIN, and that was in response to a Statement of Administration Policy issued today from the Executive Office of the President:

> The Administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research.

Well, Senator HARKIN and I have considered this issue very carefully, and we have decided, much against our preference, to accede to what the President has strongly opposed. We do this in the context—not that we agree with the President, because we strongly disagree with him—but we would like to get this bill passed, and we are prepared to compromise.

This stem cell issue is one which is very near and dear to me. We found out about the potential for stem cells in November of 1998. Ten days, two weeks later—I chaired the subcommittee—we had hearings. We had 20 hearings on it. The research has shown me that these stem cells are a tremendous potential for curing the maladies of the world. We have 400,000 of them that are frozen that are going to be thrown away.

This is a long, involved subject, but in a nutshell, we are going to have Federal funding of stem cell research. It is a matter of when, not a matter of whether or if. It will happen. It will happen.

So in removing this provision from the bill, I do it with great reluctance and great regret. But I do it after consultation with the groups, the advocacy groups for stem cell research. They have been consulted. They are in the middle of all this, and they understand the reasons for it. They also understand if we pursue this, there will be a great many amendments which could pass and be harmful to the interests of the health of this country and to what the advocacy groups are seeking to accomplish.

So we come to a bill which I think America needs. It is worth pointing out that our bill is substantially under the bill passed by the House of Representatives. We have come in at $152.1 billion. The House of Representatives has come in at 154.2 billion. So they are $2.1 billion higher than we are. But this is our best judgment as to what ought to be done.

If anybody disagrees with it, Senators have the right to come to the floor and offer amendments, if they want to reduce the funding. We are prepared to listen. And we are prepared to negotiate with the President. But I am not prepared to take the figure the President has automatically. I am not prepared to do that. If we are going to do that, there is no reason to have the hearings and the meetings and the markup and the full committee and the laborious work we go through. If we are going to take the President's figure, it may as well come out of the White House as to what they are doing, if all we are left to do is fill in the blanks. I think it would be a dereliction of duty for us not to come forward with our conclusions on what appropriations are necessary for these three major Departments.

At the present time we are proceeding here, we have started the confirmation proceedings of Judge Michael Mukasey. I was there earlier this morning, and I have to return there. So I will be taking care of my duties here as best I can. Since I am not twins,

there will be someone else here to take over on the occasions when I cannot be here. But I did want these views to be expressed, and there is a long, erudite statement prepared by extraordinary staff, Bettilou Taylor—some call her the 101st Senator, but I think that diminishes her standing—and Sudip Parikh.

So, Mr. President, I ask unanimous consent that statement be printed in the RECORD.

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

FLOOR STATEMENT—SENATOR ARLEN SPECTER

FY 2008 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today totals $152.1 billion, an increase of $7.3 billion over the FY'07 level and $10.8 billion over the President's budget. The bill that passed the House of Representatives contains $154.2 billion, an increase of $2.1 billion over the Senate.

The funds contained in this bill address this nation's public health problems and continue to strengthen our biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills.

At this time, I want to take this opportunity to thank the distinguished Chairman of the Subcommittee, Senator Tom Harkin, for his hard work. This bill is not an easy one to maneuver through the subcommittee and full committee and it is a major accomplishment getting it to the floor for consideration.

Some of the key funding levels in the bill include:

$29.9 billion for the National Institutes of Health, $1 billion over FY'07

$4 million for Embryo Adoption

$2.170 billion for Ryan White AIDS programs

$75 million for mentoring programs

$300 million for Family Planning programs

$100 million for Mentoring Programs

$12 million for a Cord Blood Stem Cell Bank

$2 million for administering asbestos claims

$1.1 million for mesothelioma registry and tissue bank

$220 million to continue construction projects at the Centers for Disease Control

$2.161 billion for Low Income Home Energy Assistance

$200 million for Children's Hospital Graduate Medical Education

$2.3 billion for Community Health Centers

$102 million for Healthy Start

$7.1 billion for Head Start

$828.5 million for Worker Protection Programs

$5.25 billion for Job Training Programs

$13.9 billion for Title I Grants to Disadvantaged Students

$11.2 billion for Special Education State Grants

$14.5 billion for Pell Grants to support a maximum grant of $4,310

$313.4 million for Gear Up

$43.5 million for youth offender programs

$420 million for the Corporation for Public Broadcasting, in addition

Let me discuss in detail the major elements of this bill:

MEDICAL RESEARCH

The bill before the Senate contains $29.9 billion for the National Institutes of Health. The $1 billion increase over the FY'07 level will continue the important work of thousands of researchers across this nation. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society.

Each year, the Labor-HHS Subcommittee holds numerous hearings on medical research issues. Testimony is heard from the NIH Institute Directors, medical experts, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for autism, Alzheimer's and Parkinson's disease, spinal cord injury, muscular dystrophy, ALS, AIDS, diabetes, heart disease, and the many cancers affecting millions of Americans. But the diseases I just mentioned are the ones that everyone knows. However, there are a number of orphan diseases, those affecting 200,000 people or less, that are just as important but not often talked about. Research also needs to be specifically focused on orphan diseases such as spinal muscular atrophy, Ataxia's, Batten disease, fibromyalgia, Fragile X and spina bifida.

CENTERS FOR DISEASE CONTROL AND PREVENTION

The Centers for Disease Control and Prevention is the lead Federal agency for protecting the health and safety of Americans at home and abroad. To address these needs the bill includes $6.4 billion for programs at the CDC. The CDC's ability to respond quickly to address this nation's health concerns has been proven over the last several years. Within minutes of the September 11 attack, CDC set up an emergency operations center and began to deploy supplies and staff, issuing health alerts and responding to State needs. CDC redirected more than 2,000 staff to focus their resources on the anthrax crisis to identifying the disease and ensuring that health professionals were properly trained in recognizing the signs of anthrax. During the gulf coast hurricanes, the CDC staff was on the ground to assess and mitigate the infectious disease risk to residents of flooded areas. Last June, CDC also quickly identified a patient with a drug resistant strain of TB and took steps to isolate the patient and protect the American public. The Committee has included $1.7 billion to improve this nation's research capacities and to detect and control emerging infectious disease threats in the U.S. and around the world. The Committee has included $220 million to continue the renovation of the CDC facilities in Atlanta. With the funds provided in FY'08, we will only need one more year of funding to complete the modernization of the CDC campus.

PANDEMIC INFLUENZA PREPAREDNESS

Although press attention regarding pandemic influenza has waned, the threat of a pandemic influenza resulting in millions of deaths worldwide remains high. The Committee has included $888 million for pandemic influenza preparedness activities. These dollars are to purchase pre-pandemic vaccine stockpiles, spur vaccine development, purchase antivirals, and for the development of diagnostic tests. The remaining dollars are for on-going pandemic preparedness activities within the Department of Health & Human Services and the Centers for Disease Control & Prevention.

MENTORING

In this nation it is estimated that more than 772,500 juveniles are members of gangs, dropout rates in some school districts exceed 60% and the direct and indirect cost of youth violence exceeds $158 billion a year.

Mentoring programs have proven to steer children away from gangs, violence and crime. Studies show that mentored children are less likely to start using drugs and alcohol or commit violent acts. They are also more likely to graduate from high school and go on to a higher education. Unfortunately, the demand for mentors far exceeds the supply.

To address these concerns the bill includes $75 million, including $50 million to support mentoring programs for children who are at risk of failing academically, dropping out of school, or involved in criminal or delinquent activities. These funds will be awarded to local education agencies and non-profit community-based organizations to support mentoring programs. Also included is $25 million targeted to areas with the highest dropout rates and schools designated as persistently dangerous. Funds will be used to increase the number of mentors, identify children at an early age and link them with mentors to provide support before children get involved in criminal behavior.

MINE SAFETY AND HEALTH ADMINISTRATION

This Subcommittee has always been concerned about mine safety, but the many accidents in recent years have sharpened the Subcommittee's focus.

The regulations governing mine safety have evolved slowly from primitive beginnings in 1891. In the 1930's, well over 2300 people were dying annually in mining accidents. In 1941, Congress established the forerunner of the Mine Safety and Health Administration. The passage of the Mine Act in 1977 established MSHA, placed it in the Department of Labor, and established the current regulatory framework. The Congress amended the Mine Act in 2006 to strengthen its safety provisions in response to the recent incidents. Within the total provided, the bill includes $330.1 million for the Mine Safety and Health Administration, including $2 million for mine rescue and recovery activities. This is an increase of $16.5 million over the FY'07 level. The increase will be used to accelerate the implementation of the MINER act to improve health and safety conditions for miners.

GEAR UP

The bill provides $313.4 million for Gaining Early Awareness and Readiness for Undergraduate Programs. These funds will be used to assist high schools to help low-income students prepare for and pursue postsecondary education.

CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION

To support health professions training in children's teaching hospitals, the bill provides $200 million. The amount provided is a $97 million cut below the FY'07 level. However, the bill that passed the House contains $307 million and I will support the House figure during conference negotiations.

COMMUNITY HEALTH CENTERS

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $2.2 billion for community health centers. This amount represents an increase of $250 million over the FY 2007 level.

SUBSTANCE ABUSE

For prevention and treatment of substance abuse, the bill includes $3.4 billion, including $2.1 billion for treatment programs, $197.1 million for prevention and $923.1 million for mental health programs. The latest estimates indicate that millions of Americans with serious substance abuse problems go untreated each year. The amounts provided will help address the treatment gap.

LIHEAP

The bill provides $2.161 billion for the Low Income Home Energy Assistance Program

(LIHEAP) the key heating and cooling program for low income families in Pennsylvania and states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

AGING PROGRAMS

For programs serving the elderly, the bill before the Senate recommends $3.3 billion. Including $483.6 million for the community service employment program to provide part-time employment opportunities for low-income elderly; $350.6 million for supportive services and senior centers; $217.6 million for the national senior volunteer corps.; $773.6 million for senior nutrition programs; $1.1 billion for research conducted at the National Institute on Aging; $162.6 million for family and native American caregiver support programs; and $35 million for the Medicare insurance counseling program.

AIDS

The bill includes $6.5 billion for AIDS research, prevention and services. Included in this amount is $2.1 billion for Ryan White programs; $930.4 million for AIDS prevention at the Centers for Disease Control; $2.9 billion for AIDS research at the National Institutes of Health; and $300 million for the Global Fund for HIV/AIDS.

HEAD START

To enable all children to develop and function at their highest potential, the bill includes $7.1 billion for the Head Start program, an increase of $200 million over last year's appropriation.

EDUCATION

To enhance this Nation's investment in education, the bill before the Senate contains $58.1 billion for discretionary education programs, an increase of $532 million over last year's funding level and $1.5 billion more than the President's budget request.

EDUCATION FOR DISADVANTAGED CHILDREN

The bill includes $13.9 billion, an increase of $1.1 billion for Title I grants to school districts. These funds will provide services to approximately 15 million school children in nearly all school districts across the United states.

IMPACT AID

For Impact Aid programs, the bill includes $1.24 billion. Included in the recommendation is: $49.5 million for payments for children with disabilities; $1.1 billion for basic support payments; and $65.7 million for payments for Federal property. In addition, $17.8 million is available for construction activities at certain Impact Aid-eligible schools.

SPECIAL EDUCATION

For special education state grants, the bill includes $12.3 billion, an increase of $527.5 million more than provided in FY'07. These funds will help local educational agencies meet the requirement that all children—ages 3 through 21—with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services.

READING PROGRAMS

The bill includes $800 million for Reading First State Grants to implement comprehensive reading instruction to ensure that every child can read by the end of the third grade. Also included is $117.7 million for Early Reading First designed for preschools to enhance the verbal skills, phonological awareness, letter knowledge and early language development of children ages 3 through 5. To help struggling middle and high school students improve their reading skills, the bill includes $36 million.

21ST CENTURY COMMUNITY LEARNING CENTERS

For community learning centers activities, such as before- and after-school, recreational, drug, violence prevention and family literacy programs, the bill includes $1 billion.

TRIO

To improve post-secondary education opportunities for low-income first-generation college students, the Committee recommendation includes $858.2 million for the TRIO program, to assist in more intensive outreach and support services for low income youth.

CHARTER SCHOOLS AND VOLUNTARY PUBLIC SCHOOL CHOICE

The bill includes $214.8 million for charter school grants which help in the planning, development and implementation of charter schools. Also included is $26.2 million for voluntary public school choice to expand programs, especially for parents whose children attend low-performing public schools.

STUDENT AID AND HIGHER EDUCATION

For student aid and higher education programs, the bill provides $18.4 billion. Pell grants, the cornerstone of student financial aid is funded at $14.5 billion which will provide a maximum grant award of $4,310. The bill also includes $770.9 million for the supplemental educational opportunity grants, and $980.5 million for the Federal work study program. Also included are $858.2 million for TRIO programs and $507.2 million for aid to institutional development.

JOB TRAINING

In this nation, we know all too well that unemployment wastes valuable talent and potential, and ultimately weakens our economy. The bill before us today provides $5.59 billion for job training programs. This includes $1.65 billion for the Job Corps; $864.2 million for Adult training; and $1.19 billion for retraining dislocated workers.

CLOSING

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the Subcommittee for their cooperation.

Mr. SPECTER. Before I yield the floor, I wish to compliment my distinguished colleague, Senator TOM HARKIN. Senator HARKIN and I have worked side by side. Sometimes I have been chairman; sometimes he has been chairman. I like it better when I am chairman. But I also like it when he is chairman. We have what we call a seamless transfer of the gavel.

People complain there is a lot of bickering in Washington, DC, and there is too much infighting. Well, TOM HARKIN and ARLEN SPECTER do not do that. We try to set an example of working together in the public interest.

May I also add, I do the same thing with Senator ROBERT P. CASEY, Jr., my colleague from Pennsylvania. We meet frequently and go over the key issues. When there are major events—we had a big hearing in Philadelphia on juvenile gang violence. I invited Senator CASEY to come along. He has had some ideas and some programs he has advocated, and he has invited me.

We went to Pittsburgh to swear in some judges. I made sure it suited Senator CASEY's schedule. People like to see Democrats and Republicans working together. Senator CASEY and I do, and, I say to the Senator from Iowa, certainly you and I do, Mr. Chairman. So I thank you. I thank Ellen Murray and Sudip for their extraordinary work.

Mr. HARKIN. I appreciate that.

Mr. SPECTER. There is a story that behind every successful man there is a surprised mother-in-law. But in the case of TOM HARKIN and ARLEN SPECTER, it is Ellen and Bettilou.

Mr. HARKIN. That is right.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my good friend, Senator SPECTER, for his very kind words, his generosity of spirit, and respond in kind that I have said many times to people that during the interregnum when the Republicans controlled the Senate—I say that jocularly—I was very fortunate and blessed to have Senator SPECTER as the chairman of this committee. He is right, we have worked together very closely over the years, and I thank him for that very close partnership and working relationship. He is a great leader in areas of health and education and medical research and so many other items. So I thank Senator SPECTER for that very close working relationship.

I am pleased to bring to the floor the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies.

It has been said many times that the Defense appropriations bill is the bill that defends America. But this appropriations bill, the bill we have before us—the bill that funds Education and Health and Human Services and biomedical research and the Centers for Disease Control and Prevention—is the bill that defines America.

This bill funds the most basic, essential, life-sustaining, and lifesaving services for millions of people in this country, including the most needy among us. It provides for the education of our children. It provides health care for many of our poorest citizens. It helps students from low- and middle-income families afford college. It funds medical research to help ease human suffering. It gives displaced workers a chance to get back on their feet.

This bill does define us and says who we are as Americans. Despite extreme budget constraints, I believe we have produced a good bill. I wish we could have done more for these programs because we have some catching up to do. But we also have to be fiscally responsible. This bill fits within the budget resolution. It conforms to pay-go. It reflects the priorities of Senators on both sides of the aisle, and it reflects the values, ideals, and priorities of the American people.

Again, I commend our ranking member, Senator SPECTER, for his leadership in helping to craft this bill. As Senator SPECTER said, we have had an amazingly productive partnership for

the last, as I count it, about 17, almost 18 years. As control of the Senate has switched between the two parties, we have passed the gavel back and forth, but there has been one constant and that is our shared commitment to investing in job training, in essential human services, in education, and cutting-edge biomedical research.

One notable accomplishment of our bipartisan partnership was the doubling of funding at the National Institutes of Health over a 5-year period between 1998 and 2003. It started under a Democratic President, finished under a Republican President. But today, sadly, that achievement seems like ancient history. Today, it is an achievement in this bill simply to prevent a cut at the National Institutes of Health because that is what the President proposed in his budget. The President proposed a $279 million cut in funding for NIH, in things such as cancer research, Alzheimer's research, ALS research, and other lifesaving research being done through NIH.

The National Institutes of Health is just one of the critical programs in this bill that the President's budget underfunds. Head Start, special education, job training all would face cuts if the President had his way.

Overall, for all the programs in this appropriations bill, his budget request was $3.5 billion below last year's level. Let me repeat that. The President's budget was $3.5 billion below last year's level—not below an inflationary increase, below last year's level. So not only did his budget fail to keep up with inflation, it would take us back. That is unacceptable.

President John Kennedy once said that ''to govern is to choose''—a famous line. Well, I tend to agree. Governing is also about setting priorities. The President has set his priorities. He is just days away from sending up a supplemental budget request for the war in Iraq. We hear it to be as much as $190 billion, and he will insist that we appropriate every single penny. Meanwhile, 2 weeks ago, rejecting pleas from many members of his own party, he vetoed the SCHIP bill, which would preserve health coverage for 6 million children nationwide and cover millions more who are currently uninsured. Now, the President, with his statement of policy that he sent up yesterday, is threatening to veto this bill.

So think about it. The President is demanding that we continue to spend more than $12 billion a month in Iraq on the war, yet he is threatening to veto this appropriations bill because it spends $11 billion a year more than what he wanted, for 1 year. The President says he wants $12 billion a month for the war in Iraq, but we shouldn't spend $11 billion over his budget for 1 full year for all of the other things we do in education and in health care and in human services.

Under the Constitution, we know that the President proposes, the Congress disposes. So we in Congress get to set our priorities too. We also get to choose about governing. Rather than cut the essential programs and services in this bill, we have chosen in a bipartisan fashion to provide a very modest increase. So we respectfully disagree with the President. We believe it is time to make investments in this country. It is time for the President to put our own needs here at home first. For 5 years we have poured untold billions of U.S. taxpayers' dollars into schools, job programs, hospitals, and human services in Iraq. It is time we looked after those same needs here in America. That is exactly what we propose to do in this bill.

This bill provides a modest increase of $1 billion for the National Institutes of Health. That is 3.5 percent. That is less than biomedical inflation. But the President's budget would slash investments in NIH, cutting 800 research grants that could lead to cures or treatments for heart disease, cancer, diabetes, or other diseases ravaging our people. This is a very exciting time in biomedical research. We are reaping the benefits of the Human Genome Project. It would be unconscionable and I think totally irresponsible to short-circuit this progress by cutting the funding for NIH. So we have, as I said, provided a modest increase of $1 billion for NIH in this bill.

In this bill, we increase funding for Head Start by $200 million. I wish it were more. It should be more. We are just beginning to make up for the tens of thousands of children who have been lost to the program because of stagnant funding over the last several years. The President's budget would cut Head Start funding by $100 million. So the President's budget cuts it by $100 million; we increase it by $200 million. The President's budget would cut thousands more children from the rolls of Head Start; ours would add to it. That is the difference. We believe the President's approach is unacceptable.

In this bill, we provide an additional $457 million for special education. Again, it really ought to be more, and I will explain what I mean by that. If we accepted the President's budget, it would cut special education by $291 million.

When IDEA passed—the Individuals with Disabilities Education Act—when it passed the Congress—I guess it was about 30 years ago; yes, it has been about 30 years—when we passed the Individuals with Disabilities Education Act, we committed ourselves, we committed the Federal Government to paying up to 40 percent of the additional cost of educating kids with disabilities in our schools. Now, consider this: Prior to that time, most kids with disabilities were shunned aside. They were sent to State institutions, warehoused, and many of them never even went to school. But because of a decision—and I say to the Senator sitting in the chair, it was a Pennsylvania case, PARC, Pennsylvania Association of Retarded Citizens v. Pennsylvania, a landmark case.

From that case, it was decided that if a State decided to provide a free public education for all its children, if it decided to do that, it could not then discriminate against kids with disabilities in providing that free, appropriate public education. Well, that then led, of course, to the Individuals with Disabilities Education Act that passed the Congress. In that, we said: We are going to help. We think States should do this. States are mandated to do this under the Constitution, but we are going to help. So we are going to try over the years to build this up to where we provide at least 40 percent of the additional funding to mainstream kids with disabilities in our public schools.

Where are we? Under President Bush, we are going backward. Two years ago, the Federal Government got up to 18 percent of this additional funding for kids with disabilities. We got up to 18 percent 2 years ago. In the last fiscal year, the Federal share dropped to 17 percent. If the President gets his way with his budget in 2008, we will be down to 16 percent. We have had a number of amendments on this floor, sense-of-the-Senate resolutions, to get this up to 40 percent. Republicans and Democrats have voted for this. Yet the President's budget is taking us in the opposite direction, and that, of course, again is unacceptable. When we don't pick up the tab, when we don't do our share and our part in providing for special education, who gets stuck with the bill? Local property taxpayers. The States have to increase and keep increasing the share of local property taxes to pay for this. Again, that is unacceptable.

Turning now to college education, we all know the cost of a college education is rising. It hits all of us pretty hard. It hits all middle-class families and anyone who wants to get a college education. Obviously, it hits the poorest families the hardest. This bill provides an increase of more than $800 million for Pell grants over last year—Pell grants, so that our poorest students have a chance to get a higher education. Building on that increase we put in the bill earlier, Senator KENNEDY and Senator ENZI, the chair and ranking member of the authorizing committee on education, wrote a budget reconciliation bill that raises the maximum Pell grant award from $4,310 to $4,800. That is a boost of almost $500 a year for the neediest students—the largest increase in more than 30 years. But under the President's budget, the increase would be less than half that—about $230 a year. So again, our bill would increase that and provide for $800 million more for Pell grants over last year.

One other item which is something of importance to every Senator is this bill increases funding for administering Social Security by $125 million above the President's request. Now, why is that important? I will bet my colleagues

every Senator here and their State offices have been getting all kinds of cases coming in from people who have disability claims, but they are backlogged, backlogged, backlogged. They wait months and months, sometimes years, to get their disability claims administered. Well, this increase would allow us to make a dent in that backlog of disability claims. Again, we ought to be even more aggressive in reducing the backlog. But make no mistake, if we accept the President's budget, the Social Security Administration would have to institute a hiring freeze and the backlog of claims would skyrocket. It is bad enough the way it is right now, but under the President's budget, it would be unacceptable. So our bill would provide $125 million more for Social Security to begin to reduce the disability claims backlog.

I think one of the most disturbing problems with the President's budget is it is kind of a total disregard, I would say, for the needs of our poorest people, the poorest citizens of our country. Just consider three programs that serve low-income children and families in this country. The three programs are the LIHEAP program, which is the Low Income Home Energy Assistance Program, the Community Services Block Grant Program, and the Social Services Block Grant Program. Let's look at those three. These all serve the lowest income people in our country.

The President's budget would cut LIHEAP by $379 million despite predictions of record energy prices this winter. This cut would force States to lower their benefits or serve fewer low-income individuals, many of whom are elderly and poor, many who are going without medical care, some cutting down on their food and other necessities in order to pay their heating bills.

Then, the two block grants I mentioned, the community services block grant and the social services block grant, many of the States tie these together to provide essential services for our most disadvantaged people in this country.

The community services block grant is a key safety net, providing assistance in areas such as job training, housing, and emergency food aid. This bill increases funding for the community services block grant by just a modest $40 million. The President's budget eliminated—the President's budget didn't just cut community services block grants, they zeroed it out—all $630 million zeroed out.

The other block grant, the social services block grant, addresses some of our country's most vital human services needs, such as protecting children from abuse and neglect, caring for homeless seniors, providing services to children and families with severe disabilities, to mention just a few. The President's budget slashed the social services block grant by 30 percent. Our bill says no.

The President has already cut taxes for the wealthiest Americans. We are not going to decimate programs for the poor at the same time. Enough is enough.

So the bill we have before us invests in job training and employment services programs to help Americans develop the skills they need to find work. The President's budget cut job-training programs by $1 billion; that is, from $3.6 billion last year, he would cut it to $2.6 billion. This bill rejects that. This bill also provides $483 million for community services jobs for older Americans. The President's request was $350 million, which would have actually cut a lot of seniors from the program, seniors who are already working in that program.

America's working families also count on the Labor Department to ensure that their workplaces are safe and that employers comply with labor laws. Unfortunately, the President has consistently underfunded the agencies that enforce these laws. Since 2001, OSHA—that is the Occupational Safety and Health Administration—has lost almost 10 percent of its enforcement staff because of the President's budgets. This bill charts a new course. We invest $12 million over last year to rebuild OSHA staffing.

When I describe the funding choices in this bill as ''investments,'' I choose my word carefully. It is a simple fact that when we invest in these programs, we save money in the long run and our country saves money in the long run. When the Minneapolis bridge collapsed this summer, we all talked about the large costs of failing to invest in our infrastructure, our physical infrastructure, our roads, our bridges, our highways, our rails.

Well, what about failing to invest in our human infrastructure, our people? What can be more important than that investment? We know some things. We know that early childhood education pays many dividends later on in life and saves us money. We know that quality K–12 education pays big dividends. We know that enabling kids to go to college and not be burdened with a lot of debt pays off with big dividends. We know that adding community health centers pays off, pays dividends by preventing emergency care and disability down the road. We know that job training pays big dividends by getting workers who are laid off of jobs—maybe they have gone overseas—retrained and equipped for new kinds of jobs so they can be productive, taxpaying citizens. All of what I mention pays huge future dividends.

I said earlier that this bill defines America. It is important that this bill defines America as a compassionate nation, a nation that invests in its future, a nation, as the late Senator Hubert Humphrey used to say, that meets the needs of those at the beginning of life, those in the twilight of life, and those in the shadows of life.

Again, I ask, how can we continue to pour endless billions of dollars into Iraq—more than $12 billion a month now, and counting—and yet we cut funding for the basic essential services here at home for our most needy citizens? This is a case of seriously misplaced priorities. We are doing our best to correct it in the bill before us today. Obviously, we have not been able to do everything we want or need to do, but this bill reflects the priorities of Senators on both sides of the aisle, and, as I said, we stayed within our budget allocation.

Again, given all of this, I am genuinely saddened that the President has already pledged to veto the bill. I really cannot believe the President wants us to cut funding for cancer research and other lifesaving research through the NIH. I cannot believe the President wants to cut children from the rolls of Head Start. I cannot believe the President wants to eliminate the community services block grant, which is a basic life support for many of our neediest citizens. I cannot believe the President wants to cut funding for home heating assistance for poor elderly. Yet the President's budget would require all of these cuts to essential programs and services. It would be unconscionable.

So all I can assume is that the President is getting very bad advice. Perhaps his advisers have told him to veto this bill to score some political points—whatever that might be. If so, it is bad advice because there is not an ounce of extravagance in the bill. It meets the essential needs of the American people in terms of education, health and human services, and job training. It passed out of committee 26 to 3. You cannot get much more bipartisan than that.

I might again point out, as I did earlier, that over the last 5 years, this appropriations bill—again, it was under the leadership of Senator SPECTER, and I was ranking member—every year was above the President's request. Not once did the President threaten to veto it. Well, this year, some games are being played. The President's budget slashes all these programs. We come in to replenish the money and put it in and to give modest increases, all within our budget allocation, but for the first time in 6 years the President says he is going to veto it. What is the difference? Is the only difference now that the Democrats are now in charge? Because, as I said, every year, Senator SPECTER's bill was higher than the President's request, but he never threatened to veto one of those bills and he never did. This year, he says he will. It sounds to me like the last Karl Rove tactic before he left town. This sounds like a Rove tactic.

I say to the President that he is gone, he is history—bad history, but he is history. Now, Mr. President, do the right thing. Do what we have for the last 5 years and work with Congress. We are willing to meet you halfway, as I said earlier.

One of the objections in the President's veto threat, which he sent down

here yesterday and I have here, was that he opposes overturning the President's policy regarding human embryonic stem cell research. All right. We took it out, even though Senator SPECTER and I and our committee feel very strongly about this. We have had hearings and hearings on this since 1998. Under Senator SPECTER's leadership, we have passed legislation to overturn the President's policy. I think we got, if I am not mistaken, about 66 votes in the Senate to do that. I think I am right on that. So, again, we feel strongly about that, as strongly as the President may feel about it, but in the spirit of compromise and getting our bill done and moving it ahead, we decided to take it out, and we did.

So I hope that in the next 24 hours the White House will listen to the debate and they know what is going on and they have their people up here; this is no secret—I hope the President will revisit this, and I would like to see a new Statement of Administration Policy coming down saying: You did, in good will, take out the stem cell thing, and that was half of our objection. We will meet you halfway and accept the bill as you have it.

Mr. President, that would be the good thing to do. I still am hopeful that the President will do that. There is really no justification now for vetoing this bill. If we are over what he wanted, we have been over what he wanted for the last 5 years and he never vetoed the bill. So I hope the President will send down a new statement of policy and that they will support this bill because I think the bill is going to have big support here. It passed committee 26 to 3. If I am not mistaken, those three votes were opposed to the stem cell provisions we had in the bill. Had they not been there, we would have had a unanimous vote in committee.

I think this bill will get a big vote here on the Senate floor. It would be helpful and would ease things and would, I believe, lift a lot of the contentiousness that goes on around town here if the President would come out and say: OK, we will meet you halfway; you took that out, so we will take the bill as it is. That would make things go very smoothly.

Again, we look forward to the consideration of the bill on the floor this week. We want to use our time productively. I encourage Senators, if they have amendments, to bring them to the floor in a timely fashion today so we can complete our work and get the bill to conference as soon as possible.

Senator REID said on Monday that we would stay in this week—and Saturday, if necessary—to finish this important bill. Well, I have placed all my plans on hold. I intend to be here, if necessary, Friday and Saturday—or Sunday, if necessary—to finish this vitally important bill. I take the leader at his word that we will be here Friday and Saturday if we need to be. However, if Senators come over today and offer amendments today and tomorrow, hopefully, we can finish this bill in a timely manner. Again, Mr. President, we are on the bill, and I hope Senators will come over and offer their amendments.

Mr. President, on August 2, 2007, by a vote of 83 to 14 this 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 the new rule XLIV, it is required that the chairman 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 Web site 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 110–107, dated June 29, 2007, and has been available on the Internet for 8 weeks. The Member letters concerning pecuniary interests are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the Committee on Appropriations, Senator BYRD. I ask unanimous consent to have it 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 110–107, filed on June 27, 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CIA INSPECTOR GENERAL

Mr. WYDEN. Mr. President, there was discussion on the floor this morning about intelligence matters. I wanted to spend a few minutes to discuss a matter of bipartisan concern in the Senate. What I am talking about is the very troubling development that came to light last week indicating that the head of the CIA, General Hayden, has decided to launch an investigation into the Agency's inspector general.

I and others—and I particularly commend Senator BOND, our vice chairman of the committee, for his excellent statement on this matter—are very concerned about this new development. It is particularly important that the inspector general of the Central Intelligence Agency function with independence. Because our work by its very nature—entrusted with those secrets essential to protect our country's security—has to be done in private and is classified, we need an independent inspector general to ensure accountability.

Because of a development such as this, I think this can have a chilling effect on the independence of the inspector general at the Central Intelligence Agency.

The Congress created these inspector general positions for a reason, and that is to ensure accountability, to ensure Government efficiency. Virtually all of the agencies have these key positions and, of course, it is their job to report findings to the Congress.

Perhaps General Hayden is concerned about the work of Mr. Helgerson, the inspector general for the Agency. There is an appropriate process for bringing up those concerns. If the head of the Central Intelligence Agency is concerned about how the CIA inspector general is doing his job, he ought to bring them to the President's Council on Integrity and Effectiveness.

It is my view that particular body has been handling complaints against inspectors general, and it is my view they are doing their job well and appropriately. But to have an investigation such as this, in my view, is going to interfere with the inspectors general independence. If the Director of the CIA is ordering investigations into the inspector general's activities and plans to ''suggest improvements'' for the inspector general to consider, my view is that can undermine the inspector general's independence.

I do not want to see inspectors general intimidated. That is the bottom line here, and I do not want the Director of the CIA interfering with the extraordinarily important activities of the inspector general at the Agency.

Let me also state that my concern is part of a view that there has been a pattern at the Agency of being less than transparent. I and, again, senior Members of this body, particularly Senator BOND and Senator ROBERTS, have worked very closely and in a bipartisan way to ensure that the inspector general's report on the role of the Agency in the runup to 9/11 was going to be made public. I can tell you that, unfortunately, General Hayden fought that bipartisan effort every step of the way.

The fact is, it was a balanced effort. The particular recommendations of the

inspector general were modest in nature. They did not require that anybody be fired or cavalierly dismissed. It called for what is known as an accountability board, something, again, to ensure that the watchdogs are in place to protect this country's security and do it in a fashion that is committed to the American principles of transparency and openness.

I have written Admiral McConnell who, of course, is the head of the national intelligence community, and asked him to direct General Hayden to cease and cease immediately the investigation that is now going on into the work of the inspector general at the Central Intelligence Agency.

It is my view that people who know they are doing the right thing are not afraid of oversight. It is time for the head of the intelligence community, Admiral McConnell, to put an end, and an immediate end, to General Hayden's attempt to muzzle the CIA's inspector general.

I wrap up by saying, again, we are not talking about a matter that is partisan. Senator BOND, who has been so cooperative on these matters relating to accountability and transparency, said it very well. Senator BOND said the inspector general had done great work. In his statement on this matter, Senator BOND noted that the Agency regrettably has a track record of resisting accountability.

So that is what this is all about. The ball is now in Admiral McConnell's court. It is my hope that in the next few days, Admiral McConnell will direct General Hayden to cease this investigation into the work of the CIA's inspector general.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 1 p.m., the Senate recessed until 2 p.m., and reassembled when called to order by the Acting President pro tempore.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 3328 TO AMENDMENT NO. 3325

Mr. VITTER. Mr. President, I will call up amendment No. 3328 which is at the desk, but in the interim, before I actually call it up and make it pending, I wish to discuss the Vitter amendment No. 3328. Hopefully, in a relatively short period of time, we can actually call it up and make it pending.

This amendment is very simple and very straightforward. In fact, it is something this body has seen before on other bills and has strongly voted for before. It simply prohibits any funds in this appropriations bill from being used to block the reimportation of safe prescription drugs from Canada.

All of us know that sky-high prescription drug prices are a very troubling burden every American family faces. Certainly literally every family I deal with in Louisiana deals with this issue in some form or fashion, often in the context of trying to help elderly parents or grandparents or others with very significant prescription drug costs.

One partial solution to that huge challenge is to allow American consumers to buy prescription drugs in person or through mail order or the Internet from Canada, because precisely the same prescription drugs are available in Canada—in all cases at a dramatically lower cost.

Unfortunately, in this country we have had Federal law that prevents American consumers from doing that in most cases. This amendment and other full-blown bills, some introduced by myself, others introduced by other leaders on the issue, such as Senators DORGAN and SNOWE, would lift those prohibitions and allow American consumers their rightful access to safe, cheaper prescription drugs from Canada.

This amendment is being brought on this appropriations bill for a very simple and legitimate reason. Under the current administration there has been a task force established under the Department of Health and Human Services. That task force was specifically established to coordinate all Federal Government activity by the administration to block reimportation of drugs from Canada and elsewhere. That is governed under the Department of Health and Human Services. That is organized under that Department which is governed by this bill, so this amendment will simply say: No funds in this bill going to the Department can be used for that purpose. That task force has to quit its operation. None of that money can go to support the activity of that task force, which is specifically designed to block American consumers from getting safe, cheaper prescription drugs from Canada and elsewhere.

At this point I believe it has been cleared so I wish to formally call up amendment No. 3328 and make it pending.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3328 to amendment No. 3325.

The amendment is as follows:

(Purpose: To provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

Mr. VITTER. Mr. President, this is virtually exactly the same amendment I proposed with Senator NELSON to the Homeland Security Appropriations bill. That amendment was agreed to in the Senate 68 to 32 on July 11, 2006, and was subsequently signed into law. More recently, this year we came back to the Senate floor with the same amendment on this year's Homeland Security Appropriations bill and that was agreed to by unanimous consent. So the Senate has spoken. The Senate has spoken strongly, by a vote of 68 votes or more, in support of what an even larger percentage of the American people want, and that is free, unfettered access to safe, cheaper drugs from Canada and elsewhere.

This amendment is very simple. It says none of the funds in this act, in this bill before us, can be used to stop Americans from getting the safe, cheaper prescription drugs from Canada. The amendment is very specific to Canada only.

This amendment will take us along the path toward full-blown drug reimportation. Last year we had success in allowing Americans to carry on their person these prescriptions drugs from Canada. This amendment would go further and allow that, not only on an individual American citizen's person, but also by mail order or the Internet, as long as that American citizen is not in the business of wholesaling and selling prescription drugs, as long as it is for his or her personal use.

I hope the Senate, both sides of the aisle come together as we have in the past with a strong, overwhelming majority—in the past it has been 68 votes or more—and pass this amendment and say enough is enough. Let's establish this regime of safe reimportation from Canada and elsewhere. Let's push the administration to put forward the safety mechanisms that they absolutely have the authority and ability to help lower the cost of prescription drugs for all American citizens, particularly our seniors.

I urge my colleagues to join me in this amendment.

I yield the floor. 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. 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.

ETHIOPIA

Mr. INHOFE. Mr. President, the House of Representatives has recently passed the Ethiopian Democracy and Accountability Act of 2007, H.R. 2003.

Although this legislation states that its purpose is to encourage and facilitate the consolidation of democracy and security in Ethiopia—words right out of the resolution—in reality it focuses on the shortcomings, on the problems that they face, and not on the successes the country has made.

Ethiopia takes great pride in being the oldest independent country in Africa. It continues to be a close friend of the United States, a strong ally in the war on terrorism in the Horn of Africa. I have to say that this is significant because if you kind of use your mental map of northeastern Africa and you think about the terrorist activity that has taken place in the Middle East and how it is now coming down through the Horn of Africa, through Djibouti and that area into the Uganda-Ethiopia area, it is a very significant area right now.

Now, as many of you know, I have had quite an extensive background in Africa. I think I am safe to say that I have been to Africa more than any Senator in the history of America. I have been really tied to that continent and recognize the significance in the future of our country as well as their country. It is an area of strategic importance globally to this Nation.

I have traveled to the country on several occasions, both on my own and as a Member of the Senate and the House. A short while ago, I was there with Congressman BOOZMAN from Arkansas. Throughout my travels in the region, I have met and developed friendships with many political and religious leaders.

In Addis 6 years ago, we found a little baby. The little baby was 3 days old. The baby was almost dead. It was not unusual. In some countries in Africa, they throw away mostly young baby girls. Then after about 3 days, when they die, the dogs get them. We were there before the dogs got there. I have 20 kids and grandkids of whom I am very proud. My daughter Molly had nothing but boys. She always wanted a girl. So we were able to take this little girl from Ethiopia and nurse her back to health. She had several very close calls. She is healthy and has now been here in the United States and is my adopted granddaughter. Her name is Zegita Marie, which is a very common name in Ethiopia. I say that because I do want to impress upon this group that I know something about Ethiopia. I know something about its background. I know something about its significance to our safety.

In Ethiopia, recently, I met with Prime Minister Meles, his wife. I met with members of the Parliament and with all the individuals there who are trying to do a good job. While there, I saw firsthand their democratic progress and commitment in fighting terrorism. Although I appreciate the increased attention being given to Africa, particularly Ethiopia, I believe the bill is misguided and takes the wrong approach by placing demands on a friend and ally that has made obvious advancements in democracy and human rights. While I continue to agree that the violence and intimidation that took place after the 2005 election was an unnecessary use of excessive force, the Government of Ethiopia has taken significant steps again to regain a democratic process that is fair and respectful of human rights.

On July 20, 2007, following convictions and sentencing, 38 opposition leaders were granted full pardons. All remaining members of the opposition were pardoned and released on August 18, 2007. Since these events, reforms have been made in the election process. So often we use America as a standard by which to measure democracy in other countries. It is the same problem we have in the Middle East. People say they are not reaching the goals we want them to reach, having a democracy in Iraq. Why would they? It took this country several years to come up with a democracy. Why should they be able to do it?

The same thing is true in Africa. There are some 52 countries in Africa. Just recently have they come into democratization. It has been incredibly successful in many of those areas. The United States has recognized the ongoing efforts by the Government of Ethiopia and continues to play an important role for human rights in Ethiopia. The State Department recently hosted a group of opposition political leaders and members of Parliament in DC, providing an opportunity for dialog and reconciliation. By providing training in public relations, human rights and logistics planning and coordination for military procedures, the United States is developing the Ethiopian National Defense Force into a professional and apolitical machine.

We need to understand the significance of what is going on right now. We made a decision about 6 years ago to help the Africans establish five African brigades. They are located in the north, south, east, west, and central. It happens that Ethiopia is the headquarters for the East African Brigade. This is not something we are imposing upon them, but we are saying to them: If you want to do these, we are here to help you. Our idea is, as I mentioned, there is a squeeze in the Middle East. As terrorism starts going down through Djibouti and the Horn of Africa into northeastern Africa, this is an area where if they are prepared to take care of themselves, we would not be sending our troops there. It is a well-conceived idea. There is no one area in Africa that is as significant as northeastern Africa.

Let me digress a little bit. Go to their next-door neighbor, Uganda, northern Uganda. We hear so much about problems in the Sudan and other areas. But we don't hear anything about Uganda. In northern Uganda there is a butcher by the name of Joseph Knoy who, for 30 years, has been mutilating little kids. You have heard about the children soldiers. Those soldiers are taken over by these people and trained to fight at ages 10, 11, and 12. Then once they learn to be soldiers, they have to go back to their villages and murder their parents and family. If they don't do that, they dismember them. I have been up there to Gulu and other areas, and I have seen that taking place. This is right next door. This is what is happening in that region. Ethiopia has been our strong ally in the war on terror and stands on the frontlines of the conflict in Africa. The growing instability in Somalia and the Ogaden region, combined with the unresolved border disputes between Ethiopia and Eritrea, creates serious problems. Remember what happened the other day. A few weeks ago, we were sending our troops down to Mogadishu and the Ethiopians were fighting right there by our side. That was not an easy thing for them to do. That endangered them because there are many opposition groups who would then go into Ethiopia, and they paid dearly for supporting us. But they did so. They have remained committed to promoting regional stability and eliminating any staging area for al-Qaida or other terrorist organizations. In 2006, they sent roughly 100,000 troops with us into Somalia, into Mogadishu. We were successful in defeating the Islamic coalition. They did that for us. Despite these advancements, Somalia remains a continued concern for growing extremism and the violence continues to escalate. The Ogaden region which borders Somalia is also a growing place of hostility and Islamic terrorism. The ongoing insurgency in the region has taken a drastic toll on the civilian population, significantly affecting commercial trade and humanitarian aid.

In April of 2007, due to escalating violence, the ENDF initiated a campaign against the insurgency in Ogaden. The ongoing border dispute between Ethiopia and Eritrea threatens the stability in the Horn of Africa. I have talked to Eritrea, trying to get the two parties together. It hasn't happened yet. But the Eritrean Government, along with extremist organizations in Somalia, is providing support and assistance to the Ogaden National Liberation Front. Our friend in this fight is clearly Ethiopia. The United States remains concerned about human rights violations and the lack of religious and political freedoms in Eritrea. The United States will continue to work with Ethiopia to bring stability to the region and foster respect of human rights and freedom from political or religious persecution.

Ethiopia is so significant to the Horn of Africa. It remains an area of strategic importance in the war on terror. This area is critical to stability of the entire continent of Africa and is a national security interest of the United States. Ethiopia continues to be the central bulwark in the fight to deter the growth and disrupt the influence of Islamic extremism in the region. Our country's strong support of Ethiopia during this significant time is imperative.

In spite of all these successes, in spite of what we have talked about and the significance of Ethiopia, I think we have to oppose H.R. 2003. I have talked to several people who didn't know any differently. They didn't object to this. I think it went through on a UC over there. But a lot of people couldn't find Ethiopia on a map. I don't think they realized the significance. This resolution's idea of encouraging and facilitating is to impose restrictions and ultimatums. These punitive actions could damage the bilateral relationship between the United States and the Government of Ethiopia, as well as derail progress Ethiopia has made in furtherance of democracy and supporting human rights.

I fully support the State Department's assessment. Quite often I am criticized for coming down here and opposing the State Department. More often than not, that is the case. But in this case they are exactly right. They say: The bill risks damaging our ability to influence the Government of Ethiopia, advance reform, and to deliver effective development assistance.

I will only say, then, this is a success story we have had. I can't think of anything worse for the surrounding states, and I would say all other 51 countries in Africa, than if we were to punish the very country that is being friendly to us, is helping us, fighting with us side by side, sending 100,000 troops with American troops down to Somalia and working on our side.

I hope when it comes to this side, if it does come in this form, that we will be able to resoundingly defeat it. I look forward to being in Ethiopia in about 3 weeks. I will certainly hope that I don't have to go over there after having something like this pass the Senate.

With that, 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.

Mr. DORGAN. 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. 3328

Mr. DORGAN. Mr. President, I am going to offer an amendment in a few moments. First, I would like to spend a couple minutes talking about the amendment that was offered by Senator VITTER. I have a copy of the amendment. The amendment deals with the issue of drug reimportation. It says:

> None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the FDA Cosmetic Act.

I don't have any particular problem with this amendment. It says that the FDA can't do what it is not doing. So that is largely irrelevant to me. It has an appearance of doing something, but it doesn't do anything. At the moment, if you are in Grafton, ND, and you go across the border to Winnipeg, Canada, and buy prescription drugs and bring them across, if you bring across a 90-day supply of prescription drugs for yourself, you are not going to have a problem. They allow a personal reimportation of prescription drugs because very few Americans have the opportunity to drive to Canada to access that. The one area where the Vitter amendment would allow reimportation where there needs to be some safety attached is with respect to Internet sites. But the fact is, those who are now accessing certain Internet sites are doing so, and the FDA is not intervening because they don't have the capability to intervene.

We do have a piece of legislation that is bipartisan. Senator SNOWE, Senator KENNEDY, Senator MCCAIN, Senator GRASSLEY and myself, many of us, helped write the legislation that would allow the reimportation of prescription drugs on a much broader basis, in a manner that is determined to be safe, where we would actually require Internet sites to be registered and inspected. But let me talk about that in just a moment.

Mr. President, I have kept in my desk here in the Senate something I want to show by consent. These are a couple of bottles of Lipitor. Lipitor is, I think, the most common and perhaps the most popular cholesterol-lowering drug. These two bottles contain 20-milligram tablets of Lipitor. As you can see, the bottles of Lipitor are identical, with the exception of the color—one is blue and one is red on the label. Both of these bottles of Lipitor tablets were made in Ireland. They put some in this bottle, they put some in this bottle, and then they start sending them around. They sent this bottle to the United States, and they sent this bottle to Canada.

Now, understand this: This is an FDA-approved drug, produced in an FDA-approved plant in Ireland, sent to our country, sent to Canada—the same pill, put in the same bottle, made in the same place, FDA-approved. Difference? Well, one has a red label, one has a blue label. And there is another very big difference: one costs twice as much. There is a 96-percent higher price on the one the Americans get to purchase. Difference? Well, no difference in the pill, no difference in the bottle; it is just the American consumer gets to pay twice as much. Now, why is that the case? Well, I could hold up a dozen bottles of medicine and describe many popular brand names and tell you exactly the same thing.

In fact, I will tell you a story. Sitting on a bale of straw once at the farmstead in central North Dakota on a Sunday afternoon, visiting with a group of people, was an 82-, 84-year-old farmer. I was in the farmyard visiting with some farmers at an afternoon stop, and this old codger, a wonderful old guy, said: ''One of the problems me and the Mrs. have had—yes, that is what he said—''One of the problems me and the Mrs. have had is being able to afford prescription drugs. My wife has been fighting breast cancer for a long time. For the last 3 or 4 years, she has been fighting breast cancer. And do you know what? Every 3 months we have had to drive to Canada to buy Tamoxifen to fight her breast cancer. Why do we do that? Because we save 80 percent on the cost, and that is the only way we can afford to buy the medicine, the Tamoxifen for my wife to fight her breast cancer.''

Isn't that something? This guy sitting on a bale of straw, talking to me about what he has to do every 3 months to be able to afford the medicine his wife needs to fight breast cancer.

Now, that is Tamoxifen. We pay, in some cases, 2 times more or 3 times more for the same medicine, so we then have a woman fighting cancer and then fighting the issue of having to pay 2 or 3 times as much for the medicine.

Now, first of all, this is unfair. There is no circumstance under which we ought to ask the American people to pay the highest drug prices in the world for FDA-approved drugs. It is not fair, and it should not happen.

Now, how does it happen that they can enforce this, the pharmaceutical industry can enforce this? Well, they have a law that says the only ability to import drugs into this country is by the pharmaceutical manufacturer itself, the company itself. They are the ones who are able to import. Now, I just mention to you that as a matter of practice, they allow a personal supply of drugs to come across the border for about 90 days' worth of drugs. They do that. But, otherwise, if you are a licensed pharmacist or a wholesaler and you buy an FDA-approved drug, you cannot bring it into this country.

By contrast, let me just describe this: 40 percent of the active ingredients in prescription drugs in this country come from China and India. Forty percent of the active ingredients in our prescription drugs come from China and India.

Let me tell you another statistic that I think is interesting. In this country, we had 1,200-plus inspections of pharmaceutical plants that are producing medicines for the American people—1,200 inspections. Forty percent of the active ingredients for our prescription drugs comes from China

and India, and we have had, in 2006, 16 inspections in China and 62 inspections in India—1,222 inspections in the United States. Isn't that interesting?

I tell you all that as a bit of history just to say this issue of prescription drugs is not new. A bipartisan group of us has worked for a long while on this issue, and we are going to win this issue. It has taken us longer than we had hoped, but we are going to win this issue because it is not fair for the American people to be charged the highest prices in the world for prescription drugs.

We have so far not been able to prevail, not because someone comes to the floor of the Senate and thumbs their suspender and tugs in their trousers and puffs out like a puff adder and says: I stand up here for the pharmaceutical industry; the American people ought to be charged the highest price in the world. Nobody has ever done that. There are other ways to try to derail legislation like this. But, ultimately, I think we will win. We have a wide bipartisan group of Senators who believe we must fix this. Now, how do we fix it? We fix it in a way that allows the reimportation of prescription drugs only from FDA-approved plants, only in circumstances where we apply pedigrees and lot numbers so you can track it back. For example, you could not import from an Internet site unless that Internet site had been inspected and certified to make sure this is a safe source from which to order prescription drugs.

We have a piece of legislation we believe—and almost everyone who has testified in hearings believes—solves all of those problems, including dramatically increasing the security of all the other issues that are now being complained about with respect to counterfeit drugs. How does it happen we have counterfeit drugs? Well, it happens because we do not have enough inspections. We do not have enough attention to these things. We do not have a pedigree requirement. There are a number of things our legislation would require. But at that point, we would allow the American people to have access to this market and be able to shop for an FDA-approved drug from a country in which they pay one-half, one-fourth, and in some cases one-tenth the price the American consumer is charged.

So let me say, I do not object to the Vitter amendment. I would hope they would just take it. It has been offered to other issues. I would just say, however, that it really does not do much because it is saying to the agency: Don't do what you are not doing. I do not have objection to that. But I do want to say this: There is a serious approach with respect to prescription drug issues that we need to get about the business of dealing with, and we are trying very hard to get it to the floor and get it passed. We will get that done at some point soon, in my judgment.

Having said that, I would like to offer an amendment to the underlying bill. Before I do, I think this is not only an obligation but an opportunity for me to say to Senator HARKIN and Senator SPECTER and others who have worked on the legislation that I think they have done an awfully good job in putting together legislation that invests in people's lives and invests in the health of this country, and I appreciate their work a lot. So I just want to say thanks. This is a big piece of legislation. It is hard to put together. It is not an easy job to carry this to the floor of the Senate, so thanks for what they have done.

AMENDMENT NO. 3335 TO AMENDMENT NO. 3325

Mr. President, if there is an amendment pending, I ask unanimous consent that the pending amendment be set aside so I might send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3335 to amendment No. 3325.

Mr. DORGAN. Mr. President, 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 increase funding for the State Heart Disease and Stroke Prevention Program of the Centers of Disease Control and Prevention)

On page 59, line 22, insert before the semicolon the following: '', of which $5,000,000 shall be made available to the Centers for Disease Control and Prevention as an additional amount to make grants under the State Heart Disease and Stroke Prevention Program''.

Mr. DORGAN. Mr. President, this issue is not a large issue in the context of the bill that has been brought to the floor of the Senate—it deals with $5 million of resources—but I want to talk just for a few moments about it. It deals with the issue of heart disease and stroke.

There is no one in this Chamber, I expect, who has not been affected by heart disease in dramatic ways. I lost a beautiful young daughter to heart surgery, and I think of her every day. I have dedicated a lot of my time and interest in working with the American Heart Association and many others to find the resources to continue to invest in the research and unlock the mysteries of this terrible disease.

It is estimated that about 80 million American adults—1 in 3 males and females—suffer from heart disease. It is estimated that an American dies from cardiovascular disease every 35 seconds in this country. It has a very steep price tag. I know it. My family knows it. Perhaps, I would guess, every Member of the Senate knows it from having lost a friend, an acquaintance, a family member. The medical expenses attributable to heart disease in this country are about $430 billion a year, including lost productivity. But the good news is that this is one of those diseases where we have made substantial progress. In the past 50 years, the fight against heart disease and stroke has been pretty remarkable.

I recall Senator HARKIN, and myself, and Senator SPECTER—I think there were five or six or seven of us who decided we were going to double the investment in the National Institutes of Health. As I recall, about then we were funding it at around $12 billion a year. A group of us decided: What better investment in this country's future than to decide to double the amount of money at the National Institutes of Health to research and to discover opportunities to cure these terrible diseases and treat these awful diseases. I am so proud of what has been done. It is pretty remarkable.

I heard this morning at a hearing over in the Commerce Committee something I have heard so often that I am so sick and tired of. One of our colleagues said there is nothing the Federal Government does that is really worth anything, nothing the Federal Government manages that ever works out.

Well, let me tell you something. Dr. Francis Collins is one of the significant people who engaged in something that, by the way, came from earmarked funding, started here in the U.S. Congress, right here in the U.S. Senate, the Human Genome Project. Do you know that? As a result of the Human Genome Project, we now have unlocked the mysteries of the genetic code. We now, for the first time, have an owner's manual for the human body. Do you know what that means? Well, not a lot of people understand it every day, but every single day, scientists and researchers are understanding those genetic codes and making giant strides in beginning to find cures for diseases.

Dr. Francis Collins came back from Cambridge, England, about, oh, maybe 2 months ago, and I saw him at Dulles Airport when he landed. He had gone for a conference in England about how the researchers were using the genetic information from the Human Genome Project. He said: I thought it was going to take much, much longer. What is going on now is breathtaking in using the Human Genome Project to find the opportunity to treat and to cure some of these diseases. He said it is breathtaking.

That is the Federal Government. This is a civil servant, by the way. As to the research that is going on at NIH, these are people on the Federal payroll. So to my colleagues who think nothing works, let me just tell you something: There is only one place on Earth where the Human Genome Project reached success. And, yes, it was a collaboration, but we did it. It is going to improve lives, and it is going to unlock

the mysteries of terrible diseases. It was a good thing to do.

But my point is, Senator HARKIN and Senator SPECTER were two—and I think Senator FEINSTEIN—and I was one who decided we were going to double the research funding at the National Institutes of Health. Guess what that has done for this country. It allows me to stand here and say we are making great progress on heart disease. We really are. The survival rates for cancer are up. So we are making progress.

The reason I wanted to offer this amendment is this amendment deals with heart disease and stroke. We know the risk factors for heart disease and stroke. We know if you understand the risk factors, you can substantially reduce the risk of heart disease and stroke—by not smoking, by maintaining a healthy weight, and avoiding diabetes, high blood pressure, high cholesterol. We know you can do that. In fact, by taking these steps, individuals often can add 10 years to their lives. So we have made some progress by making investments. There is a long way to go. We have 105 million Americans who have high cholesterol and 72 million Americans have high blood pressure, so we have to do a much better job of educating the public about cardiovascular disease. That is the goal of what is called the State Heart Disease and Stroke Prevention Program at CDC.

What I have offered, very simply, as I close, is a $5 million addition to the State Heart Disease and Stroke Prevention Program at CDC. It is a program that works. We know it works. It needs this additional funding to make it more widely available. This initiative will help States create the programs, the private-public sector partnerships, that will help individuals in controlling blood pressure, lowering cholesterol, and learning the signs and symptoms of heart disease and stroke.

This is a program that we know works. I am hoping that finding an offset, which I have suggested in my amendment, would allow us to accept the amendment. I did not intend to take quite this length of time, but I needed only to say to Senator HARKIN and Senator SPECTER how much I appreciate their work, and my hope is that having highly complimented them, they will be motivated to accept this amendment. I compliment them even if they do not accept it, but I have high hopes.

Mr. HARKIN. Mr. President, I thank the Senator from North Dakota for his longstanding effort to give our consumers a better shake when it comes to drug prices in this country. I also thank him for all of his help and support over the years for funding for NIH. I know of his intense interest, of course, in heart disease. The amendment is a good amendment. It is one I can support. We are trying to work it out now, of course, in terms of the offset. Our staffs will be working on it and hopefully we will be able to have that worked out.

Hopefully we can set this amendment aside for right now and move on to other amendments, but I assure my friend from North Dakota we will get this worked out one way or the other.

Also, on the Vitter amendment, I understand we don't have a clearance on that either at this time, so I ask to set that aside also so we can move on with other amendments.

AMENDMENT NO. 3336 TO AMENDMENT NO. 3325

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KYL, proposes an amendment numbered 3336 to amendment No. 3325.

Mrs. FEINSTEIN. 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 funding for a feasibility study on the child abuse and neglect registry)

On page 64, line 5, insert before the period the following: ''*Provided further*, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act''.

Mrs. FEINSTEIN. Mr. President, let me quickly give the background on this. In May of 2007, Senator KYL, Senator DOLE, Senator BOXER, Senator LOTT, and myself sent a letter to Michael Leavitt, the Secretary of HHS. We pointed out that the Adam Walsh Child Protection and Safety Act was passed in July of 2006. Pursuant to that act, there were to be two registries set up. The first registry was to be located at the Department of Justice and it would require the establishment of a national sex offender registry which would track details of convicted sex offenders and make the information electronically available to authorities in all jurisdictions, and even the public at large. This registry is up and functioning.

The second registry authorized by the new law was a national registry of substantiated cases of child abuse and neglect. That was directed to be located at the Department of Health and Human Services. This registry is a different but equally vital resource intended for child protection authorities only. Believe it or not, each State already collects information on substantiated cases of abuse and neglect, but once an investigation is under way, adult perpetrators of violence or neglect on children need only to move to another State to escape, and this is the difficult part, because there may be no trace, no record kept that the new State can easily access. In this way, some children may never escape abuse in their own home, because the offender can simply move.

Essentially what we have in this amendment is a request for funding of $500,000 to complete the necessary feasibility study which is the first step to the establishment of a national child abuse registry. I have spoken to the chairman of the committee, Senator HARKIN. I submit this on behalf of Senator KYL and myself. I haven't had a chance to talk to the others—Senators BOXER, LOTT, and DOLE—but I am sure they would be associated with this as well. It is $500,000 for the feasibility study, and my hope is it can be accepted.

I thank the Chair, and I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California again for her championing this issue for a long time. This amendment from Senator FEINSTEIN will provide funds for a feasibility study so no offset is needed since funds are set aside within the existing total for HHS general departmental management. The Adam Walsh Child Protection Safety Act of 2006 required the Secretary of HHS to create an electronic national registry of substantiated cases of child abuse and neglect. They have not yet created that registry. There have been some problems that have been raised about this, and the feasibility study amendment Senator FEINSTEIN has offered will address several implementation concerns regarding the establishment of the registry.

So again, I support the amendment. We can accept it. I believe it has been cleared on both sides, so we will accept the amendment.

Mrs. FEINSTEIN. Mr. President, I thank the chairman and ranking member. It is my understanding that—we were told, at least—HHS couldn't do this because they didn't have the money, so this would make that money available and hopefully we will get it. So I thank the Senator very much.

Mr. HARKIN. Yes, the $500,000 will get the job done.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3336) was agreed to.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I know the Senator from Alabama is going to speak. He was kind enough to let me make these comments since we are on the Labor-HHS appropriations bill in the field of health. There are a lot of provisions in this appropriations bill that are absolutely necessary.

On the subject of health, we have a critical vote that is being taken tomorrow in the House of Representatives. It is on the question of the override of the President's veto of the Children's Health Insurance Program. This is a plan that was established about 10 years ago, recognizing that there are children whose health care needs are not paid for by Medicaid because their parents earn too much money to qualify for Medicaid but whose family incomes for those children are such that they are not high enough for the family to afford health insurance for their children.

What is the cost to society down the road if children's health is not addressed in those early years and medical complications are manifest in later years? Ultimately, the cost to society overall is much greater. So it makes good common sense, even good common financial sense, that we try to address health care needs for children, and that is an appropriate role for the Federal Government to assist if the parents of those children cannot afford that health care.

That is what the Children's Health Insurance Program, CHIP, is all about. There are different people who handle it different ways in different States. In my State of Florida, we recognized this was a problem, and we set up what was called the Healthy Kids Program under Federal law, of which there was a program to expand health insurance distributed through the schools so we had a point of contact—with an eligibility of the child according to their eligibility in the School Lunch Program—which was a determination of whether the child met that family income level. It was a tremendously successful program before this Federal program was ever set up 10 years ago.

Now we are at the moment of truth of whether we are going to reauthorize this program and whether we are going to expand it.

There are, for example, in my State of Florida, 700,000 children who are not covered by health insurance. This new program of expansion to cover the 6.6 million currently enrolled kids, plus another 3.2 million kids—a modest increase—is only going to cover about 350,000 to 400,000 more in my State of those 700,000. It is not going to get all the kids, but at least it is a step in the right direction.

Back in that early program, before this Federal program was set up, I was the chairman of the board of the Healthy Kids Corporation that reached these children. Time after time, we would have parents come to us in tears to what this program had done for that child who had this or that malady and that because they had health insurance, in a lot of cases, through preventive care, they diagnosed that malady and got the proper treatment for the child.

There is nothing like the agony of a parent who cannot provide the health care for their child because they cannot financially afford it, and that is what this program, the Children's Health Insurance Program, set out to do.

In the course of the debate on this legislation, and if the House of Representatives tomorrow overrides the veto, it is going to come to us. I think we have the number of votes in the Senate to override. There will be a lot of speeches about the legislation. It is amazing to me the number of misstatements that have been made about this bill and the likes of respected Senators, such as Senator GRASSLEY of Iowa and Senator HATCH of Utah, have come to this Chamber and pointed out that misinformation and those misstatements about this bill. There are misstatements even coming out of the White House in the veto message.

This legislation does not try to substitute adults for children. The whole program is about providing insurance for children. Of the 6.6 million children who are currently enrolled under CHIP, 91 percent of them are in families with incomes at or below 200 percent of the poverty level. That is approximately at or below $40,000 of income for a family of four.

It simply does not provide—and I will not go into the details—this is not a program for adults. About the only adults who are going to get some care under this legislation are pregnant women. It will allow the States the option of providing coverage to pregnant women, but the pregnant women are the very women who are about to have the child, and we want to make sure she has the help in order to deliver a healthy baby.

These scare stories people throw up about this being for adults—as a matter of fact, the reform legislation cracks down on a lot of the potential eligibility that the States were allowed to get waivers in order to cover adults. This stops a lot of that practice.

Contrary to what I have heard other people saying, this legislation does not provide insurance for families that make over $80,000 a year.

It becomes clear, it seems to this Senator, that it is common sense that when it comes to children's health, that is in everybody's interest. No matter whether you come from a red State or a blue State, whether you sit on that side of the aisle or this side of the aisle, healthy children is the commonsense interest for us to have for all of America.

I certainly look forward to the House providing an override, and if, for some reason, they do not provide that override of the President's veto and we get it, that we can do the override, and then we are going to have to continue to work to ensure that we achieve a reauthorization of this bill that puts the health of our children ahead of partisan politics.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3324

Mr. SESSIONS. Mr. President, I wish to take a few moments now and call up my amendment. I wish to make some comments about amendment No. 3324. It is an important amendment that deals with an issue that is too often overlooked, and I will share my thoughts about it.

The amendment will restore funding to the Office of Labor and Management Standards at the Department of Labor by increasing funding at OLMS by $5 million. There is an important principle involved here. Union members should have the same protection of their moneys that stockholders have in businesses. In many ways, they deserve better protection than stockholders.

The Office of Labor and Management Standards is to union transparency and integrity what the SEC, the Securities and Exchange Commission, is to corporate accountability. Yet for fiscal year 2008, the Senate appropriations bill that is now before the Senate funded the SEC at $905 million. That is $12 million above the fiscal year 2007 level and at the requested level of the President's budget.

The Office of Labor and Management Standards is the only Federal agency created to protect rank-and-file union members. It enforces the Labor Management Reporting and Disclosure Act of 1959, which requires financial disclosure by labor unions and union officers. It requires disclosure, that is all it does.

This office audits, in addition, union books to detect embezzlement and other thefts of union members' dues and ensures fair elections of union officers.

The mission of the OLMS, referred to on this chart, is to provide union financial transparency; that is, it would require the officers to tell their members how they are spending their money. That is all it does. It does not tell them what they must spend it on. It requires that they give a fair report of the money they obtain from their members.

It has as its mission to protect union financial integrity. As I will point out, we have had quite a problem with that issue over the years.

It will safeguard union democracy. That is fair elections in unions.

All those points are important issues. Anyone close to this issue for the last 50 years knows we have had constant problems in this area. This is popular with the union members and is the right thing for us to do.

This office has been funded at $47.8 million, and it has shown big results. It

is a small agency that is showing big results, and I will talk about that point.

From 2001 to 2007, OLMS investigations have resulted in 796 convictions—that is since 2001—and have resulted in court-ordered restitutions to unions and to union members of $101 million. Those are pretty good results.

I am going to explain in a moment how they are vastly underfunded already. We need more. I will go into that issue in a moment.

Since 2001, OLMS has recovered, as I noted, $101 million. I doubt that is all that was stolen. No doubt it is not all that was stolen. This is what was actually ordered and recovered in restitution. I would say that, by any standard, $101 million is a lot of money.

Since 2001, the work by OLMS has resulted in convictions and restitution, so we are talking about an agency that is working on behalf of the American worker, ensuring the American worker knows how the union dues they have contributed are being spent. When it is clear their money is being abused, OLMS works to fairly return the money to them; this is a good program and an important program.

Embezzlement is not something the American people support. We as a Congress are focusing on transparency in a lot of different areas, and it is embarrassing that our colleagues have decided to cut funding in the one office in the whole Federal Government, the only one, that is required to carry out this job with regard to our unions.

Let me show this chart. As a Federal prosecutor myself for a number of years, I have to say I am impressed with these numbers. Since 2001, 95 percent of indictments that have been produced as a result of OLMS investigations have resulted in convictions. That is a pretty good success rate. So it is clear they are not picking on people who have made honest mistakes or where honest errors are occurring and people are doing what they are supposed to do as union leaders.

In fact, they have offices strategically placed around the country. Every union in the country has OLMS employees who live within driving distances of their offices. They are ready to help the union leaders figure out how to complete any required forms and disclosures. They are prepared to assist in any problems that arise in union elections. They are a resource and were not created as a punishing tool for unions.

We are not, as a part of this amendment, and those who support this amendment, out to kick labor unions around. We are trying to make sure they comply with the law and ensure that the rank-and-file members have someone watching out for them and their money. It is clear from these statistics that there is still a need for oversight, sunlight, and transparency. That is clear. We have a problem out there and it still exists. It is painfully clear we need to be monitoring union officials who are taking bribes—and some have been convicted of that—who are involved in racketeering and stealing hard-earned money from working Americans.

Since 2001, OLMS has been able to audit only 3,275 of the 26,000 unions on record. They are supposed to be auditing these unions, but, in fact, since 2001, they have only been able to audit 12½ percent of the unions on record. I have to tell you, if you do more audits, you are going to have less criminal activity. It is when people know they are not being watched, know they are not likely to be audited, that they take chances and make mistakes and get themselves in trouble and cost their union members a lot of money.

OLMS, in the year 2000, only did 204 audits out of well over 20,000 unions. That is the equivalent of a union being audited once every 133 years. Last year, OLMS did 736 audits, which translates into an audit every 33 years. So we are doing better, but we are still a long way from a regular audit program.

Now, with the $2 million reduction in funding—and you have a cost-of-living increase with salaries and electricity and all those kinds of things that tend to go up—if you have taken a flat net reduction of $2 million in funding, there will be approximately 350 fewer audits each year. That is about half.

Shouldn't we be seeking more audits, considering that from the 3,267 audits that were completed between 2000 and 2007 there came 827 indictments and 796 convictions? I think so. I think this is a good investment for our country.

Now, in the very few reports OLMS audited, evidence was found in many of them that warranted other action. In my home State of Alabama, 41 audits were completed, and from that came 20 convictions; that is, almost half the audits resulted in some conviction.

Here in the District of Columbia, 30 audits were completed, resulting in 27 convictions. One of those was the Washington Teachers Union. Let me give that example. On October 23 of last year, in the U.S. District Court, Cheryl Martin, the daughter of a former Washington Teachers Union executive assistant to the president, Gwendolyn Hemphill, was sentenced to a probationary sentence—which she should be most thankful for, it appears to me—for her role in an embezzlement scheme which defrauded the union of $4.6 million. Right here, just last October. She pled guilty to conspiracy to laundering money and for assisting her husband Michael Martin in laundering more than $500,000 in Washington Teachers Union members' funds, most of which were funneled back to Hemphill and the then WTU president, Barbara Bullock.

Well, that is quite a lot—$4.6 million stolen from only about 5,000 union members. That is about $1,000 a member. This isn't chickenfeed, it is real money. I have heard stories of how some of those very same teachers who lost their money through union embezzlement are the same ones buying pencils, books, and supplies for their students out of their own pockets. So despite what some might say, convicting people who steal from unions and seeking restitution is not anti-union activity; it is pro-union activity.

There are many cases such as this that need transparency to come to light. Since 2001, the administration, President Bush, and Secretary Chao have worked hard to reach consensus on how best to work with the unions to get voluntary compliance on disclosure forms that the law requires them to make. But, still, many unions are not reporting as they are required to do. This chart shows, unfortunately, that the compliance rate for unions is only 64 percent, with 36 percent failing to comply.

That is an unacceptable number. If this were the Securities and Exchange Commission, we would not accept the fact that our stockholders and employees are placed at risk because those entities, those corporations, are not being monitored. If it were the Federal Election Commission and we didn't submit our financial disclosures on time, people would be very critical. Somebody would probably ask that we step down from our offices as we would be committing a violation of the law. However, we don't seem to be as willing to protect our workers and the money they pay in to their unions.

The way this works here, we have public access when these forms are reported, the ones that do, and you can call or go to the Department of Labor in person or get online information at www.unionreports.gov and review these reports.

Now, union members care about this. It is most valuable information to union members—those people in the town who know the community, they know the company, they know the union, they know their coworkers, the stewards, the union reps, the employees. By law they are required to have this information to see what is being done with the money. Union members want to know how their dues are being spent, and it is clear they are looking to see how their money is spent.

Between May of 2006 and May of 2007, in the past year, there were 767,000 hits on the OLMS Web site, an average of over 2,000 a day. People are looking to see how their bosses are spending their money. According to a 2004 Zogby poll, 71 percent of union members want disclosure. They want to know how their funds are being spent. The foundations of this transparency were established in the 1950s when the Labor-Management Reporting and Disclosure Act of 1959 was passed.

Transparency and sunlight—full disclosure of financial gains and losses. These are the tenets that Senator Kennedy, John Kennedy, former President Kennedy, and the McClellan Commission report, set in place 50 years ago to

protect union members, our hard-working Americans, from corruption, bribery, coercion, or maybe worse.

The data shows the actions OLMS is taking in pursuing corruption are spot on. They are doing what they should be doing; they just don't have enough resources now to do it. They certainly don't need a cut in their budget.

When President Bush took office and Secretary Elaine Chao was appointed to be the Secretary of Labor—and she has done a fantastic job, in my opinion—they quickly learned that most union members didn't even know they had rights or what agency would enforce those rights if they were abused. Now there are posters placed at every union workplace stating clearly the rights and duties of unions and employees.

The funding increase proposed in this amendment, which I will be offering, I believe is warranted as OLMS is showing substantive results that are benefitting rank-and-file members, and providing valuable resources to union leaders as so many of them work to uphold the law, but they need assistance in doing that correctly. In fact, the Department of Labor has gone to great lengths to ensure that labor union officials have all the help they need and that the reporting requirements are reasonable.

To make the rules fair, you must sometimes work out problems you have and decrease the burden. Over the years, the Secretary has consulted with labor leaders, has made the forms easier to understand, has worked closely with the AFL–CIO and other unions to create exceptions, exemptions, and to simplify reporting requirements where possible. But you have to know where the money is being spent ultimately. DOL last year added examples and further guidance to one of the forms that is required, the LM 30.

OLMS has been funded below the requested level for the last several years. This is beginning to accumulate in a way that is hurting their ability to meet their needs. This is the level requested by the President to keep this agency on track, and we have been seeing a decline in funding. Last year, the budget was $47.753 million. This year, the committee bill cuts it by $2 million to $45.737 million. With all due respect, I think that is a bad decision. We have a lot of increases in this agency. It is a very important agency, but that is a major reduction when you see it has continued to fall behind what we projected their growth to be.

This agency has seen difficult times. It does seem to be an issue that is political, I have to say. During the Clinton administration, OLMS was cut to only 260 employees. Understaffed, the division was purposefully and expressly prohibited from even carrying out the enforcement duties the law required. This administration has at least attempted to restore resources to OLMS so it can carry out its mission. Even so, the President's fiscal year 2008 staffing request for only 369 FTEs—that is full-time personnel—is still below the 1985 level, which was 463.

Now, as you can see, the trend has turned away from providing even those resources, resulting in a more substantial cut. It indicates to me that if we maintain this level, this Congress is not interested in seeing that this agency, the only one in Government empowered and given the responsibility of enforcing integrity in unions, would be reduced in its ability to do so, to a precarious level indeed.

In fact, OLMS was the only enforcement agency, the only one in the Labor Department, that received a budget cut during the congressional markup of that bill. It is the only one in this bill on the floor now, the only office at this agency, that got a cut. The Appropriations Committee increased the Department's overall budget by $937 million above what the President requested for the Department of Labor. The only cut in the Department's budget, which totals $10 billion, was an $2 million cut for OLMS.

Senator John F. Kennedy was instrumental in passing this act in 1959 and the act says that a member:

> . . . must have access to union financial records and has the right to recover misappropriated union assets on behalf of a union when the union fails to do so.

That is what the act called for. Senator Kennedy spoke on it aggressively. Then Senator Kennedy, later President Kennedy, said:

> The racketeers will not like it, the antilabor extremists around the country will not like it, but I am confident the American people, and the overwhelmingly honest rank and file union members, will benefit from this measure for many years to come.

That was in 1959, almost 50 years ago. He said they will benefit from this law for many years to come, and I submit they have: 796 crooks have been convicted, $101 million in restitution has been received in the last 6 years.

Senator ROBERT BYRD, a champion of union rights who, I have to tell you—isn't it something? is still a Member of this Senate—he was active in this debate. During that time, he got a letter from a member of the UMWA in West Virginia. They sent him a letter condemning his vote for it.

Senator BYRD, who still retains great respect in the union membership—and leadership, too, for that matter—this is how he responded on the floor of the Senate:

> The bill which passed the Congress will not hurt honest unions, and it will give added protection to the rank-and-file members in the unions. Honest union leaders have nothing to fear from the legislation . . . the corruption and racketeering that have been revealed in the fields of both labor and management made it imperative that some kind of legislation be enacted.

I applaud the efforts of OLMS to pursue those who are misusing their power over our hard-working union members, those who are using that money for their personal benefit, abusing their position by squandering the hard-earned dollars of working Americans.

Let me mention this story about the United Transportation Union. I think it highlights what can happen when there is no consistent oversight. I have a photograph that was taken in the course of an investigation that shows a person handing over money in a corrupt transaction. What is happening here is that the money is being given by a designated UTU legal counsel named Victor Bieganowski. The person receiving the money was John Russell Rookard, 58, of Olalla, WA, a top special assistant to Byron Alfred Boyd. Mr. Boyd was president of the UTU at the time.

This picture shows the handing over of the money. There was an undercover agent working there and they recorded the deal.

In 2004, Boyd, the international president of UTU, the nation's largest railroad operating union, pleaded guilty to participating in a bribery scheme involving Houston lawyers. Union officials extorted bribes from the lawyers in exchange for access to union members who might have been injured so they could file lawsuits.

As a March 12, 2004, Houston Chronicle article explains, Byron Alfred Boyd, Jr., 57, of Seattle, is the last of four officials of the United Transportation Union to plead guilty—he admitted that he did it—in a plan to extort bribes from the lawyers in exchange for access to injured union members. He admitted using the bribes obtained from the lawyers, extorted from lawyers, to gain control of the union. He used it for his political strength too. He persuaded former union president Charles Leonard Little, 69, to resign in exchange for $100,000 and a new pickup, so Boyd could assume the post. He wanted to be president of the union. He goes to the former President and offers him $100,000 and a new pickup to resign so he could be president.

Mr. Little should have been a little bit more careful before he resigned because when he resigned he never got his money, but he was out of office. Little also pleaded guilty last year, as did the former union insurance director, Ralph John Dennis, 51. The man in this picture, John Russell Rookard, 58, of Olalla, WA, a top assistant to Boyd, also pleaded guilty. The indictment alleged that some union presidents determined which lawyers were to be included on the union's designated counsel list. That position was coveted and very valuable because he gave those lawyers easier access to get clients from union members who might have been injured. They would therefore be able to make a lot of money off lucrative personal injury lawsuits.

At the time of the indictments, 56 lawyers were on the list, including 6 in Texas. Unfortunately, we have example after example of this kind of disregard for doing the right thing with the money of our hardworking Americans.

On August 31, let me note, Judy A. Thurman, former treasurer of Federated Independent Texas Union Local

900, pled guilty in the U.S. District Court for the Northern District of Texas to embezzlement of union funds totaling $164,268.50. That is a lot of money.

We also have election violations. Assisting labor unions when problems arise in elections is an OLMS responsibility. One union officer generated over 300 phony ballots using the union's computer. He marked the ballots for himself—who else, I suppose—placed them in false return envelopes and returned them to the union, where they were subsequently counted in the election. Those kinds of things are hard for an average union member to understand, ascertain or prove. An agency such as this, that knows how to investigate and prove these things, can make sure our elections in unions are legitimate.

All of us in this Senate know we have to have good staff, and Liz Stillwell, with me, is very much that. So staff capacity at OLMS is an important reason I have introduced this amendment. In 1992, staffing at OLMS was around 392. During the Clinton administration, it was cut back to 260. Today it is back up to 315, which is a little better. As you can see from this chart, the cuts have hit the Department hard. As a result, they are still unable to audit more than 2 to 4 percent of the total unions each year. Only 12 percent of unions have ever been audited. Of those audited, there have been 796 convictions. It tells us something.

Let me say this. I spent most of my professional career as a Federal prosecutor. I prosecuted labor cases. But let me say, if you don't want to have these convictions, if you don't want to have this kind of theft from union members, let me tell you how to stop it. Have regular audits. Once everybody knows the money is going to be accounted for, that somebody is going to be watching closely, they are not going to steal. It is when there are no controls that people feel they are out on their own in some town or city or wherever, and nobody is looking, there is lots of money coming through the headquarters there and they have an opportunity to get it and they think no one is going to know it—temptation takes over.

It will happen to anybody, not just union members or business people; it could happen to anybody when that kind of money is lying around. It happens in churches. People steal from churches. They have an opportunity and nobody has an ability to watch and account for it. If we want to end this kind of thing and strengthen unions and create a better reputation and environment, we need to step up prosecutions and we will begin to see a major reduction in crime, fraud, and abuse. That is the way it is.

Since 1959, when Senators BYRD and KENNEDY and other leaders passed the Labor Management Reporting and Disclosure Act, these priorities that I mentioned have been the guiding standards of this agency. The standards are to promote union democracy, protect union members' funds, protect American workers and fight labor racketeering.

This $2 million cut is not aimed at an anti-union agency. It is, I have to say, an act that appears political and it appears it is conceding and giving in to union leaders and forgetting the interests of union members.

I know a lot of the union leadership have complained about this law. They don't want to have to file a reporting document. They don't want to have to put it in—36 percent of them are not getting it in on time or at all. But who are we representing? I say we ought to represent union members and 71 percent of them want this disclosure; over 700,000 last year checked their union leadership reports on the Web site to see how their money was being spent. What is wrong with that?

When it was created by Senators KENNEDY and BYRD and others, it was not to shut down unions, it was to shut down theft, waste, fraud, abuse, criminal activity. Of around 26,000 unions active today, only 2 to 4 percent have been audited each year since 2001; only 12 percent have been audited at all. A quarter of the unions audited, 25 percent, have been found to be in violation of the law; 75 have been correct, were not found in violation. But 25 percent were found in violation. If we did those audits more regularly, we would have fewer problems with compliance, we would have fewer criminal convictions, we would have less restitution to have to be paid as a result of theft and abuse of the money.

This transparency will help us there. When you turn on the lights, you can actually see what is going on and take action to fix the wrongdoing. So I hope somehow we can work through this.

I know the managers of this bill have done a tremendous job. They had thousands and thousands of people making suggestions on thousands and thousands of issues. Then, to have somebody such as me come in and tell them this is what I think you ought to do—one more time, I am sure our colleagues such as Senator HARKIN and SPECTER get tired of everybody's complaining. But I think we ought to work on this. I think this reduction in funding cuts from an agency that is actually doing a good job.

We ought to encourage that agency to do a better job and actually increase their funding more. So I am asking simply that $5 million be put back in, which would bring it a little bit above last year's appropriations for the agency so they can at least stay on track of inflation and everything to continue at the same level of auditing and investigating they are now doing. I wish we could do more. Frankly, I wish we would. This would be my suggestion.

I continue to look forward to perhaps seeing if we could reach some sort of accord on this. I ask my colleagues to study it carefully. I urge them to vote in support of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Iowa.

Mr. HARKIN. 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.

Mr. HARKIN. 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. 3339 TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I have an amendment I am offering on behalf of Senator SMITH of Oregon. I send it to the desk and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SMITH, proposes an amendment numbered 3339 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To provide a technical correction to suicide prevention grants authorized under the Garrett Lee Smith Memorial Act)

On page 49, line 19, insert before the period the following: ''*Provided further*, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008''.

Mr. HARKIN. Mr. President, this is a 1-year technical fix requested by Senator SMITH. These are the State suicide prevention grants authorized under the Garrett Lee Smith Memorial Act. It is a simple technical correction to enable HHS to issue youth suicide grants to States this year. It has no cost. It has been cleared by the authorizers on both sides of the aisle, and we are prepared to accept the amendment.

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

The amendment (No. 3339) was agreed to.

Mr. HARKIN. 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.

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

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

Mr. HARKIN. Mr. President, I thought I might take this bit of lag time on the floor while we are waiting for Senators to offer amendments—which I hope will happen, if there are amendments; I am not trying to encourage any. I am saying if there are

amendments, Members should come and offer them because now is a good time—to talk about the bill and what this debate is all about, why this bill is so important. I say that because the President yesterday sent down his policy statement and said he was going to veto the bill because it spends too much money, that it has to stay within his constraints.

I want to make it clear, we stay within our budget, the budget we have, and we have a pay-go budget. We are not adding anything new this year. We are severely constraining spending to get out of the deficit hole. I want to compare this bill, what we have done on a bipartisan basis—this appropriations bill passed our committee 26 to 3, strong bipartisan support in the subcommittee and full committee—with the President's budget so that Senators who are thinking of how they are going to vote on this appropriations bill might have a clearer picture. What would happen if we did what the President asked, if we just approved the President's budget instead of the bill before us? What I want to do is go through it.

You can tell a lot about a person's priorities on how they spend their money. This bill provides a modest increase in programs that help people, especially Americans at the bottom rungs of the ladder. It helps them to lead meaningful, safe, and productive lives. The President wants to cut those programs. He says we are spending too much for education, for medical research, for job training. Again, look at the amount of money we are talking about. The Senate bill is about $11 billion higher than the President's budget. That is about 1 month in Iraq; we are talking about a full year—1 month in Iraq versus 1 full year for education, health, job retraining, all the other items.

Compared to last year, our Senate bill invests $7.3 billion more than last year on education, health, and labor programs. Again, as part of our balanced budget plan, we are within our budget constraints. The President's budget would cut $3.5 billion from these programs from last year. At the same time, he wants to spend up to almost $10 billion a month in Iraq.

Again, let's look at some of the programs we are talking about; for example, helping the poor. Two of the most important programs in the bill are the community services block grants and the social services block grants. States get to use these funds in a wide variety of ways to help some of our most disadvantaged citizens. The Senate bill provides $2.4 billion for these two block grants. The President's budget requested a 50-percent cut in these two programs, a 50-percent cut from last year to $1.2 billion. So again, when we are talking about programs that help lift people up, we are at $2.4 billion; the President says he wants to cut it in half to $1.2 billion. That is one clear difference in the President's budget and in what we offer.

Let's look at medical research. The Senate bill provides another $1 billion for the National Institutes of Health. That is about a 3.5-percent increase, and that does not even keep up with biomedical inflation. Our bill would increase the number of new research grants by about 400. What does the President's budget do? It would cut NIH by $279 million. That would slash the budget by 12 percent below where we were in 2003—going backward. It would cut the number of new research grants by 800. So the President's budget would cut the number of research grants by 800; our bill would increase it by 400. Members may choose which one they would rather have—the President's budget or the Senate bill.

Let's look at special education. Three decades ago, when we passed the Individuals with Disabilities Education Act, we said to the States: Our goal is for the Federal Government to provide up to 40 percent of the additional cost of mainstreaming kids, getting kids into school rather than warehousing them in State institutions or not even giving them an education. We opened the door for kids with disabilities to go to school. But we said our goal was to get up to 40 percent of this additional cost. That was 30 years ago. What has happened? I can say that time after time we have had a number of votes on the Senate floor, usually a sense-of-the-Senate resolution saying that we have to put more money for special education, we have to get up to that 40 percent. The Senate bill increases the State grants by $450 million to help them meet the needs of the additional cost of educating kids with disabilities. The President's budget slashes $291 million from special education.

What is not on this chart is that is going backward. The high point we had was in 2006. In 2006, the Federal Government's percentage of the additional cost was about 18 percent. Last year, it went down to 17 percent. Under the President's budget, it would go to 16 percent. This means a lot to our local schools because if we don't put the money in, there is only one way they can get it, and that is usually through local property taxes which are unfair in most cases.

Again, what we are trying to do is to meet our goal, our obligation, what we said 30 years ago. We put in $450 million, and the President wants to cut it by $291 million.

Let's look at another program, Head Start, a popular program, one of the great society programs started by Lyndon Johnson. We always hear about how the Great Society failed. No, it didn't. I am sorry. It did not. Here is one of the great examples of the successes of the Great Society; that is, the Head Start Program. We have a lot of data over the years to show that kids who went through Head Start do better in elementary school, high school. They go on to lead healthier and more productive lives.

In our bill, we expand Head Start services with an increase of $200 million. The President's budget cuts Head Start by $100 million, which would leave thousands of children behind. The President's budget would result in a cut of over 30,000 slots for children in Head Start Programs. Again, the President's budget goes backward. We are moving ahead.

Let's look at community health centers. One of the things I had always said is that I agreed with President Bush about his goal of having more community health centers built and having at least one community health center in every poor district. I thought that was a laudable goal. I have been supportive of that. Again, the Senate bill increases the Community Health Centers Program by $250 million. The President neglects the uninsured, people with limited health care access. He just says: Keep it where it is, no increase whatsoever. Yet we know we need to not only open new community health centers—a lot of them are backed up. People want to open new ones, plus the ones that are open, because of the increased cost of health services. Medical devices, equipment, and all that have higher expenditures as well. We need to make sure we keep up with funding of community health centers that are open.

We are also expanding dental services. One of the most important parts of community health centers we have found in the last several years—maybe decade, decade and a half—is the importance of dental care for kids. We have begun to add more and more dental services to our community health centers, which has helped a lot of families who otherwise cannot afford dental care for their children. That requires some extra money as well. We have responded to that by putting in $250 million. The President keeps it exactly where it is.

Ours would increase the Community Health Centers Program from $1.99 billion to $2.2 billion. The President says: Leave it where it is and leave a lot of low-income Americans who are uninsured without any access to community health centers.

Another provision in our bill is the home energy assistance program, otherwise known as LIHEAP, the Low Income Home Energy Assistance Program. It is a very successful program. The Senate bill maintains funding. We should have had an increase, but we are in a budget crunch. We couldn't get an increase for it, but at least we held the line. We know energy costs are higher now than they have ever been. What does the President's budget do? It cuts LIHEAP by $379 billion despite record-high energy prices. The President's budget would reduce the number of families receiving this assistance by 1.1 million. Again, these are the very low income, in many cases low-income elderly who we know are cutting back on their food, on medicine, and other things to be able to pay heating bills in the wintertime.

Another issue that is of importance to all of us is Social Security.

As I said earlier, we know—every Senator knows; and you can check with your State offices, and they will tell you—the caseload for people whose disability claims have not been acted on has a backlog of several months, a year, a year and a half, in trying to get their disability claims approved. Right now, it takes 1½ years—1½ years—to process a hearing request. In the year 2000, it was 200 days. It was 200 days, and now it is a year and a half. The disability claims backlog is about 660,000. That is about a 100,000 increase since 2006.

Recognizing this, we have put a $426 million increase into Social Security for hiring more people, to accelerate the hearings decisions, and to try to reduce that disability backlog we have now of 660,000.

The President's budget only put in enough money—$300 million—that would allow no hiring, despite the lowest staffing level since 1972. With the baby boom generation hitting the disability-prone years and closing in on retirement, the President's budget would add almost 100,000 disability claims to the backlog, so we have put in $426 million to reduce that backlog.

Student aid, which is another big part of our bill: The gap between the cost of a 4-year public college and the maximum Pell grant has increased by over $3,000 since 2002. We increased the amount of money for Pell grants to $4,800 to help alleviate that problem. The President's budget falls short of that by almost $300, bringing it to $4,540—again, very short of the amount needed to offset the cost of higher tuition.

On competitiveness, there are 7 million unemployed and millions more not working and not looking, as employers move jobs overseas. They hire foreign workers to fill jobs. Well, the Senate bill provides $4.8 billion for job training, and career and technical education programs to enhance the competitiveness of our workforce.

What does the President's budget do? It undermines U.S. competitiveness with a $1 billion cut—a $1 billion cut—in job training, a 50-percent cut in career and technical education programs. Almost 8 million high school and college students could see career and technical education courses disappear because of the President's cuts.

That is not all that is in our bill. There is more, but I thought this kind of highlights the difference between the President's budget and what we are trying to do in this bill, keeping in mind, again, that our bill is a little over $7 billion more than last year—hardly an inflationary increase. We have kept within our budget, within our pay-go budget. Yet we have been able to get necessary increases, as I have outlined.

The President's budget basically says: No. Give me more money to spend in Iraq, to the tune of about $12 billion a month. We are saying we only need $11 billion for the entire year, for all the things I outlined.

I think the choice is clear. I think the choice was clear when we were in subcommittee. It passed our subcommittee unanimously. It passed the full Appropriations Committee, as I said, by a vote of 26 to 3. I think it is a good, bipartisan bill. I hope we can bring it to a close here in the next day or so.

I say to my fellow Senators, the floor is open if anyone has any amendments. As I said, I am not encouraging them, but I know there are some people who do have amendments, and I would hope they might come over and offer those amendments.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 3333 TO AMENDMENT NO. 3325

Mr. THUNE. Mr. President, I call up amendment No. 3333.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Ms. STABENOW, Mr. CRAPO, and Mr. CONRAD, proposes an amendment numbered 3333 to amendment No. 3325.

Mr. THUNE. 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 additional funding for the telehealth activities of the Health Resources and Services Administration)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.

Mr. THUNE. Mr. President, I rise today to offer an amendment to provide an increase in funding for the Office for the Advancement of Telehealth, under the Health Resources and Services Administration. I am pleased to say I am joined in this effort by Senators Stabenow, Crapo, and Conrad.

I have spent quite a lot of time over the last month debating how to increase access to affordable health care in this country. Opinions have ranged considerably on this topic, but for most of us the goal is the same—it is to find ways at the Federal level to make health care more affordable for our constituents back home. Many of us are also trying to bring more options to rural areas or even urban underserved areas where access to care can be challenging.

One thing that both sides of the aisle can agree on and have agreed on during my time here is on a very similar amendment, and that is increasing funding for proven technologies such as telehealth.

Telehealth is the most effective way to deliver many types of care to rural and other populations that have traditionally lacked adequate health care access. Many Americans do not live near certain specialists or they don't live near affordable specialists. This is certainly the case among many small towns in my State of South Dakota.

Telehealth bridges the gap between these patients and providers by enabling doctors and nurses to remotely care for patients, thereby raising the standards of care for underserved populations. Telehealth also increases patient and provider access to medical information and improves training of health care providers. Of course, with increased access to care and less need to travel great distances, patients and providers save money.

I wish to share with my colleagues part of a story from an article in the Platte Enterprise, a local South Dakota newspaper, and a subsequent letter to the editor back in September dealing with telehealth. There are many different medical services that can be provided over long distances through telehealth technology. The Platte Health Center in Platte, SD, already provides some medical specialties through telemedicine, including dermatology and infectious disease. Now they will also be able to provide mental health services.

According to the article: Patients can talk to and see a physician on the television screen who in turn can see and talk to them.

In a subsequent letter to the editor from a user of these types of telemedicine services, my constituent, Kris Kuipers, describes:

I recently experienced the use of telemedicine at Platte Health Center Hospital. I thought it was wonderful. One of our local nurses greeted me and explained the operating equipment. It is great because I didn't have to do a thing.

I was able to talk with my physician in Sioux Falls who was on the TV screen just like if I were talking to Dr. Jerome Bentz. It was very personable and I didn't have to drive four hours round trip.

I am very excited that we have this capability here in town and I hope more physicians will catch on to the advantages of using the telemedicine network equipment. I want to encourage you to tell your out-of-town doctors about our tele-med capabilities at the Platte Health Center Hospital. Maybe by word of mouth, other physicians will be encouraged to use this local alternative as a means of providing health care to our rural communities.

I hear from local providers and patients such as Kris Kuipers very often about the benefits of telehealth to rural communities in my State. In South Dakota, telehealth technologies are utilized by our three major hospital networks: Avera, Sanford, and Rapid City Regional. Additionally, many of the rural health clinics who serve the health care needs of some of the smallest communities in our State also utilize these technologies. These organizations touch more than 40 different communities, large and small across the State.

The Office for the Advancement of Telehealth under HRSA is the primary tool of the Federal Government to develop telehealth resources and to help local providers to develop these resources.

My amendment will provide additional funding to support existing and new telehealth resource centers, including a resource center focused specifically on telehomecare; that is, telemonitoring technologies for patients who have to have their vital signs checked in the home. These resource centers currently help assist the telehealth community in breaking down barriers to the adoption of telehealth.

Additional funding will also support telehealth network grants, pilot projects for the development of telehomecare technologies and grants to help carry out programs where health licensing boards and States come together to reduce their statutory and regulatory barriers to telehealth.

My amendment is very modest. It proposes a $6.8 million increase for the Office of the Advancement of Telehealth, or OAT, to fulfill these activities which were authorized under the Health Care Safety Net Amendments Act of 2002. With this amendment, total funding for OAT would be increased to $13.8 million.

Additionally, this amount is fully offset by a prorated reduction in the departmental management accounts of the Department of Labor, the Department of Health and Human Services, and the Department of Education.

The $6.8 million provided by my amendment, while modest, will have a significant and positive impact on almost every health activity in this wide-reaching bill. Increasing the investment in telehealth is valuable and necessary and will help save money for patients and for the Federal Government.

This is a small but important investment in the future of our Nation's health care system. I hope the $6.8 million increase, when you take it away from all of the various departments that are funded under this bill—this is a multibillion dollar bill—is inconsequential in terms of the impact that can be had by putting that $6.8 million into the advancement of telehealth in this country, making sure that more patients and more providers are able to utilize technology to meet the health care needs of people in rural and underserved areas across this country.

So I hope my colleagues will support this amendment and help us advance this very important initiative.

Mr. President, I yield back the remainder of my time, and I ask that the amendment be set aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I thank my colleague from South Dakota for bringing up this important program. As a neighboring State Senator, telehealth is a very important part of our State. We have seen the savings, as the Senator talked about, that can accrue from this, not only in terms of money but in saving the lives of people who live in our small towns and communities.

I have seen firsthand the benefit of telehealth by using the fiberoptic network system we have in the State of Iowa. I know of many cases where someone was in a car wreck in a small town and they didn't know whether they could leave them there in the small clinic or if they needed to be airlifted, and with telehealth and with the fiberoptic system, they were able to do some diagnoses and make the decision that, yes, the person needed to be removed immediately or, no, they didn't. So it does save a lot of money, but it also saves a lot of lives.

Again, I say to my friend from South Dakota, this program is a perfect example of how starved we have been in our account over the last few years—how starved we are in this bill. Ten years ago, telehealth received $15.8 million in this bill. Over the last 5 years, the funding has hovered between $4 million and $6.8 million. So again, I have no problems with the amendment. I hope our staffs can work together and we can work together to find an appropriate offset. I think there may be some things we can work out that will be acceptable to both sides on the offset.

So I thank the Senator from South Dakota for his interest and for offering this amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I appreciate the willingness of the chairman of the subcommittee and the ranking member to work with us on this amendment. I know of his interest in this particular area of technology of health care, and I appreciate the support. Hopefully, we can figure out a way to get more money into this very important account because it does they are doing some remarkable things, and particularly in the areas the Senator from Iowa and I represent, in the rural areas of the country, and the sky is the limit in terms of what I think can be accomplished. But we have to make sure it is appropriately funded. So I thank the Senator from Iowa for being willing to help out.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 3345 TO AMENDMENT NO. 3325

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3345 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement, and for other purposes)

On page 12, line 8, before the period, insert the following: ''*Provided further*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.''.

Mr. DORGAN. Mr. President, I offer this amendment on behalf of myself, Senator BROWN, Senator STABENOW, and Senator CASEY.

Mr. President, this amendment calls for a study and a report, and I want to describe the purpose of it and why I am offering it today. It requires the Department of Labor to determine in a study and report to the Congress the number of jobs lost to the North American Free Trade Agreement and the number of jobs created due to the North American Free Trade Agreement.

Now, it is interesting. In an October 4 Wall Street Journal article, there was a story, front page, with the headline ''Republicans Grow Skeptical of Free Trade.'' Republicans grow skeptical of free trade. Actually, the story described skepticism by everybody about what is called free trade, but it was talking about the politics of it, and so the story described a poll which found that by a 2-to-1 margin Republican voters believed free trade deals have been bad for this country's economy. It turns out that the dissatisfaction with the current trade strategy is bipartisan, not just Republican.

The poll found that 59 percent of polled Republican voters agreed with this statement: Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods and it has cost jobs here at home and produced potentially unsafe products.

The poll also describes that all voters essentially feel this way; it is not just Republican voters. But as I indicated, it was trying to take a political look at an issue that is very important.

We are going to have a number of free trade agreements come to the floor of the Senate soon. We will have one from Peru, Colombia, Panama, and South Korea. It is interesting that the Wall Street Journal describes how the American people feel about these trade agreements. I think it is not the case that people feel trade is not important. I believe in trade, and plenty of it. I just insist that trade be fair.

I want to go back with this amendment to the North American Free Trade Agreement because that free trade agreement dates back almost—well, it is over a decade now, and we have had substantial experience with it. Those who negotiated it—and, incidentally, it was negotiated beginning under the first President Bush, concluding under President Clinton. He sent it to this Senate, and I, at that point, was one of the leaders waging a fight against it. But when it was debated in Congress, it was alleged by economists and virtually everybody that it would result in the creation of 200,000 new jobs for our country. If we would pass this new trade agreement, 200,000 jobs would be created in our country.

Well, what has happened with the trade agreement? Let me describe what has happened, and I will describe it in a way that the administration and the Commerce Department and Labor Department would describe it. They would say what an unbelievable success this trade agreement has been. How on Earth would you be critical of a trade agreement that has increased our exports from the United States to Mexico? It has increased our exports to Mexico. And it has. It sure has. But it has increased our imports from Mexico much, much, much more. What started prior to the North American Free Trade Agreement as a $1.5 billion surplus with Mexico—a trade surplus with Mexico—has now become nearly a $60 billion, close to $70 billion trade deficit. So it's a trade surplus converted to a big trade deficit.

Now, I didn't take a lot of higher math, but I understand if you turn a trade surplus into a big trade deficit, that is not a positive outcome for your country. That is a negative approach, and it means lost jobs. It means you are going to have to repay that trade debt with a lower standard of living someday.

In fact, the proponents of NAFTA some years ago relied on a study by Gary Clyde Hufbauer and Jeffrey Schott. It was called the Hufbauer/Schott, and it was the one cited by everybody. They actually said it is going to create 170,000 new jobs in our country—net new jobs. That was rounded up by the proponents to 200,000. That was going to be nirvana. We would pass this trade agreement and get 200,000 net new jobs. That was how it would work. Except that we passed it and we went from a $1.5 billion trade surplus with Mexico to a nearly $70 billion trade deficit. Now, that is headed in the wrong direction, and that means lost jobs.

I took a look at this, and I asked some while ago, 10 years after NAFTA had been approved, to commission a study from the Congressional Research Service to identify the top 100 American companies that had laid off U.S. workers as a result of NAFTA between 1994 and 2002, and here is the list of the top 100 companies. The list totals about 412,000 U.S. jobs that have been certified as lost. Now, this is not some speculation. This is a program at the Department of Labor that a company has to actually certify to in order to get some help for their employees—trade adjustment assistance. They certify that because of NAFTA these jobs are gone.

The Congressional Research Service turned to the Department of Labor, which has this program, and they said: Can you give us this information? They gave us the information. This means we can directly attribute these job losses to NAFTA, because that is the certification. Of the roughly 412,000 jobs that have been certified, actually of the top 100 companies, 201,000 jobs are attributable to these 100 names.

But if you look at the companies, it is very interesting. Levi Strauss is No. 2. Levi Strauss. I mean, you know, slip on a pair of Levis. Anything more all American than putting on a pair of Levis? There is not one pair of Levis made in the United States of America, not one. We passed NAFTA and Levis go south. We still wear them, all right. They are just shipped north so we can slip them on. So Levi Strauss: 15,676 people, some were proud, I bet, going to work in the morning to make a pair of Levis. But no more. I understand there is not one pair of Levis made in America.

Kraft Foods. Kraft Foods is on the list. Kraft Foods decided they were going to shut down their cookie plant in Fair Lawn, NJ. They made Fig Newton cookies. So they moved Fig Newton cookies to Monterrey, Mexico, and 955 jobs were certified as lost. Fig Newton. Now, I don't know whether there is some inherent capability in Mexico to shovel fig paste in a more expeditious manner than exists in New Jersey. I doubt it. My guess is, just as Levi went south in search of cheap labor, so too did Fig Newton cookies.

So the next time somebody says let's go out and buy some Mexican food, buy Fig Newton cookies. They left New Jersey and ended up in Monterrey, Mexico. Mexican food.

What about Fruit of the Loom underwear? We all understand it; some wear it. Fruit of the Loom underwear—5,352 workers in Texas were certified and thousands more in Louisiana were certified to the Labor Department as having lost their jobs due to NAFTA. Actually, when that happened it was pretty big news around the country, because Fruit of the Loom laid off a lot of people, and I came to the floor and said: It is one thing to lose your shirt—and then I stopped, because I realized we shouldn't joke about jobs lost with Fruit of the Loom.

But these were people who made underwear—probably, I am sure, very proud of their jobs. They probably worked for a career. Is there no market for underwear any more? People stopped wearing them? I don't think so. The underwear is made, it is just not made in America. Fruit of the Loom is gone, and it was certified to have gone and the jobs are lost.

Mattel's western Kentucky plant, making Barbie playhouses and battery-powered pickup trucks for nearly 30 years, 980 employees went from a job in Kentucky to being unemployed. The plant went to Mexico to produce Mattel toys.

John Deere, 1150 employees, lawn mowers and chain saws, jobs gone to Mexico.

Well, all of these are just numbers. You know, you could pick any one of them. Nokia, 1,980. Make it 1,979 and talk about the person, the one person who came home one night and said: Honey, I lost my job. They called me in and they told me my job was gone. Well, was it because you weren't a good employee? No, I am a good employee. They just said we are moving the jobs to Mexico.

I have described other cases on the floor of the Senate of American workers who worked for careers and were making $11 an hour plus benefits. They all got fired in search of cheaper labor

by a company that moved their jobs. In that case, the jobs went to China. But the reason I told the story previously is that all of those workers who lost their jobs because they made $11 an hour—and that was way too much money—on the last day of work, as they pulled out of their driving spaces in the parking lot where their car used to park at a job they cared about, they all left a pair of empty shoes. It was a plaintive way for the employees of that company to send a message to the owners of that company who shipped their jobs overseas. It was a way of saying: You can move our jobs to China, but, by God, you are not going to fill our shoes. It was a message from the employees who cared about their jobs and cared about their work.

Well, Hufbauer/Schott and all the others who gave us those hifalutin estimates of new jobs with NAFTA, they said: By the way, there will be some jobs that will move south. But they will be low-skilled, low-wage jobs. But don't worry.

Well, guess what. The three largest imports to the United States today from Mexico are automobiles, automobile parts, and electronics, all the product of high-skilled jobs. Now, that is completely at odds with what was represented to the Congress and the American people.

I started this by saying the Wall Street Journal does a front-page feature story saying that Republicans don't believe free trade has been good for our country. They were doing a political story. But they needn't have said Republicans. Actually, the American people don't believe the so-called free trade agreements have been good for our country. Why is that? Because they are the ones who know. They are the ones who know, not the economists, not the folks who put on three-piece blue suits and suspenders every day and puff about what is going on in the world. It is the people who are working who lose their jobs and are facing downward pressure on income from these kinds of trade agreements.

Now, I am not suggesting, and would not ever suggest, that we shouldn't trade. I believe we ought to trade. I believe trade is important, and plenty of it. I just insist that it be fair. Whether it is Mexico, or China—the bilateral agreement with China—or South Korea or any number of trade agreements, I can point to the examples of what has happened that undermines the support of the American people for these agreements. Let me give you a couple.

South Korea. There is an agreement coming to the Senate Chamber dealing with South Korea. We have done other trade agreements with South Korea, and they have never met the commitments they made in those agreements, but nonetheless, an agreement with South Korea. Well, South Korea last year sent us roughly 700,000 automobiles. They put them on ships, sailed them across the ocean, and they offloaded them onto American docks and put them for sale in this country. We were able to sell about 5,000 vehicles in South Korea.

So 700,000 one way, 5,000 the other way. Why? Is that consumer preference? It is because in Korea 99 percent of the cars on Korean roads are made in Korea, and that is the way they want it. They do not want American cars sold in Korea. They have all kinds of devices to keep them out. We open our market. One-way trade. The American people understand that, and they do not support that.

I am going to mention one other thing. I have mentioned the bilateral agreement with China, with whom we have a giant trade deficit—$230 billion a year trade deficit. Not many people know that in the latest bilateral agreement with China—a country that is ramping up a very significant powerful automobile export industry. You will see Chinese cars on the streets in this country soon. They are aggressively ramping up an automobile export industry. Here is what our country decided to do with a country with which we have a very large deficit. We said to China: When you export your cars to the United States, we will impose a 2.5 percent tariff on cars you sell here, and it is okay for you, on any American cars we sell in China, to impose a tariff 10 times higher, at 25 percent. That is what we said to China.

That is unbelievably ignorant of our own economic interests. Is it surprising the Wall Street Journal does a poll that says the American people don't believe in this nonsense? They are living it. They lose their jobs. There is not one person in the Congress who has lost his or her job due to a bad trade agreement. It is the other folks out there who go to work in the morning and care about their job, who are doing the best they can and are told, by the way, you have to compete with Monterrey, or Chihuahua, or someone in Shenzhen, or Beijing who is willing to work for 30 cents an hour. And if you can't compete with them, we are sorry.

The result has been downward pressure on wages, fewer benefits, and problems for American workers. That is a very long description of why I wanted to offer an amendment. Finally, at long last, I wish to see a real evaluation done of what has been the net result of NAFTA, because we still have these folks running around here saying NAFTA has been a great success. I mean, I don't know if they are on their feet when they look at something and say it is successful or not, but you cannot take a sober look at this and say it is successful. Exports have grown, yes, but imports have grown much faster. The evidence is here. We have roughly 412,000 jobs that have been certified as having been lost to Mexico, certified by the Department of Labor as having been lost, because of the trade agreement—or at least been lost from the time the trade agreement was negotiated.

What I have asked for is a study, a real study to determine the number and types of jobs lost due to NAFTA and the number and types of jobs created due to NAFTA.

One final point. This administration has no problem figuring out how great trade deals will be for other countries. In fact, Wendy Cutler, Assistant U.S. Trade Representative, was touting the benefits that our trade agreement with Korea would offer to Korea. Let me quote her:

> An FTA with the United States is predicted to produce economic benefits for the Korean economy, increasing Korea's real GDP by as much as 2 percent, establishing a foundation to achieve per capita income to as high as $30,000, boosting exports to the United States by 15 percent, and creating 100,000 new jobs.

That is what the USTR is saying, here is the nirvana that is going to exist if we can simply do this trade agreement: Here is what is going to exist for Korea.

Ask them, what will exist for our country? What will be the consequences for our country? What are the comparable numbers for the United States? They make no similar projection.

In fact, the Korean agreement comes to us now, not having addressed the issue of the imbalance in the bilateral automobile trade with Korea.

Anyway, it is a case where I hope, perhaps, repetition will someday breed success. It is a case where I believe we should trade. I believe our country should be a leader in trade. I believe our leadership ought to say we aspire to lift others up in the world, not push our workers down. We spent 100 years creating standards—safe workplace, child labor law, minimum wage, a whole series of standards that we ought to be proud of.

I believe in our trade agreements we ought to aspire to lift others up rather than push ourselves down, push our standards down. That has regrettably not been the case with NAFTA. It has not been the case with a number of other trade agreements and will likely not be the case with the next four agreements that will be brought to the Senate.

My colleagues and I, several of us, will be proposing establishing benchmarks and accountability at long last attached to trade agreements. We ought to have benchmarks and some accountability attached to those benchmarks to find out what has happened. You can't go on forever with a bad trade agreement. You can't go on forever with one that doesn't work. When we are awash in debt, as we are, over $700 billion a year in trade deficit—which inevitably will be repaid with a lower standard of living in the United States—then we are headed for trouble. We need a better trade strategy, one that encourages trade but one that demands and insists on fair trade for our own economic interests.

I yield the floor.

Mr. HARKIN. Mr. President, I thank Senator DORGAN for his many years

championing the cause of our skilled workers in this country, championing the cause of manufacturing in this country. He warned us a long time ago about what NAFTA was going to do. Frankly, his dire predictions have turned out, unfortunately, to be true. When Senator DORGAN speaks about NAFTA, or any trade agreement, and the impact on jobs in this country, it would do us well to pay attention.

There is no one I know who knows more about this area than Senator DORGAN. His amendment, I say to him, is one I can fully support. I hope all Members of the Senate could support it. As he said, it requires the Department of Labor to provide Congress with a fuller picture of the impact of the NAFTA agreement.

Frankly, this is key information we ought to have anyway so we can understand the changes to our economy that have occurred since NAFTA has passed. Again, I thank him for it. This has been a key issue in my State of Iowa.

I say to my friend from North Dakota, I remember all the speeches he used to give about Huffy bicycles and now talking about Levis. What could be more American than that?

I might say something equally as American as that is the Maytag washing machine. The Maytag washing machine, what could be more American than that Maytag repairman who never had anything to do because the Maytag washers and dryers were so good?

We have always taken great pride in Iowa that Iowa was the home of the Maytag, has been since the beginning, since Fred Maytag started his business in Newton, IA. I hate to tell you, but your Maytag washers are now coming from Mexico. All these great jobs we had, and these were good-paying jobs. A lot of people in the past worked at Maytag. It was part of their community. They built good schools, educated their kids, the kids went on. Some of the kids grew up and they then went to work at Maytag. It was a wonderful community, a wonderful business. They had great relations with organized labor there.

To make a long story short, Whirlpool came in, bought out Maytag, shipped all the jobs to Mexico. Now all those jobs are missing in Iowa. What do we do? We scramble to get some retraining, some job retraining and things such as that. But the jobs the people are getting are much lower paid jobs. They are not as good, and all the manufacturing jobs are now in Mexico.

Of course, maybe I am being a little chauvinistic because it was such an Iowa institution, Maytag, and to think they are not making them there anymore, they are gone.

Mr. DORGAN. The town of Bryan, OH, was enormously proud of its product. It was the product that defined Bryan, OH. It was Etch A Sketch; every little kid played with Etch A Sketch. The folks in Bryan, OH, made Etch A Sketch and every kid played with them. Etch A Sketch is gone. They couldn't compete with China. And the Radio Flyer Little Red Wagon was made in Chicago for 110 years. It was made by an immigrant who started the company. Why was it called Radio Flyer, the Little Red Wagon? This immigrant was fascinated with two things. He liked Marconi, so he named it Radio, and he loved airplanes. So he decided to name it, the Little Red Wagon he crafted in Chicago, IL, as Radio Flyer, and virtually every kid in this country has ridden on Radio Flyer wagons.

Mr. HARKIN. I did myself when I was a kid.

Mr. DORGAN. They were here for 110 years but no more. Now they are made in China. We could go on at some length. Some people will say: Don't you understand, you two, the world has changed, for God's sake, the world has changed and they are going to make these things where you can pay 20 or 30 cents an hour.

My question to them is this: If that is where the jobs are, who is going to buy the products? In this country, it seems we built standards for a century to provide good wages and working conditions for the American worker and that is what provided the income and development and expansion of the middle class and gave them the earning power to buy products. I know the Senator agrees with me. He agrees with trade.

We come from agricultural States. We need to find a foreign market for what we produce, but trade has to be fair.

Mr. HARKIN. We represent agricultural States, but we always had a good blend of manufacturing and agriculture. One of the well-kept secrets is that Iowa at one time had more foundries than any other State in the Nation, small foundries. People made things in these foundries. Those jobs have left now. Now with Maytag leaving, it is eroding our manufacturing base.

We need a good industrial policy. We need a manufacturing policy for this country. We don't have one. We need a good industrial policy for this country. We don't have one. If we do not have some kind of an industrial policy and some policy that says here is the kind of manufacturing base we are going to keep, we are going to protect—protect? I don't mind using the word ''protect.'' We are protecting our people. If we are going to have a manufacturing base that protects us in the area of national security, so we have the manufacturing wherewithal to take the raw materials and make them into items that our people need but which will provide us with that bulwark for the future against the possibility of other countries cutting us off or making trade sanctions against us—we need to have that policy.

We don't have it. If we don't have it pretty soon, we are not going to be making anything in this country. We are not going to be making anything. We are going to be shuffling money around, that is all we are going to be doing. That is not what makes a great country, and it is not what is going to sustain us, if all we are going to do is shuffle money around.

I thank the Senator. He has been a great leader in this area. We are going to do something. We don't have an agreement yet to accept it. I can tell the Senator I am going to work hard to make sure we get an acceptance of his amendment. I thank him for it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from New Jersey.

Mr. MENENDEZ. Madam 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. 3347 TO AMENDMENT NO. 3325

Mr. MENENDEZ. Madam President, I ask unanimous consent to set aside the pending amendments so I can offer an amendment that has been sent to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 3347 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $15,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109–18).

(b) Notwithstanding any other provision of this Act, the amount made available under this Act for the Reading First State Grants program under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), as specified in the committee report of the Senate accompanying this Act, shall be reduced by $15,000,000.

Mr. MENENDEZ. Madam President, first I wish to thank Senator HARKIN for his leadership on this bill, as well as the ranking Republican, and his strong support of what I am trying to do here, which is to fund the Patient Navigator Program.

The amendment provides $15 million for initial implementation of the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005. This

act creates a 5-year, $25 million demonstration program within the Health Resources and Services Administration for patient navigator services through community health centers, National Cancer Institute centers, Indian Health Service centers, and rural health clinics, as well as hospitals, academic health centers, and certain nonprofit entities that enter into partnerships to provide patient navigator services.

This funding is the culmination of years of bipartisan and bicameral compromise. I was then, at the time, in the House of Representatives, a sponsor with Congresswoman DEBORAH PRYCE from Ohio. Here in the Senate, Senators HUTCHISON and BINGAMAN were champions of this legislation. It passed by unanimous consent in the Senate, and President Bush signed it into law in 2005. The Labor-HHS Subcommittee provided funding last year, but unfortunately that did not make it into the final bill.

This Patient Navigator and Chronic Disease Prevention Act and the patient navigators that are called for in the bill have strong grassroots support from organizations such as the American Cancer Society. Actually, it was our work with the American Cancer Society that at the time had it as its No. 1 or No. 2 top legislative initiative. So we got the bill passed into law, but we haven't been able to fund it yet. It also has the support of the National Association of Community Health Centers, the National Rural Health Association, the American Diabetes Association, the American Medical Association, the Intercultural Cancer Council, the National Alliance for Hispanic Health, the National Hispanic Medical Association, the National Patient Advocate Foundation, and many others.

The goal of a patient navigator is to improve health outcomes by helping patients, including patients in underserved communities, to overcome barriers they face in getting early screening and appropriate followup treatment.

Patient navigators benefit people across the country, from all walks of life, regardless of class, location, culture, or language, and navigators help get people into a health care provider for preventive screenings and help them navigate our complex health care system if an abnormality is detected. They conduct year-round outreach into underserved communities so people are aware of the importance of early detection and screening. They help them find followup testing and treatment. They stay with them throughout the process to make sure they get to that next doctor's appointment and they get early treatment. This is a small investment with huge benefits, benefits in terms of lives and dollars saved.

I was fortunate enough, in the House of Representatives, when I served there, to actually get some pilot projects of patient navigators in what was my former congressional district in New Jersey. It replicated two very successful programs that were the forerunners of this idea—Dr. Harold Freeman in Harlem Hospital, who works with the American Cancer Society, and here in Washington, DC, at the Washington Cancer Center, Dr. Elmer Huerta, who had a different variation on it, but both of them created patient navigation, the effort to bring individuals into a preventive setting, and in doing so, help them navigate. We took that example and we brought it to my home State of New Jersey.

What we did is, at one of the family health centers, we found ourselves significantly bringing in people into a preventive setting. We found a fair number of individuals who had abnormalities, and because of the screening we put them through, we detected their abnormalities. Then, through the patient navigator, we navigated them through the health care system in a way that we saved lives and we saved an enormous amount of money from people whom we caught early in their illness, particularly cancer-related, and whom we ultimately were able to not only save their lives but at an enormous cost of having individuals not wait longer in the process and end up, at the end of the day, in an emergency room with far greater costs.

So this is a small investment with huge benefits, benefits in terms of lives and dollars saved. By getting people in to see a doctor before symptoms develop, we can catch diseases such as cancer or diabetes early. Then we can get patients into treatment early, which means they will have a better chance of survival, and the health care costs will be lower.

This is a win-win proposition which has strong bipartisan support in the House and Senate, signed by the President. We are just simply looking to get it funded. We look forward to working with the chair of the subcommittee, Senator HARKIN, and the ranking member to get it accepted. We think we have an appropriate offset, but at the same time, we are open to others as well in order to achieve this goal.

Madam President, I ask unanimous consent to speak as in morning business.

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

IRAQ

Mr. MENENDEZ. Madam President, on October 11, we marked the fifth anniversary of Congress's capitulation to the resolution authorizing the war in Iraq. I believe we should take this opportunity to tally up what this war has cost our Nation.

We are all very aware of the human cost. More Americans have died in Iraq than died on September 11. These are our friends and neighbors, fathers and mothers, sons and daughters, gone forever. Twenty-eight thousand men and women have come back home wounded, some with their legs or arms blown off by bombs, some blind from shrapnel in their eyes, some thrown into a state of mental shock from which they will never fully recover.

As for the Iraqi men, women, and children who have died in this conflict, we cannot even say. Some estimates say the body count is more than 100,000. As for the people who have been forced to abandon their homes, they are about to number 4½ million, a disproportionate number of them being children.

We all know that the Iraq war is a human calamity of vast proportions. It can be harder to visualize the direct damage that comes from the financial cost of the war, to see it as the cancer that it is, making our debt metastasize, threatening our budget, eating away at the financial stability of our entire Nation.

We are paying for this war with borrowed money, racking up massive debt, severely threatening the future of our country. We know our country has spent more than $450 billion on this war so far. We continue to spend about $10 billion every month. That does not just add up to a stack of bills that could have sat in the Treasury; it is equipment at ports that can scan for nuclear weapons and other measures that actually make the homeland more secure. It is children healed with better health care. It is more teachers in our schools, better training for our jobs, energy that is clean and does not strengthen repressive regimes in the Middle East, payment of our debts so future generations will inherit a country that is financially viable. Those are casualties we cannot fail to count.

When our money gets burned in Iraq, we deserve to know what we are trading away. What we are trading away cannot be summed up in one speech, however, so I will be coming back to the subject as many times as necessary to give each sacrifice fair attention.

When we add it all up, the bottom line is very clear: If we had never gone into Iraq, our lives would be better. The sooner we get out of Iraq, the better our lives will be. I will repeat this until our troops have come home. If we had never gone into Iraq, our lives would be better, and the sooner we transition out of Iraq, the better our lives will be.

Today, I wish to speak about what the failed war in Iraq has cost us in terms of our security here at home. The Bush administration likes to parrot the line that:

> We are fighting them over there, so we do not have to fight them here.

Nevermind that the war has created more terrorists than there were before. Beyond that, it has directed funding away from programs that actually would prevent terrorists from attacking the homeland. The administration's budget for the failed war in Iraq is 13 times this year's budget for Homeland Security—13 times this year's budget for Homeland Security. Do we really think the Iraq war is 13 times more important to America than the Department of Homeland Security's mission? When it comes to our money, the administration's motto really is:

We are spending it over there, so we do not have to spend it here.

Every time we ride the subway or the bus, we put ourselves at risk because our public transportation systems are unnecessarily vulnerable to terrorist attacks. The American Public Transportation Association estimates that it will cost $6 billion to make them substantially more secure. That includes funding for personnel, training, communications systems, cameras, detection systems. Well, we spend that much—that is, $6 billion that the Public Transportation Association says would make us safer—we spend that much in Iraq every 18 days. Every 18 days. That is what the war costs. Security on public transportation versus 18 days in Iraq—what is our choice?

Money being spent in Iraq could have substantially improved security in our Nation's ports, where 95 percent of the cargo slips into the country without any inspection whatsoever. For the cost of 3 days of operations in Iraq, we could fund a year's worth, a year's worth of strong port security initiatives throughout our country—purchasing radiation detectors, giving individual grants tailored to the specific needs of each port, and drastically increasing the number of containers screened.

Here is an example. There is something called a container security device. It attaches to the hinges of a container and lets inspectors at ports know if the container has been tampered with from the port it came from. They cost about $25 each. You could provide a device for every one of the 11 million-plus containers that enter our ports every year for the same money it costs us to be in Iraq for 1 single day. We could take 11 million containers that enter our ports every year and for 1 single day in Iraq make our country more secure. That is what the war costs—electronic security for every container entering the United States versus 1 day in Iraq.

As we have considered the Commerce-Justice-Science appropriations bill that we passed yesterday, it is as good a time as any to discuss how funding for the Iraq war impacts local police departments here at home. With the billions of dollars going toward a failed effort to secure the streets of Baghdad, we could boost our efforts to fight terror and violence of gangs on the streets of the neighborhoods we call home.

The FBI tells us that crime rates are going up in the United States. This is no coincidence considering the Bush administration has repeatedly cut funding for hiring new police, law enforcement technology, and successful prevention programs.

Luckily, this Senate under Democratic leadership has changed that course. We are taking action to reverse that situation. I was proud to cosponsor Senator BIDEN's amendment to boost funding for the COPS Program, one of the most successful Federal crime prevention programs in history. Eight hours of Iraq funding pays for that amendment to put community police officers on the streets of our Nation. That is the war cost—more police on the streets versus 8 hours of spending in Iraq. When it comes to our money, the message the administration is sending is clear. We are spending it over there so we don't spend it here. But in terms of security, if we had never gone into Iraq, our lives would be better. The sooner we transition out of Iraq, the better our lives will be.

Costs of the war for the United States are going only to escalate as Great Britain withdraws its troops. So the financial question we have to answer as a nation is as urgent as any we have ever faced. We have to decide what we value as a Nation: the war or keeping our country safe. These are the questions we are going to continue to ask to put a real sense of what it is costing us here at home in real terms. Today was about security. We will come back to the Senate floor and talk about education and health care and economic expansion and reducing debt, because we have to offer a real sense to the American people of what this war is costing us here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3332 TO AMENDMENT NO. 3325

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the pending amendment to be set aside.

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

Mrs. MCCASKILL. Madam President, I call up amendment No. 3332.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL], for herself and Mr. DEMINT, proposes an amendment numbered 3332.

Mrs. MCCASKILL. 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 require the Departments to establish and maintain on their website home pages a direct link to the websites of their Inspectors General and for other purposes)

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Mrs. MCCASKILL. I ask unanimous consent to add Senator DEMINT as a cosponsor of the amendment.

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

Mrs. MCCASKILL. Madam President, we have successfully added this amendment to all appropriations bills to date. It is a very simple amendment. It requires the Departments under this bill to maintain a direct link to the agency's inspector general Web site, on the home page of his or her department's Web site. It requires this direct link because the information the inspector general provides to the public needs to be easily available. They are the eyes and ears of the taxpayers in many ways. They are on the front lines in terms of waste, fraud, and abuse. They provide a valuable service. In many departments, one can't find the information. This amendment will require that on the home page of the Web sites of the Departments of Education, Labor Health and Human Services, there be a direct link to the inspector general of that Department's Web site so taxpayers, Members of Congress, and members of the executive branch can easily find the important information that is provided by the inspector general's office.

I urge passage of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank the Senator from Missouri for offering this amendment. It is a good amendment. I have checked with Senator SPECTER on our side, and it is OK on that side. It is OK with us. We will accept the amendment.

Before doing so, I will again say to my friend from Missouri that in this bill we have increased funding above the President's budget for all the inspector generals in all the departments this bill covers. Basically opening it up, as her amendment does, allows more people access to what the inspector generals are doing. Hopefully we can continue to try to maintain the integrity and independence of the inspector generals. Some of them are perhaps being pressured by the administration to do certain things. But we want to maintain that integrity and the independence of the inspector generals. This amendment will help to do that.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3332) was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3345

Mr. BROWN. Madam President, I rise to support the Dorgan amendment offered earlier this evening. I thank him for his amendment. I am a proud cosponsor.

The Dorgan amendment makes sense for a variety of reasons. Most importantly, we need updated and current information on what NAFTA, the North American Free Trade Agreement, which passed in November of 1993, means for our country today and, most importantly, because the North American Free Trade Agreement has become

the model, for good or bad, for trade policy since. The Central American Free Trade Agreement was built on the NAFTA model. Trade agreements Presidents asked this Congress to pass, negotiated with Peru and Colombia, Panama and South Korea, while tweaked, while having some improvements, perhaps, in the case of Peru and Panama, some significant improvements, nonetheless are based on the same failed trade model that NAFTA was based on, a trade model that entertains investor-state relations giving more authority to corporations to undercut environmental laws in our country, to undercut labor law, and to undercut the values of our society.

I wish President Bush would sit down with the steel worker in Steubenville or the machinist in Toledo or the tool and die shop owner in Lorain and talk about what these trade policies, this NAFTA model the Dorgan amendment addresses, in fact means for American workers, what they mean for American small manufacturers, what they mean for our communities, what they mean in Hamilton and Middletown and Ashtabula and Maineville, what impact that has on communities. These trade policies, which are set in Washington and negotiated across the globe, have a direct impact on Toledo, on Wauseon, on Findlay, on Bowling Green, all across our State. That is why the voters in my State and across the country sent a message loudly and clearly in November demanding a very different direction in trade policy, a trade policy that serves workers, consumers, families, and communities rather than one that serves investors, especially the wealthy in other countries and the wealthy in this country.

Working men and women in Ohio, including the machine shop owner in Akron and the factory worker in Columbus, know that job loss doesn't just affect the worker or the worker's family or the business owner. Job loss in the thousands affects communities and police, the number of police and firefighters and teachers and workers in a community and the economic vitality of that community.

What we have seen in the last few years in this country is disturbing especially in this sense. American workers all across the board, whether they are in the State of the Presiding Officer, Washington, or in Lima, OH, are more productive; whether they work with their hands or minds or whether they are a retailer or whether they are a factory owner, workers are more productive, provably, quantifiably, quantitatively way more productive than they were 5 years ago. That is a testament to our Nation's hard-working and skilled labor force. It is a testament to our job training and education system. The problem is, those workers' productivity is no longer parallel to their wages. It used to be in this country, after the war, since the 1940s, that as productivity went up, workers' wages and profits went up roughly at the same pace. But we have seen a disconnect. As productivity goes up and up because workers with their capital investments are more and more productive, we have not seen wages keep up. In a nutshell, that is because ultimately what has happened is, our Nation's workers don't share in the wealth they have created for their employers. If you are a worker and you create more wealth for your employer, you should share in the wealth. But that is not what is happening. That disconnect is more and more obvious in this country, especially in a State such as Ohio.

Some years after NAFTA passed the House and Senate and was signed into law, took effect, the agreement among Mexico and the United States and Canada, some 5 years later, at my own expense, I flew to McAllen, TX, rented a car with a couple friends, went across the border into Reynosa, Mexico. I wanted to see how NAFTA was working on the other side of the border. I knew how it was working in Lorain and Akron and Sandusky and Findlay, but I wanted to see how it worked on the other side of the border. I went to the home of two General Electric workers. They worked for GE Mexico. They lived in a 20-by-20-foot shack, dirt floors, no running water or electricity. When it rained hard, the dirt floors turned to mud. These were full-time workers, 3 miles from the United States of America, just south of the Rio Grande. These workers were working every bit as hard as any workers in the United States. But they weren't sharing in the wealth they created for their employers.

As you walked around their home, in the community behind their shack was a ditch maybe 4 feet wide, 2 by 4 across the ditch. This ditch was filled with I am not sure what, human/industrial effluent waste running through the neighborhood. The American Medical Association says along the Rio Grande River is one of most toxic places in the western hemisphere. There were children playing in the ditch contracting who knows what kind of diseases that they might pick up along this very polluted little waterway, if you could call it that. But as you walked around this neighborhood and you looked at these shacks, you could tell where the workers worked because the workers' shacks were constructed from the packing materials of the companies for which they worked. The roofs, the walls were made of cardboard boxes and other kinds of packing materials, crates where these workers worked.

Not far away from these shacks I visited an auto plant. This plant looked just like an auto plant in the United States. It was modern, maybe more modern, more up to date, the best technology. The workers were working hard. The floors were clean, all that you would want in a modern industrial plant. But there was one difference between the Mexican auto plant and an auto plant in Norwood or Toledo. The auto plant in Mexico had no parking lot because the workers there weren't paid enough to buy the cars they made. They weren't sharing in the wealth they created. You could go halfway around the world to a Motorola plant in Malaysia, and workers weren't paid enough to buy the cell phones they make. You could come back to Costa Rica and go to a Disney plant, and the workers weren't making enough to buy toys for their children. You could go halfway around the world to China and go to a Nike plant or a bicycle plant, and the workers were not making enough to buy the Nikes or the bicycles they were making, that they were building. That is the key.

In our trade policy, which has become international in this globalized economy, because of what is happening around the world and because of the way we write trade policy, workers are simply not sharing in the wealth they create. Whether it is a Mexican auto plant, a Malaysian cell phone plant, a toy plant in Costa Rica, or a shoe plant in China, the workers are not making enough to share in the wealth. The workers are not sharing in the wealth they create. That is what has happened in our country, this disconnect between productivity and wages. More than anything, that is why the middle class is shrinking. That is why the Dorgan amendment is so important to show the world, to show the country, to show us in this body what we need to do to fix our trade policy.

This trade policy hurts local business owners, not just the plant that might lay off or close, but it hurts the drugstore, the grocery store, the neighborhood restaurant. It hurts teachers and firefighters and police. It hurts the people whom the police and the firefighters and the teachers serve. When I first ran for Congress, our trade deficit was $38 billion. Today, after NAFTA and NAFTA clones, like the Central American Free Trade agreement, the WTO and PNTR with China, our trade deficit has topped $800 billion, from $38 billion in 1992 to $800 billion today. Our trade deficit with China in 1992 was barely double digits, barely $10 billion. Now it probably—for 2007, we don't know for sure—is going to exceed $250 billion. The first President Bush said a $1 billion trade surplus or deficit translates into 13,000 jobs. Whether he is right, he is close enough to be right. When you do the math, a $1 billion trade surplus or trade deficit translates into 13,000 jobs. When you do the math, you can see the kind of effect our trade policy has on us, not just with lost jobs but with what it has done to break that connection between productivity and workers' wages.

That is the story of our trade policy and why the Dorgan amendment is so important. The current system is not sustainable. We want trade. We want plenty of trade but not under this NAFTA model. We want trade under a whole new set of rules. Now is not the time for more bad trade deals.

We need to adopt the Dorgan amendment, look at what has happened with our trade policy, pause, and have a national conversation about a new direction for trade in the 21st century.

Let's wait on the passage of Peru and Panama. Let's wait on the passage of South Korea and Colombia. We need a conversation that includes all parties involved. That means investors. It means workers. It means small business owners. It means communities with people who are so affected by trade. The Dorgan amendment is a significant first step in doing that.

We should adopt the Dorgan amendment. We should pause and look at where our trade policy is going, and then we should embark in a new direction on trade in this country.

FAMILY FORUM EARMARK

Mr. VITTER. Madam President, I rise today to discuss a project I sponsored in the fiscal year 2008 Labor, Health, Human Services and Education appropriations bill. The project, which would develop a plan to promote better science-based education in Ouachita Parish by the Louisiana Family Forum, has raised concerns among some that its intention was to mandate and push creationism within the public schools. That is clearly not and never was the intent of the project, nor would it have been its effect. However, to avoid more hysterics, I would like to move the $100,000 recommended for this project by the subcommittee when the bill goes to conference committee to another Louisiana priority project funded in this bill.

Mr. HARKIN. Madam President, I appreciate the sentiments by the Senator from Louisiana and accept this proposal to move the funding for this project to other priority projects for the State of Louisiana in the bill when it goes to conference committee.

Mr. SPECTER. Madam President, I concur with my colleague and will agree to move these funds in conference committee.

Mr. BAUCUS. Madam President, since the year 2000, shortly after news reports attributed hundreds of deaths to asbestos exposure from decades of vermiculite mining in Libby, MT, I have worked hard on behalf of the people there to ensure that they received the care they needed. The Center for Asbestos Related Disease plays an important role in screening Libby residents and providing them with the health care they need as a result of this tragedy.

The people living in Libby suffer asbestos-related diseases at a rate 40 to 60 times the national average. They suffer from mesothelioma at a rate 100 times the national average. The culprit for this unprecedented tragedy is a highly toxic tremolite asbestos amphibole. Due to the shipping of Libby asbestos to processing sites in 30 States, and its subsequent use as insulation material in all parts of the country, the toxicity of this amphibole is an issue of national importance.

The Department of Health and Human Services and the Environmental Protection Agency have designated the Center for Asbestos Related Disease as a clearinghouse for information that facilitates clinical epidemiological and pathologic studies of asbestos-related diseases. This new role unfortunately comes without adequate funding to accommodate the transition to this national leadership role.

This is an issue of national concern to scientists who rely on tremolite asbestos data for their work. Support letters have been sent to Members of this body by researchers at the Mesothelioma Applied Research Foundation from California, Mount Sinai Medical School in New York, Wayne State University in Michigan, North Carolina State University, the University of Vermont, the University of Pittsburgh, the University of Pennsylvania, and Montana State University. These letters all emphasize the importance of the Libby data to the national research efforts on asbestos related disease.

That is why I submitted an amendment to the Labor, Health and Human Services, and Related Agencies Appropriations bill for fiscal year 2008. My amendment would provide $250,000 to the Center for Asbestos Related Disease in Libby, MT, so that the clinic can provide its critically important information to clinical researchers and universities across the country. The raw data and data management that the center provides for research institutions will facilitate meaningful research into amphibole asbestos toxicity and health impacts.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ANNA POLITKOVSKAYA

Mr. CARDIN. Mr. President, the Russian Federation is, in many respects, a democratic state. Elections are held at regular intervals, local and national elective bodies meet and pass legislation. Referenda may be held on major issues, both at the national and local level, although this exercise may be reduced in the near future.

But there is another consideration, in which the Russian Federation falls short in its democratic characterization.

Freedom of the press is vital to the existence of a stable democratic state. Journalists must be able to openly report on all issues without fear of physical harassment or economic pressures. It is no accident that Napoleon said that four newspapers were more effective than a thousand bayonets.

Therefore, it is regrettable that a number of Russian journalists have recently been murdered while reporting on subjects sensitive to the Russian government. Other have been beaten or otherwise prevented from doing their job. One recent victim was involuntarily incarcerated in a psychiatric hospital.

Among those Russian journalists who have given their lives for their profession was Anna Politkovskaya, who reported extensively on the brutal war in Russia's secessionist region of Chechnya. Last week, friends, colleagues, and supporters of this courageous woman marked the one-year anniversary of her assassination.

Politkovskaya was fearless in her efforts to bring correct and unbiased information on the Chechen war to her readers. This was a hard-earned counterpoint to the propaganda that much of the electronic media turned out daily on the conflict . . . when there was any mention of it at all. While other journalists reported on the conflict from afar, she routinely traveled to troublesome areas to view and describe first-hand the problems and issues in the war-torn region. She was one of few Russian reporters to actively engage the Chechen people in open dialogue, and she presented her findings in a fair and balanced manner. Her resume included a long list of awards and commendations for her investigative skills and professional competence.

On October 7th, 2006, Ms. Politkovskaya was carrying groceries up to her Moscow apartment when, according to authorities, a gunman clad in black fired twice, shooting her once in the head. The murderer left the weapon at her side, a brazen gesture indicating, or meant to indicate, the commission of a contract murder. The Moscow newspaper Novaya Gazeta, where Ms. Politikovskaya worked, suggested the assassin or assassins had been following her closely and probably for a long time. Indeed, she was used to being watched and harassed. Numerous threats had already been made on her life, and at one point in 2001 she was forced to flee to Vienna.

As Co-chairman of the Helsinki Commission, I would also note that Anna Politkovksya delivered memorable and compelling testimony on the conflict in Chechnya at Commission hearings on Capitol Hill in September 2003, and she was awarded the OSCE Parliamentary Assembly's annual Prize for Journalism and Democracy in that year.

Recently, several suspects were arrested in connection with the murder. However, there are disturbing reports that the investigation has been marked

by irregularities and apparent political considerations. For instance, Russian officials have been quick to assert that certain individuals and factions outside of the Russian Federation must have ordered the killing, although they have presented no credible proof. The fact is that Politkovskaya's work was extremely critical of corrupt and incompetent officials in the Russian government. At the time of her death, she had been working on a story about the torture of detainees in the jails of the pro-Moscow Chechen authorities.

The true instigator of this murder might well reside in Moscow, London, Grozny, or Murmansk. In any event, Russian President Vladimir Putin stated during a visit last week to Germany that the investigation is ''on the right track.'' Let us hope that he is correct.

And let us also remember the sacrifice and the journalistic integrity of Anna Politkovskaya and her colleagues in Russia and throughout the world, who risk life and limb every day to discern the truth and bring it to their fellow citizens.

Mr. GRASSLEY. Mr. President, I would like to comment on the status of the alternative minimum tax, AMT.

There is some good news regarding the need to do a patch to protect 19 million families. If you look back over the last few months, I have come to the floor several times to urge my friends in the Democratic leadership in both bodies to focus on this problem and get legislation ready. Earlier today, I urged the House to begin work on an AMT patch bill. I urged them to send it to the Senate so that Chairman BAUCUS and I will have a vehicle to deal with this pressing problem.

We have a few weeks to act before the IRS forms are finalized. After that time, there could be big problems for taxpayers and the Internal Revenue Service.

I was pleased to read in this afternoon's press reports that Chairman RANGEL is going to process an AMT patch bill.

I also want to commend our Finance chairman, my friend, Senator BAUCUS, for convening an informal meeting of the Finance Committee to discuss this pressing matter. I hope the Democratic leadership provides Chairman BAUCUS floor time to take up a committee bill.

On a related point, at a press event earlier today, in answer to a reporter's question, I indicated that we could look at measures to insure that certain high-income taxpayers who pay no regular income tax or AMT pay some tax. I would like to elaborate on that comment.

I have referred many times to the IRS statistic of high income taxpayers who pay no regular income tax or AMT. The statistic is that, for the tax year 2004, IRS Statistics of Income reported that 2,833 taxpayers with incomes over $200,000 paid no income tax. That same group paid no AMT as well. I will ask to have inserted in the RECORD a copy of that statistic.

The reason this group does not pay tax is defects in the AMT. What I was saying is that the AMT is defective in its original purpose. That is, to make sure that all high-income taxpayers pay some tax. I was not arguing for a tax increase on high-income taxpayers who are paying either regular income tax or AMT. I was arguing that, if anything, if the AMT's original purpose is to be served, then insure that those not paying ANY tax, pay it.

Mr. Presdient, I ask unanimous consent to have a copy of the statistic to which I referred printed in the RECORD.

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

TABLE 1.—RETURNS WITH AND WITHOUT U.S. INCOME TAX: NUMBER OF RETURNS, BY SIZE OF INCOME UNDER ALTERNATIVE CONCEPTS, TAX YEAR 2004

[All figures are estimates based on samples]

Returns by tax status, size of expanded income	Returns by size of adjusted gross income				
	All returns	under $50,000 [1]	$50,000 under $100,000	$100,000 under $200,000	$200,000 or more
	(1)	(2)	(3)	(4)	(5)
All returns					
Total	132,226,042	91,302,396	28,166,641	9,735,569	3,021,435
Under $50,000 [1]	90,478,783	89,700,020	767,886	8,163	2,714
$50,000 under $100,000	29,115,600	1,572,295	27,186,378	353,025	3,901
$100,000 under $200,000	9,564,057	27,792	205,880	9,279,698	50,687
$200,000 or more	3,067,602	2,289	6,497	94,683	2,964,133
Returns with U.S. income tax					
Total	90,876,672	50,767,865	27,371,775	9,718,430	3,018,602
Under $50,000 [1]	50,003,838	49,336,042	659,474	6,609	1,713
$50,000 under $100,000	28,278,142	1,413,628	26,509,632	351,123	3,759
$100,000 under $200,000	9,532,119	17,365	197,144	9,267,112	50,498
$200,000 or more	3,062,574	831	5,524	93,587	2,962,632
Returns without U.S. income tax					
Total	41,349,370	40,534,531	794,866	17,139	2,833
Under $50,000 [1]	40,474,945	40,363,978	108,411	1,555	1,001
$50,000 under $100,000	837,458	158,667	676,746	1,902	142
$100,000 under $200,000	31,938	10,428	8,736	12,586	189
$200,000 or more	5,028	1,458	973	1,096	1,501

[1] Includes returns with adjusted gross deficit or with negative expanded income.
NOTE: Detail may not add to totals because of rounding.
Source: IRS, Statistics of Income Division, June 2007.

RED RIBBON WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator MURKOWSKI, in cosponsoring a resolution commemorating Red Ribbon Week. Red Ribbon Week, celebrated October 23–31 of this year, encourages individuals, families and communities to take a stand against alcohol, tobacco and illegal drug abuse.

The tradition of Red Ribbon Week, now in its 22nd year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors and students from his hometown of Calexico, CA, began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, the theme for Red Ribbon Week is ''Take a Stand—Be Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances and other family and educational events. These events are all designed to educate our children on the negative effects of drugs and to promote a drug-free environment.

Research tells us that the longer a child stays drug-free, the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of prescription drug and cold medicine abuse throughout the Nation, this year's Red Ribbon Week holds greater importance. I thank my colleagues for

passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unable to be present for a series of votes yesterday in relation to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008. I ask that the RECORD reflect that I would have voted in the following manner on each of these votes since my votes would not have affected the outcome of any of the votes:

On rollcall vote 366, the Ensign amendment No. 3294, I would have voted yea.

On rollcall vote 367, a motion to table the Ensign amendment No. 3295, I would have voted nay.

On rollcall vote 368, a motion to table the Thune amendment No. 3093, I would have voted nay.

On rollcall vote 369, a motion to table the Dole amendment No. 3313, I would have voted nay.

On rollcall vote 370, a motion to table the Vitter amendment No. 3277, I would have voted nay.

On rollcall vote 371, a motion to commit H.R. 3093 to the Committee on Appropriations, with instructions, I would have voted yea.

On rollcall vote 372, on passage of H.R. 3093, I would have voted nay.

A TRIBUTE TO ZACHARIAH ''ZACH'' TEMPLETON

Mr. ALLARD. Mr. President, I rise today to honor the service and sacrifice of Trooper Zachariah ''Zach'' Templeton.

My wife Joan and I were deeply saddened to hear of the tragic death of Trooper Zachariah Templeton while in the line of duty this past Friday in Adams County, CO, as he tried to help a motorist on Interstate 76.

It takes a person of great courage to become an officer of the law. It takes a strong, hardworking, and considerate individual. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Trooper Templeton was just this person. And unfortunately, Trooper Zachariah Templeton paid the ultimate price.

At age 27, Trooper Zachariah was the 24th Colorado State Patrol trooper who has died in the line of duty. Trooper Jason Lee Manspeaker was the last trooper killed on duty and died in a motor vehicle crash on January 23, 2001, while attempting to locate a vehicle believed to be associated with the ''Texas Seven,'' who were wanted in connection with the death of a Texas police officer. According to the National Law Enforcement Officers Memorial Fund, more than 17,500 officers have been killed nationwide since 1792, including 238 in Colorado.

A native of Colorado, Zach joined the Adams County Sheriff's Office as a detention specialist from May 2002 to July 2003, and then joined the CSP and graduated from the CSP Academy in 2003. According to CSP officials, ''Templeton was best described by fellow troopers and supervisors as an individual with a big heart and willingness to help others. It is that desire to serve which led Templeton to respond to the call of a fellow officer. He served the citizens of Colorado with dignity and honor for four years.''

Zach came from a family steeped in law enforcement tradition. Zach's father is a sergeant with the Adams County Sheriff's Office, and his great-grandfather was once county sheriff.

Trooper Zachariah Templeton was a father, brother, and a son. He is survived by daughter Samantha, parents Doug and Teresa Templeton, his brother Levi, and his girlfriend Holly Holsinger. Zach was well liked by his peers and was often very funny and a jokester with his fellow coworkers.

The State of Colorado and the Colorado State Patrol has lost a valuable member of its community, and we are all forever grateful for Trooper Zachariah Templeton's service and dedication to the safety and well-being of others. His service to all of us is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of Trooper Zachariah Templeton. May his bravery and unwavering sense of duty serve as a role model for the future generation of law enforcement officers. Thank you for your service, Trooper Templeton. Rest in peace, Sir. End of watch: Friday, October 12, 2007.

BREAST CANCER AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I rise today in recognition of October as Breast Cancer Awareness Month. During this month, numerous national service organizations, professional medical associations, and government and local agencies are working to promote breast cancer awareness, share information and provide access to screening services to women nationwide.

As you may know, breast cancer is the second leading cause of death among women—around 180,000 women in the United States will be found to have invasive breast cancer in 2007. Furthermore, about 40,500 women will die from the disease this year. And right now there are slightly over 2 million women living in the United States who have been treated for breast cancer.

Mr. President, in my home State, of New Jersey, we have one of the highest incidence rates of breast cancer in the Nation, averaging approximately 8,000 new cases per year. New Jersey also has one of the highest morbidity rates associated with breast cancer—approximately 1,500 deaths per year. These statistics are painful. Mothers and sisters and daughters are struggling to survive this disease across the country—a disease that is treatable through proper education, early diagnosis, and aggressive therapy.

Routine mammography screening is an especially effective means of detecting breast cancer at the earliest stages. That is why during Breast Cancer Awareness Month, I urge women nationally to maintain a regular mammography schedule. When breast cancer is diagnosed at early stages, the chance of survival greatly increases. Aside from mammographies, the American Cancer Society recommends that women obtain annual clinical breast exams, perform monthly breast self exams, and obtain a risk assessment from a physician to maintain their own breast health, and to catch breast cancer at the earliest stage possible.

Although it may seem like breast cancer solely plagues women, there are documented cases, although rare, of male breast cancer. In fact, it is estimated that in 2007 some 2,030 new cases of invasive breast cancer will be diagnosed among men in the United States.

However, there is hope among these devastating statistics; with knowledge and early screening, many cases can be caught early, increasing patients' chances of survival tremendously. We need to increase our outreach to men and women so we can combat this devastating disease.

It is also important to remember that Breast Cancer Awareness Month cannot just be a 31-day event—we must take action every day of the year if we have a hope of increasing treatment and saving lives.

50TH ANNIVERSARY OF NASA AND THE SPACE AGE

Mr. DOMENICI. Mr. President, I wish to commemorate the 50th anniversary of space flight, the NASA space program, and its contributions past and present to the United States as well as to New Mexico.

Just over 50 years ago on October 4, 1957, the Soviet Union launched Sputnik, the first artificial satellite to orbit around Earth, which propelled the world into the space age. This era saw an unprecedented rise in scientific and technological developments benefiting mankind both on and off the surface of the Earth.

New Mexicans have a long history of contributions to NASA and to the U.S. space program, beginning in 1929 when the ''Father of Modern Rocketry'' Robert H. Goddard moved to Roswell and began his work designing and testing rockets. In 1946 the first ever rocket was launched from U.S. soil into space from what is now White Sands Missile Range in New Mexico.

Shortly after the Soviet launch of Sputnik, the United States launched *Explorer I*, using Goddard's research on the Redstone rocket as the launch vehicle. Later that year on July 29, Congress passed the National Aeronautics

and Space Act. This law created NASA as we know it today in order to ''provide for research into problems of flight within, and outside the Earth's atmosphere, and for other purposes.''

In 1961 a chimpanzee named ENOS, trained at Holloman Air Force Base in Alamogordo, was launched into orbit around Earth and safely returned after two full orbits. Fellow space travelers, Astronauts Drew Gaffney, Sidney Gutierrez, Mike Gutierrez, Edgar D. Mitchell, and former Senator Harrison J. Schmitt, whom I had the honor of working with years ago, all call New Mexico home.

White Sands Missile Range in New Mexico currently provides an alternative landing site for the space shuttle, serves as the primary training area for NASA space shuttle pilots and is used for research on the next generation of the space shuttle. NASA has collaborated with, and funded, research at the University of New Mexico, New Mexico State University, and New Mexico Tech. This funding has been used to continue to expand the limits of understanding in the fields of science and technology. NASA continues to work with Sandia and Los Alamos National Laboratories on cutting edge research and development programs.

New Mexico's Holloman Air Force Base in Alamogordo is also home to the 2007 X-PRIZE Cup competition, the world's largest air and space flight demonstration. In just a few days, on October 27 and 28, lunar lander vehicle competitions, launches, and air show performances will take place along with ground static displays of rockets, NASA displays, robotic displays, and military aircraft displays. I know that the competition will again be fierce for the X-PRIZE Cup, and I am very excited that all the action will take place in New Mexico.

I am proud of New Mexico's role and rich history in space and with NASA. It is a great honor for New Mexico to contribute in so many ways to this remarkable program which has played such a large role in our Nation's history and which continues to be so important to our advancement.

From the Mercury, Gemini, and Apollo missions of the 1960s space race to the shuttle age and beyond, NASA has been on the cutting edge of technology, and they are consistently pushing the limits of understanding. Through space exploration we continue to gain a clearer picture of the history of our universe, our planet, and ourselves.

In honor of 50 years of space flight, NASA will be hosting lecture series, future forums, and science expos throughout the country beginning this month and continuing through October of 2008. I am in awe of what NASA has done and can only anticipate what exciting things they will bring this country, and the world, over the next 50 years.

ADDITIONAL STATEMENTS

SANTA CLARA UNIVERSITY PARTICIPATION IN SOLAR DECATHLON

• Mrs. BOXER. Mr. President, I would like to take a moment to recognize the extraordinary efforts of one of the universities in my home State of California—Santa Clara University.

Twenty-eight SCU students are here in Washington this week to compete in the Solar Decathlon to build the most livable and energy efficient solar-powered house.

As one of only 20 university teams worldwide chosen by the U.S. Department of Energy to participate, the SCU team is making tremendous strides both on the Mall and in California to lead the charge in sustainable living. They are setting a fantastic example for youth throughout the Nation, and for future generations, in how we can work to save energy and reduce global warming pollution.

The SCU students have studied the innovative problem solving methods that are a staple of Silicon Valley and have incorporated those approaches in their work. They have gone above and beyond to demonstrate that people can have affordable, beautiful, functional housing that also saves energy, protects our environment, and reduces pollution.

In June, the SCU team started building their solar-powered home and then transported it across the country last month. Their state-of-the-art ''green'' home is fully equipped with bamboo I-beams, developed by the SCU engineering team, retractable walls, ''smart'' windows and solar thermal panels, in addition to generating its own solar electricity. The solutions to our environmental challenges lie in new technologies like these.

Buildings are responsible for 40 percent of greenhouse gas emissions. This means that taking the steps to make our homes more efficient will ensure a better, greener future for generations to come. Building energy efficient homes and buildings, increasing our use of solar power, and expanding the use of clean, renewable energy sources are some of the best ways to reduce the pollution that causes global warming.

I again commend the students of Santa Clara University for making the trip to Washington and for their efforts to blaze the trail for a better, cleaner environment.•

TRIBUTE TO JUSTICE WILLIAM E. McANULTY, JR.

• Mr. DODD. Mr. President, I speak in memory of my dear friend, William E. McAnulty, Jr., justice of the Kentucky State Supreme Court. He died last month of lung cancer, at the age of 59.

Justice McAnulty should have been with us for many more years. But Bill lived a life that could have been called complete no matter when his book closed—complete because it was full of love, full of humor, and full of pathbreaking work.

Bill jumped at the chance to be the first African American to serve on Kentucky's Supreme Court, declaring that he didn't have time to wait to make history. ''And to those many, many before me,'' he added, ''thank you for not waiting.''

And Justice McAnulty knew that, just as he owed a debt to the civil rights pioneers who came before him, he in turn would be remembered by those who came after: After his success, he said, black lawyers ''will understand the door is open and they are able like any other lawyer or judge to enter. I've looked at my entire career as being someone who could pave the way for others behind me.''

''He was simply born to be a judge,'' said a prominent Kentucky attorney. But when I met Bill at the University of Louisville law school, his accomplishments on the bench were still far in the future.

What I remember most from our student days together is his mischievous streak for practical jokes and his crackling sense of humor—qualities that served him wonderfully as a judge.

When a lawyer paused in the middle of a lengthy closing statement and asked Bill to wake a snoring juror, he replied: ''You put him to sleep. You wake him up.'' And when this University of Louisville graduate and lifelong Democrat was preparing for brain surgery in the last days of his life, he asked the doctor for assurances that he wouldn't wake up a University of Kentucky fan or with the judicial perspective of Justice Clarence Thomas.

Bill faced his sudden illness and his imminent death with a bravery I wish we could all be blessed to emulate. In one sense, it was deeply unfair for that sickness to strike only a year after his crowning achievement, service on his State's highest court. But as Bill would have told us, only a false measure of success could be stolen so easily.

Bill earned a much deeper kind. In the words of Ralph Waldo Emerson quoted at his funeral: ''To laugh often and much; . . . To know even one life has breathed easier because you have lived—this is to have succeeded.''

So I join Bill's surviving loved ones—his father William, his wife Kristi, and his four children—in their sadness. At the funeral, the presiding pastor implored Kentucky's Governor, ''We know you can't give us another Judge McAnulty, but please give us somebody like him.''

A success like the life of Justice William E. McAnulty, Jr., is no cause for mourning. But we grieve Bill's death, and I can't deny that I will miss this best of friends very, very much.•

BORDER BINATIONAL HEALTH WEEK

• Mr. DOMENICI. Mr. President, I wish to commemorate Border Binational

Health Week. Being that New Mexico is a border State, I have great interest in honoring the citizens of my State who live and work near the border.

Border Binational Health Week, which is celebrated this week, is a way for border States to promote sustainable partnerships to help address border health issues. This year's theme is ''Families in Action for Health,'' which is an effort to make sure all people are healthy, and families working together can make sure that happens. Border States have a unique set of concerns citizens elsewhere may not experience. By recognizing Border Binational Health Week, we can begin a dialogue on these issues, between countries.

Several events are being held around the State to raise awareness. The events include a Red Ribbon Rally Parade and Health Fair in Sunland Park; a Family Health Fair in Las Cruces; a Health Disparities Forum in Silver City; a 1½ mile Walk out West in Alamogordo; and a Youth Promotora Training and Educational Workshop in Animas and Lordsburg. Each of these activities help promote healthy living in border States, and especially border communities.

It is my hope that border health will be discussed not only during this week but all year long.●

RECOGNIZING CANYON ROAD

● Mr. DOMENICI. Mr. President, I wish to recognize the city of Santa Fe and their award for one of 2007's Great Streets. Canyon Road was showcased by the American Planning Association as being one of the top 10 streets in the country.

Canyon Road is unique in that it combines elements of commercial and residential living in a way that makes guests want to visit this street time and again. It is the heart of the residential arts and crafts district, and many artists sell their work on this street. Canyon Road is loaded with art galleries that draw crowds of art connoisseurs and simple lovers of art. Art is a huge part of the culture in Santa Fe, and Canyon Road epitomizes that culture. This street is enjoyed by locals and tourists alike.

It is great to see Santa Fe recognized along with cities like New York City and St. Louis. Canyon Road was listed alongside other famous roads, such as North Michigan Avenue in Chicago and Ocean Drive in Miami. It is great to see the character and distinctiveness of my State represented on lists such as these. The American Planning Association has only solidified what New Mexicans already know, that this street is a place all should enjoy. I invite all of you to visit New Mexico and go take a leisurely stroll down the legendary Canyon Road. ●

HONORING MARNEE'S COOKIES

● Ms. SNOWE. Mr. President, today I recognize Marnee's Cookies, a growing small business from my home State of Maine that recently opened its first retail store in Bath, ME. Marnee's Cookies, a premier gourmet cookie company, held the grand opening of Marnee's Cookie Bistro on September 28 to great fanfare. Originally operated out of owner Marnee Robinson's kitchen, the business is now based out of a 4,000 square-foot facility in downtown Bath, which serves as both a cookie factory and retail store.

Baking from an early age, Ms. Robinson has developed and refined the quintessential cookie by combining the arts of baking and design. For years, family and friends have enjoyed her two signature cookies—Nirvana and Serendipity—that became the genesis and impetus for her business. In 2005, Ms. Robinson's entrepreneurial dream became a reality when Marnee's Cookies was founded, offering 13 types of gourmet cookies. Originally begun as a home-based Internet company run solely by Ms. Robinson, the demand for her product quickly expanded into a booming business with loyal customers around the world, from Maine to California, and Paris to India. In fact, Internet orders were so strong that Ms. Robinson was working 18-hour days to ship cookies worldwide. As a result, her growing business needed a facility to accommodate the increasing demand.

The expansion of Marnee's Cookies was made possible by a $150,000 community development block grant. These grants are awarded to small businesses that will, in turn, contribute to economic development and job creation. The city of Bath saw great potential in Ms. Robinson's business plan and applied for the grant on her behalf. I am confident the grant will be beneficial to Marnee's Cookies, enabling it to further expand its reach and create additional jobs and opportunities for Bath's residents.

Marnee's Cookies is also to be commended for its active involvement in local community and charity events. Cookies are regularly donated to local events and nonprofit organizations ranging from the Bath Soup Kitchen to St. Jude Children's Research Hospital. Additionally, Marnee's Cookies holds an annual charity event on December 4—National Cookie Day—with a portion of all holiday orders donated to a local charity. These gracious acts of philanthropy cannot go unnoticed and are a shining example of a small business going above and beyond to serve the local community.

Marnee's Cookies is truly a success story and a bright example of what small businesses can accomplish with measured expansion and consistent determination. I congratulate Marnee Robinson for her entrepreneurial spirit and for being an exceptional role model for Maine and the Nation. We at the Senate wish Marnee's Cookies all the best for many more successful years to come.●

RECOGNIZING THE SALVATION ARMY

● Mr. THUNE. Mr. President, today I wish to recognize the Rapid City Chapter of the Salvation Army as they celebrate 100 years of dedicated service to the local community.

For the last century, the Salvation Army of Rapid City has stood ready to assist South Dakotans of all ages through a variety of services including disaster relief, food and nutrition services, family counseling, health services, and many others. They own and operate the Black Hills Salvation Army Camp and the Rapid City Salvation Army Thrift Store. This ''church with its sleeves rolled up'' serves as a shining example of an organization that is meeting the needs of South Dakota's citizens both physically and spiritually.

The Salvation Army would not be able to perform its invaluable mission without the hard work and dedication of the many volunteers and officers who have put in countless hours serving the needs of others. These compassionate individuals are truly the backbone of the Rapid City community and I hope that their service will inspire others to lend a helping hand.

It gives me great pleasure to rise with the State of South Dakota in congratulating the Salvation Army of Rapid City on this important anniversary and wish them continued success in the years to come.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1495. An act to provide for the conservation and development of water and related sources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 3:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2102. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 2295. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 182. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

H. Con. Res. 225. Concurrent resolution honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 400. An act to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2102. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

S. 2185. A bill to permanently extend the current marginal tax rates.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3629. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Community Connect Broadband Grant Program'' (RIN0572–AC09) received on October 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3630. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a meeting held on July 17, 2007, by the Strategic Materials Protection Board; to the Committee on Armed Services.

EC–3631. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3632. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the Department's decision to conduct a streamlined competition for intermediate level ship maintenance support functions; to the Committee on Armed Services.

EC–3633. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the expected date of completion of an interim report on the needs of returning members of the National Guard and Reserve; to the Committee on Armed Services.

EC–3634. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 52796) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3635. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 52820) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3636. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 52793) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3637. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 50250) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 50255) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 53955) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 54588) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3641. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 54591) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3642. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Establish Catch Accounting Requirements for Processors/First Receivers Participating in the Pacific Whiting Shoreside Fishery'' (RIN0648–AV46) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3643. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–AU68) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3644. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC55) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3645. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XC22) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3646. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel With Gears Other than Jig in the Eastern Aleutian District and the Bering Sea Subarea in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC56) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3647. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC57) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3648. A communication from the Director for Bilateral Agreements, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Mexican Cement Import Licensing System'' (RIN0625–AA70) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3649. A communication from the Deputy Assistant General Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Administrator, received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3650. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework Adjustment 1 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan'' (RIN0648–AT62) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3651. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XC66) received

on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3652. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A)'' (RIN0648–XC24) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3653. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Connecticut 2007 Summer Flounder Commercial Fishery)'' (RIN0648–XC21) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3654. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (RIN0648–XC46) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3655. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC26) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3656. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC47) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3657. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC43) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3658. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC52) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3659. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC48) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3660. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XC54) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3661. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Coastwide 2007 Summer Period Scup Commercial Fishery)'' (RIN0648–XC70) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3662. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Extension of Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007'' (RIN0648–AT87) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3663. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework Adjustment 4 to the Monkfish Fishery Management Plan'' (RIN0648–AU34) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3664. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Final Rule; Correction'' (RIN0648–AV95) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3665. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 85 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to Allocate Pacific Cod Among Harvesting Sectors'' (RIN0648–AU48) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3666. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Administration's Strategic Plan for fisheries research; to the Committee on Commerce, Science, and Transportation.

EC–3667. A communication from the General Counsel, Department of Commerce, transmitting, legislation entitled, ''Space Commerce Act of 2007''; to the Committee on Commerce, Science, and Transportation.

EC–3668. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Virginia Regulatory Program'' (Docket No. VA–125–FOR) received on October 15, 2007; to the Committee on Energy and Natural Resources.

EC–3669. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (Docket No. IN–156–FOR) received on October 15, 2007; to the Committee on Energy and Natural Resources.

EC–3670. A communication from the Associate Deputy Secretary of the Interior, transmitting, pursuant to law, a report relative to the general social, political, and economic conditions in the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

EC–3671. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, two draft documents relative to the Yucca Mountain Project; to the Committee on Energy and Natural Resources.

EC–3672. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2006; to the Committee on Energy and Natural Resources.

EC–3673. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter From Pulp and Paper Mills'' (FRL No. 8484–5) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3674. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Mercer County Portion of the Youngstown-Warren-Sharon, OH–PA 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's MaintenancePlan and 2002 Base Year Inventory'' (FRL No. 8484–3) received on October15, 2007; to the Committee on Environment and Public Works.

EC–3675. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans and Operating Permits Program; State of Iowa'' (FRLNo. 8483–1) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3676. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia: Redesignation of Murray County, Georgia 8-Hour Ozone Nonattainment Area to Attainment for Ozone'' (FRL No. 8482–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Kentucky: Performance Testing and Open Burning'' (FRL No. 8482–5) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3678. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri; Transportation Conformity'' (FRL No. 8483–3) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3679. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur From Pulp and Paper Mills'' (FRL No. 8484–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Central Indiana to Attainment of the 8-Hour Ozone Standard'' (FRL No. 8484–2) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3681. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazinam; Pesticide Tolerance'' (FRL No. 8152–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3682. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Definition of Cogeneration Unitin Clean Air Interstate Rule, CAIR Federal Implementation Plans, Clean Air Mercury Rule; and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules'' ((RIN2060–AO33)(FRL No. 8483–7)) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3683. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled, ''FY 2006 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–3684. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Limited Work Authorizations for Nuclear Power Plants'' (RIN3150–AI05) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3685. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offset of Tax Refund Payments to Collect Past-Due Support'' (RIN1510–AB16) received on October 15, 2007; to the Committee on Finance.

EC–3686. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 2007–62) received on October 15, 2007; to the Committee on Finance.

EC–3687. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I Issue: Section 118 Abuse Directive No. 3'' (Docket No. LMSB–04–1007–069) received on October 15, 2007; to the Committee on Finance.

EC–3688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2007–82) received on October 15, 2007; to the Committee on Finance.

EC–3689. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest Rate Modifications Under the Pension Protection Act of 2006'' (Rev. Proc. 2007–81) received on October 15, 2007; to the Committee on Finance.

EC–3690. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payment of Federal Taxes and the Treasury Tax and Loan Program'' (RIN1510–AB01) received on October 15, 2007; to the Committee on Finance.

EC–3691. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–201–2007–212); to the Committee on Foreign Relations.

EC–3692. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to the Republic of Korea to support the manufacture of F–16 airframe structural components; to the Committee on Foreign Relations.

EC–3693. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to Denmark, the Netherlands, and Belgium in support of the MK 41 Vertical Launching System; to the Committee on Foreign Relations.

EC–3694. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to Japan to support the manufacture of F–15 electrical generators; to the Committee on Foreign Relations.

EC–3695. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a request for Foreign Military Financing funds for the Government of Egypt for the production of 125 M1A1 Abrams Tanks; to the Committee on Foreign Relations.

EC–3696. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles and services to Australia for the manufacture of materials relative to the Australian Mulwala Gun Propellant and Explosive Plant upgrade; to the Committee on Foreign Relations.

EC–3697. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the development of requirements for the licensing of cord blood units; to the Committee on Health, Education, Labor, and Pensions.

EC–3698. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries'' (Docket No. 2006P–0487) received on October 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3699. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Advisory Committee; Risk Communication Advisory Committee; Establishment'' (21 CFR Part 14) received on October 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3700. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (Docket No. 2000N–1596) received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3701. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (72 FR 52471) received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3702. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Solicitor of Labor, received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3703. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3704. A communication from the Director, Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Dental and Vision Insurance Program'' (RIN3206–AL03) received on October 15, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3705. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 7C for Fiscal Years 2005 Through 2007, as of March 31, 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–3706. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–20; Introduction'' (FAC 2005–20) received on October 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3707. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Actions Taken on Office of Inspector General Recommendations''; to the Committee on Homeland Security and Governmental Affairs.

EC–3708. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2005 Through 2007, as of March 31, 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–3709. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Designation of Oripavine as a Basic

Class of Controlled Substance'' (Docket No. DEA–309F) received on October 16, 2007; to the Committee on the Judiciary.

EC–3710. A communication from the White House Liaison, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Attorney General, received on October 16, 2007; to the Committee on the Judiciary.

EC–3711. A communication from the Assistant Attorney General for Administration, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for 'El Paso Intelligence Center Seizure System''' (AAG/A Order No. 032–2007) received on October 15, 2007; to the Committee on the Judiciary.

EC–3712. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report'' (RIN2502–AI43) received on October 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 2173. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 2175. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mr. KERRY, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. DORGAN, Mr. INOUYE, Ms. STABENOW, and Mr. TESTER):

S. 2176. A bill to promote the development of Native American small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. McCASKILL:

S. 2177. A bill to prohibit the payment of individuals to reserve a place in line for a seat for a lobbyist at a congressional committee hearing or business meeting; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Mr. HATCH):

S. 2178. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

By Mr. BINGAMAN:

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; read the first time.

By Ms. COLLINS (for herself, Mr. CASEY, Mr. BOND, Ms. CANTWELL, Mr. ROBERTS, and Mr. REED):

S. 2181. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

By Mr. REED (for himself and Mr. SMITH):

S. 2182. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. REED):

S. 2183. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. DOLE:

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days; read the first time.

By Mr. GRAHAM:

S. 2185. A bill to permanently extend the current marginal tax rates; read the first time.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. SANDERS):

S. 2186. A bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. CASEY):

S. 2187. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SALAZAR, Mr. SMITH, Mr. AKAKA, and Mr. SANDERS):

S. 2188. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Finance.

By Mr. DODD (for himself and Mr. DURBIN):

S. 2189. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY):

S. Res. 349. A resolution honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming; considered and agreed to.

By Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR):

S. Res. 350. A resolution honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies, winners of the 2007 Nobel Prize in Physiology or Medicine; considered and agreed to.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 886

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1194

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1194, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1259

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1382

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1430

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1544

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1544, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1669

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1669, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1833

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1921

At the request of Mr. WEBB, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Kentucky

(Mr. BUNNING) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2053

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2053, a bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2135

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2152

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2152, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

S. 2153

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2153, a bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2172

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. RES. 348

At the request of Ms. MURKOWSKI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 348, a resolution supporting the goals and ideals of Red Ribbon Week.

AMENDMENT NO. 3320

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 3320 intended to be proposed to H.R. 3043, a bill 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. 3321

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 3321 intended to be proposed to H.R. 3043, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2173. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the FIT Kids Act. That first word, FIT, is an acronym for ''Fitness Integrated with Teaching''. The FIT Kids Act encourages schools to provide children with quality physical education that can help them lead healthier lives.

Since the 1970s, the incidence of obesity has more than doubled for preschool children aged 2–5 years and for young people aged 12–19 years, and has more than tripled for children aged 6–11 years. There are many reasons of this public health crisis, and addressing this crisis will require multiple solutions as well. One critical place to start is in our schools. The Centers for Disease Control and Prevention has found that fewer than 10 percent of our public schools at all levels offer daily physical education or its equivalent for the entire school year for all students.

The FIT Kids Act would amend the No Child Left Behind Act to support quality physical education for all public school children through grade 12, and ensure they receive important health and nutritional information. As a senior member of the Senate Health, Education, Labor and Pensions Committee, I have been working with Chairman KENNEDY and my other colleagues to reauthorize the No Child Left Behind Act in a way that improves on existing law, and gives schools and educators the resources they need to succeed.

It is truly alarming to see the discrepancies in achievement between children in the United States and children abroad. Here in the U.S., we have a wide and persistent achievement gap that is leaving behind children of color, young people from disadvantaged backgrounds, and children with disabilities. I believe that the No Child Left Behind Act gives us a framework to reduce, and hopefully close, this achievement gap to ensure that children from all walks of life are achieving at high levels. I believe that we can and will reauthorize the No Child Left Behind Act in a way that preserves its essential reforms and continues the progress we have made over the nearly 6 years since the act became law.

Unfortunately, despite the law's lofty goals, many educators have come to see it as a burden and a hindrance to effective classroom practices. I admit I share many of their concerns. I am particularly concerned about reports of imbalances and distortions that have come about as various States and the Federal Government have pushed for higher standards and greater accountability. Earlier this year, the Center on Education Policy, here in Washington,

released a study showing that, as a result of NCLB, many school districts have cut back on the time spent teaching subjects other than math and reading.

I am especially concerned by the finding that time spent on physical education has dropped by 9 percent, and recess by 6 percent. A new elementary school in Atlanta was actually built without a playground! This is just plain wrong-headed and short-sighted for two big reasons: one, we are fighting a childhood obesity epidemic of frightening proportions. Two, as any teacher or parent knows, kids have got to have time to play and burn off energy if they are going to be in a proper frame of mind to learn.

This legislation will provide parents with information on the time and resources devoted to giving their children a quality physical education. Specifically, the bill will amend the State, local education agency, and school report cards to include measures of physical education tied to nationally recognized guidelines and standards. It is important to note, however, that this legislation will not amend the school accountability process to include measures of physical education. However, by including this new information on report cards we will give parents the data they need in order to assess whether their children are receiving an appropriate physical education.

In addition, the bill promotes teacher professionalism in the field of physical education in order to promote healthy lifestyles and physical activity, and thereby to boost students' readiness to learn. The bill promotes physical activity in after-school programs. It amends the school counseling program to take into account students' emotional and physical wellbeing. It supports efforts to train parents to encourage healthy behaviors and physical activity.

Finally, this legislation authorizes research into the ways physical activity can be incorporated into all aspects of the school day, as well as research into the impact of physical activity on students' ability to learn, and into the best ways to measure student progress in increasing physical activity.

I am pleased that this bill is strongly supported by the American Heart Association, the National Parent Teacher Association, the American School Counselor Association, YMCA of the USA, National Association for Sport and Physical Education, the Campaign to End Obesity, and many other leading organizations in the fields of education and health.

The FIT Kids Act shines a spotlight on children's heath and how our schools can play a greater role in teaching our children healthy behaviors. As we move forward in reauthorizing the No Child Left Behind Act, we cannot neglect the importance of proper physical education. Students should be learning healthy behaviors and the importance of physical activity, and why these lessons will be important throughout their lives. The FIT Kids Act provides the framework to accomplish this. I urge my colleagues to support this bill.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to name the Post Office in Tiffin, Ohio, after the late U.S. Representative Paul E. Gillmor. It is my honor to introduce this bill because of my close relationship with Congressman Gillmor, and the utmost respect I have for him and his service to the people of Ohio. I would like to thank Senator BROWN for his cosponsorship.

Paul and I met four decades ago in 1967 when we began our careers together, Paul as a State senator and I as a member of the Ohio House. Paul was immensely successful and well-respected because he treated others with dignity and respect.

During his tenure as president of the Ohio Senate, he was able to put partisan politics aside and work together with Governor Celeste for the best interests of the state.

Paul had a wonderful knack for being able to work with people to get things done. He led by example, and his enthusiasm and ability always made you want to be on his team. He left an indelible mark on the people he worked with which is a part of his wonderful, lasting legacy.

When I came to the Senate I knew I had a real friend in Paul Gillmor. My only regret is that I did not have more time to spend with him.

Because of Paul's diligent and devoted service to his country, it is fitting that the post office in Tiffin, Ohio, should soon bear his name. Not far from his small home town of Old Fort, Ohio; Tiffin was chosen in concurrence with the wishes of his wife, Karen Gillmor.

By Mrs. CLINTON:

S. 2175. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Family Asthma Act, legislation that would improve our federal government's response to this epidemic. The number of people with asthma has more than doubled in the past twenty years, and today, more than 32 million Americans, including more than 9 million children, have been diagnosed with asthma. By 2020, asthma is expected to strike 1 in 14 Americans and 1 in 5 families.

While deaths and hospitalizations from asthma are decreasing, the disease has a disproportionate impact among racial and ethnic minority populations. The emergency department visit rate for blacks seeking asthma treatment was 350 percent higher than that of the rates of whites, while the hospitalization rate for blacks with asthma was 240 percent higher than the rate of whites with asthma. Puerto Rican populations are 95 percent more likely to be diagnosed with asthma than white populations. Women are also disproportionately impacted, with asthma hospitalization rates approximately 35 percent higher among females than males.

Our legislation seeks to reverse these disparities. It would set up pilot projects to increase patient self-management, and allow for a better understanding of the environmental factors, like indoor and outdoor air pollution, that contribute to asthma. It would improve our surveillance and education efforts through the Centers for Disease Control and Prevention, so that we identify and target interventions to the populations with the highest burdens of asthma. And it would train providers to recognize the links between environmental pollution and asthma, in order to better treat and manage this condition.

This legislation contains the following components: it establishes pilot projects to improve asthma management and increase our knowledge of the environmental and genetic links to asthma. The Family Asthma Act establishes a $10 million annual grant program through the National Institutes of Health to establish pilot research projects that assist patients with asthma management. These projects will also allow scientists to engage in research on the environmental and genetic factors that contribute to severe, persistent asthma.

It directs our Government's asthma coordinating body to review and make recommendations for future directions in research and interventions. This legislation directs the National Asthma Education and Prevention Program to review current private and public sector efforts in combating asthma, and make recommendations as to how to strengthen those efforts in order to reduce the impact of this disease upon our health care system.

It increases funding to the CDC for education and surveillance. The bill provides $10 million annually to increase CDC's educational efforts, with state, local and nonprofit partners, to raise awareness of both asthma and ways to manage the disease. It also increases the scope of CDC's asthma surveillance activities to include hospitalization data, so as to better measure the impact of asthma at both the national and local level.

It creates a fellowship program to train providers about the links between the environment and asthma. Through this bill, the National Institutes of Environmental Health Sciences will set up a $2 million fellowship program to

help a broad spectrum of health care providers learn about the links between the environment and asthma, and increase their ability to address those links in clinical practice and asthma management programs.

I look forward to working with my colleagues in the Senate to move this legislation forward and address the growing incidence of asthma in our country.

I ask unanimous consent that a letter of support be printed in the RECORD.

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

AMERICAN LUNG ASSOCIATION,
Washington, DC, October 17, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Lung Association strongly supports your Family Asthma Act. Once enacted into law, this measure will result in much-needed research into factors contributing to asthma and the alarming effects of asthma on the health of Americans, particularly children, minorities, women and the elderly.

As you know, over 22 million Americans currently have asthma, including more than six million children. Asthma is the leading cause of chronic illness among children in the U.S. and the third-leading cause of hospitalization among kids under 15 years of age. It also results in almost 13 million days of missed school annually. Asthma takes a significant toll on the public, increasing absenteeism from work, as well as the financial burden of asthma treatment. The Centers for Disease Control and Prevention (CDC) estimates that 11 million workdays are missed annually as a result of asthma and it is estimated to cost almost $15 billion in direct health care costs each year. Asthma also disproportionately affects women and minorities.

The introduction of this legislation comes at an important time: this week, the National Asthma Education and Prevention Program is issuing revised guidelines, emphasizing the importance of asthma control and suggesting new approaches for monitoring asthma. The new guidelines will help doctors and their patients select a treatment based on the patient's needs and level of asthma, emphasizing the importance of regularly monitoring the patient's asthma level so that treatments can be adjusted necessary.

However, despite these new guidelines, nationwide efforts to monitor asthma prevalence are hampered by a lack of consistent data. Your legislation will require that asthma surveillance activities be conducted so that critical information on the prevalence and severity of asthma, the effectiveness of public health asthma interventions and the quality of asthma management is collected. The Family Asthma Act will also require greater federal coordination to create a national plan to combat asthma.

Thank you for your leadership on this critical public health issue. The American Lung Association looks forward to working with you to see the Family Asthma Act become law.

Sincerely,

BERNADETTE A. TOOMEY,
President and CEO.

By Mr. KERRY (for himself and Mr. HATCH):

S. 2178. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, one of the best ways that the United States can gain understanding and appreciation of other cultures is through the arts. Exposing children and adults alike to the creativity of other countries enriches our own artistic talents and helps bridge the gap between nations. It is for those reasons my colleague Senator HATCH and I have introduced the Arts Require Timely Service, ARTS, Act.

This legislation helps streamline the visa process and waive fees so that foreign artists and musicians can share their talents in the United States. Currently, the visa process for visiting artists is slow and costly, often times prohibiting artists from coming to the United States to share their talents. Breaking down these barriers is important and we shouldn't let the politics of immigration interfere with expanding our cultural horizons.

I am proud to stand with Senator HATCH and the Performing Arts Visa Task Force to try and help artists visit our country and inspire our communities. I hope our colleagues will join us and pass this sensible reform to expedite cultural exchanges and artistic expression.

Mr. HATCH. Mr. President, I rise today to join with Senator JOHN KERRY in introducing the Arts Require Timely Service, ARTS, Act. The ARTS Act would reduce the current processing times for ''O'' and ''P'' arts-related visa petitions filed by, or on behalf of, nonprofit arts-related organizations to a maximum of 45 days.

Unfortunately, delays by the U.S. Citizenship and Immigration Services are making it increasingly difficult for international artists to appear in the U.S. Nonprofit arts organizations confront long waits and uncertainty in gaining approval for visa petitions for foreign artists. Most nonprofit arts cannot afford the Premium Processing Service, guaranteeing processing within 15 days upon payment of an additional $1,000 fee per petition. This is burdensome for many nonprofit arts organizations leaving them to await the unpredictability of the regular visa process.

Performances and other cultural events are date, time and location-specific. The nature of scheduling, booking, and confirming highly sought-after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable. There is a continuing risk that foreign guest artists will be unable to enter the U.S. in time for their engagements, causing burdens on nonprofit arts organizations, international artists, and the local artists who were scheduled to perform alongside the international guest.

In my home State of Utah, the Utah Symphony & Opera has witnessed firsthand how delays and unpredictability in artist visa processing have denied Utahns the opportunity to experience international artistry. To make matters worse, cancellations create high economic risks for these nonprofit arts institutions as they must sell tickets in advance, creating a financial obligation to their audiences.

Congress has already indicated strong, bipartisan support for the ARTS Act. In fact, the provision enjoys support from key House and Senate Judiciary Committee members and it was included in the 2006 Senate comprehensive immigration reform bill. I agree with Homeland Security Secretary Michael Chertoff when he said, ''Our heritage and our national character inspire us to create a more welcoming society for those who lawfully come to our shores to work, learn, and visit.'' Indeed, this noncontroversial improvement to the artist visa process will strengthen our ties with other countries, enrich our Nation's culture, and provide a wonderful opportunity to learn from foreign artists.

I encourage my colleagues to support the ARTS Act.

By Ms. COLLINS (for herself, Mr. CASEY, Mr. BOND, Ms. CANTWELL, Mr. ROBERTS, and Mr. REED):

S. 2181, A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join Senators CASEY, BOND, CANTWELL, ROBERTS and REED in introducing legislation, the Home Health Care Access Protection Act, to prevent the devastating 11.75 percent cut that the Centers for Medicare and Medicaid Services, CMS, is planning to make in Medicare home health payment rates over the next 4 years.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare millions of dollars each year.

That is why I find it so ironic that the Medicare home health benefit is once again under attack.

The House version of the SCHIP reauthorization bill proposed cutting Medicare home health spending by $2.6 billion over 5 years, and the Senate may soon be considering similar cuts.

To make matters worse, CMS has proposed additional administrative cuts that are estimated to total more than $6 billion over the next 5 years. If allowed to go forward, this ''double whammy'' for home care will result in

cuts in excess of $8.6 billion over 5 years from a program that costs less than $15 billion a year. This simply is not right, and it certainly is not in the best interest of our Nation's seniors who rely on home care to keep them out of hospitals, nursing homes and other institutions.

The administrative cuts proposed by CMS are based on the assertion that home health agencies have intentionally ''gamed the system'' by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of ''case mix creep'' is based on what CMS contends to be an increase in the average clinical assessment ''score'' of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital DRG reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that earlier could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

These administrative cuts are proposed to go into effect on January 1. This would be devastating to home health agencies in Maine and across the Nation, particularly given that there is no evidence of intentional ''gaming'' on the part of home health agencies to warrant such a severe financial penalty.

Moreover, CMS has not made public any of the details of the research method, data and findings they used to justify the planned cuts, making it impossible for Congress or the public to evaluate the reliability or the validity of its actions.

What is of most concern to me, however, is that this unfair penalty is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The fact is that the Medicare home health benefit has already taken a larger hit in spending cuts over the past 10 years than any other Medicare benefit. In fact, home health as a share of Medicare spending has dropped from 8.7 percent in 1997 to 3.2 percent today, and is projected to decline to 2.6 percent of Medicare spending in 2015.

This downward spiral in home health spending began with provisions in the Balanced Budget Act of 1997, which resulted in a 50 percent cut in Medicare home health spending by 2001—far more than the Congress intended or the Congressional Budget Office projected.

And home health spending continues to be much lower than CBO projections. In 2000, the CBO projected that home health spending in 2006 would total $21.1 billion under the new home health prospective payment system. The actual total expenditures for home health last year were $13.2 billion. If home health agencies were engaging in the kind of widespread ''upcoding'' that CMS has alleged, home health spending would be exceeding CBO's projections. In fact, home health spending has been far less than expected.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. They will also place the quality of home health services at risk, particularly given ever-rising transportation, staffing, and technology costs. Cuts of this magnitude could leave some providers with no alternative but to reduce the number of home health visits or patient admissions, which would ultimately threaten seniors' access to care and clinical outcomes. Or they could cause them to close their doors altogether.

The legislation that we are introducing today will block the ''case mix creep'' cuts that were proposed by CMS as part of the final home health prospective payment system regulation in August. It will also establish a reliable and transparent process that the Department of Health and Human Services must use to justify that payment rate cuts are needed to account for improper changes in ''case mix scoring.'' A companion bill to our legislation is being introduced in the House by Representative JIM MCGOVERN.

The Home Health Care Access Protection Act of 2007 will help to ensure that our seniors and disabled Americans continue to have access to the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

By Mr. REED (for himself and Mr. SMITH):

S. 2182. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Community Mental Health Services Improvement Act. For decades, we have known that people suffering from mental illness die sooner, on average 25 years sooner, and have higher rates of disability than the general population. People with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes. With this legislation, we are taking steps to address these disturbing trends.

We know that mental health and physical health are inter-related: each contributes to the other. Yet historically mental health and physical health have been treated separately. The vision of this legislation is that the two should be integrated in a single medical home.

In a recent survey, 91 percent of community mental health centers said that improving the quality of health care is a priority. However, only one-third have the capacity to provide health care on site, and only one-fifth provide medical referrals off site. The centers identified a lack of financial resources as the biggest barrier to integrating treatment.

Accordingly, this legislation provides grants to integrate treatment for mental health, substance abuse, and primary and specialty care. Grantees can use the funds for screenings, basic health care services on site, referrals, or information technology.

This legislation is also a comprehensive response to the workforce crisis identified by the President's New Freedom Commission on Mental Health. It provides grants for a wide range of innovative recruitment and retention efforts, from loan forgiveness and repayment programs, to placement and support for new mental health professionals, to expanding mental health education and training programs.

Finally, this legislation provides grants for tele-mental health in medically-underserved areas, and invests in health IT for mental health providers. These proposals address the twin goals of improving the quality of mental health treatment while expanding access to that treatment in rural and underserved areas.

This bipartisan legislation, which I am introducing with my colleague Senator SMITH, has the overwhelming support of the mental health community. It has been endorsed by the National Council for Community Behavioral Healthcare, the National Alliance on Mental Illness, Mental Health America, the Campaign for Mental Health Reform, and the American Psychological Association. I am especially grateful for the support of the Rhode Island Council of Community Mental Health Organizations, whose members treat close to 15,000 Rhode Islanders of all ages.

Today Senator SMITH and I are also introducing the Community Mental Health Infrastructure Improvements Act. It should be obvious that this legislation is a necessary complement to the Community Mental Health Services Improvement Act: without community mental health centers, there can be no services to improve. Accordingly, this legislation provides grants to states for the construction and modernization of facilities that provide mental health services.

As a member of the Senate Committee on Health, Education, Labor, and Pensions, I will work to include

these important initiatives in legislation that renews and improves Substance Abuse and Mental Health Services Administration, SAMHSA, programs. It is my hope that with its passage, we can begin to address the challenge of improving and expanding access to mental health services in a comprehensive way.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Mental Health Services Improvement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) almost 60,000,000 Americans, or one in four adults and one in five children, have a mental illness that can be diagnosed and treated in a given year;

(2) mental illness costs our economy more than $80,000,000,000 annually, accounting for 15 percent of the total economic burden of disease;

(3) alcohol and drug abuse contributes to the death of more than 100,000 people and costs society upwards of half a trillion dollars a year;

(4) individuals with serious mental illness die on average 25 years sooner than individuals in the general population; and

(5) community mental and behavioral health organizations provide cost-efficient and evidence-based treatment and care for millions of Americans with mental illness and addiction disorders.

SEC. 3. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

''SEC. 520K. GRANTS FOR CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a qualified community mental health program defined under section 1913(b)(1).

''(2) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 3 groups:

''(A) Children and adolescents with mental and emotional disturbances who have co-occurring primary care conditions and chronic diseases.

''(B) Adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(C) Older adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(b) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in coordination with the Director of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of coordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require. Each such application shall include—

''(1) an assessment of the primary care needs of the patients served by the eligible entity and a description of how the eligible entity will address such needs; and

''(2) a description of partnerships, cooperative agreements, or other arrangements with local primary care providers, including community health centers, to provide services to special populations.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

''(A) the provision, by qualified primary care professionals on a reasonable cost basis, of—

''(i) primary care services on site at the eligible entity;

''(ii) diagnostic and laboratory services; or

''(iii) adult and pediatric eye, ear, and dental screenings;

''(B) reasonable costs associated with medically necessary referrals to qualified specialty care professionals as well as to other coordinators of care or, if permitted by the terms of the grant, for the provision, by qualified specialty care professionals on a reasonable cost basis on site at the eligible entity, of—

''(i) endocrinology services;

''(ii) oncology services;

''(iii) pulmonary/respiratory services; or

''(iv) cardiovascular services;

''(C) information technology required to accommodate the clinical needs of primary and specialty care professionals; or

''(D) facility improvements or modifications needed to bring primary and specialty care professionals on site at the eligible entity.

''(2) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

''(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—Not later than 3 months after a grant or cooperative agreement awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section. The report shall include an evaluation of the impact of co-locating primary and specialty care in community mental and behavioral health settings on overall patient health status and recommendations on whether or not the demonstration program under this section should be made permanent.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,0000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 4. INTEGRATING TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE CO-OCCURRING DISORDERS.

Section 520I of the Public Health Service Act (42 U.S.C. 290bb-40) is amended—

(1) by striking subsection (i) and inserting the following:

''(j) FUNDING.—The Secretary shall make available to carry out this section, $14,000,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2013. Such sums shall be made available in equal amount from amounts appropriated under sections 509 and 520A.''; and

(2) by inserting before subsection (j), the following:

''(i) COMMUNITY MENTAL HEALTH PROGRAM.—For purposes of eligibility under this section, the term 'private nonprofit organization' includes a qualified community mental health program as defined under section 1913(b)(1).''.

SEC. 5. IMPROVING THE MENTAL HEALTH WORKFORCE.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended—

(1) in paragraph (1), by inserting after ''that meet the requirements of section 334'' the following: ''and qualified community mental health programs as defined in section 1913(b)(1),''; and

(2) in paragraph (2)(A), by striking ''community mental health center,''.

(b) RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.—Subpart X of part D of title III of the Public Health Service Act (42 U.S.C. 256f et seq.) is amended by adding at the end the following:

''SEC. 340H. GRANTS FOR RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to States, territories, and Indian tribes or tribal organizations for innovative programs to address the behavioral and mental health workforce needs of designated mental health professional shortage areas.

''(b) USE OF FUNDS.—An eligible entity shall use grant funds awarded under this section for—

''(1) loan forgiveness and repayment programs (to be carried out in a manner similar to the loan repayment programs carried out under subpart III of part D) for behavioral and mental health professionals who—

''(A) agree to practice in designated mental health professional shortage areas;

''(B) are graduates of programs in behavioral or mental health;

''(C) agree to serve in community-based non-profit entities, or as public mental health professionals for the Federal, State or local government; and

''(D) agree to—

''(i) provide services to patients regardless of such patients' ability to pay; and

''(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

''(2) behavioral and mental health professional recruitment and retention efforts, with a particular emphasis on candidates from racial and ethnic minority and medically-underserved communities;

''(3) grants or low-interest or no-interest loans for behavioral and mental health professionals who participate in the Medicaid program under title XIX of the Social Security Act to establish or expand practices in designated mental health professional shortage areas, or to serve in qualified community mental health programs as defined in section 1913(b)(1);

''(4) placement and support for behavioral and mental health students, residents, trainees, and fellows or interns; or

''(5) continuing behavioral and mental health education, including distance-based education.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to an eligible entity under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity will provide non-Federal contributions in an amount equal to not less than 35 percent of Federal funds provided under the grant. The entity may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services, and may provide the contributions from State, local, or private sources.

''(e) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this section shall be expended to supplement, and not supplant, the expenditures of the eligible entity and the value of in-kind contributions for carrying out the activities for which the grant was awarded.

''(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(g) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(h) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

(c) BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''SEC. 506C. GRANTS FOR BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.

''(a) DEFINITION.—For the purposes of this section, the term 'related mental health personnel' means an individual who—

''(1) facilitates access to a medical, social, educational, or other service; and

''(2) is not a mental health professional, but who is the first point of contact with persons who are seeking mental health services.

''(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a program to increase the number of trained behavioral and mental health professionals and related mental health personnel by awarding grants on a competitive basis to mental and behavioral health nonprofit organizations or accredited institutions of higher education to enable such entities to establish or expand accredited mental and behavioral health education programs.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

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

''(1) demonstrate a familiarity with the use of evidenced-based methods in behavioral and mental health services;

''(2) provide interdisciplinary training experiences; and

''(3) demonstrate a commitment to training methods and practices that emphasize the integrated treatment of mental health and substance abuse disorders.

''(e) USE OF FUNDS.—Funds awarded under this section shall be used to—

''(1) establish or expand accredited behavioral and mental health education programs, including improving the coursework, related field placements, or faculty of such programs; or

''(2) establish or expand accredited mental and behavioral health training programs for related mental health personnel.

''(f) REQUIREMENTS.—The Secretary may award a grant to an eligible entity only if such entity agrees that—

''(1) any behavioral or mental health program assisted under the grant will prioritize cultural competency and the recruitment of trainees from racial and ethnic minority and medically-underserved communities; and

''(2) with respect to any violation of the agreement between the Secretary and the entity, the entity will pay such liquidated damages as prescribed by the Secretary.

''(g) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(h) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(i) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,0000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 6. IMPROVING ACCESS TO MENTAL HEALTH SERVICES IN MEDICALLY-UNDERSERVED AREAS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520A the following:

''SEC. 520B. GRANTS FOR TELE-MENTAL HEALTH IN MEDICALLY-UNDERSERVED AREAS.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants to eligible entities to provide tele-mental health in medically-underserved areas.

''(b) ELIGIBLE ENTITY.—To be eligible for assistance under the program under subsection (a), an entity shall be a qualified community mental health program (as defined in section 1913(b)(1)).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) USE OF FUNDS.—An eligible entity shall use funds received under a grant under this section for—

''(1) the provision of tele-mental health services; or

''(2) infrastructure improvements for the provision of tele-mental health services.

''(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 7. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 5(c), is further amended by adding at the end the following:

''SEC. 506D. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration and the National Coordinator for Health Information Technology to—

''(1) develop and implement a plan for ensuring that various components of the National Health Information Infrastructure, including data and privacy standards, electronic health records, and community and regional health networks, address the needs of mental health and substance abuse treatment providers; and

''(2) finance related infrastructure improvements, technical support, personnel training, and ongoing quality improvements.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 8. PAPERWORK REDUCTION STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Institute of Medicine shall submit to the appropriate committees of Congress a report that evaluates the combined paperwork burden of qualified community mental health programs as defined in section 1913(b)(1) of the Public Health Service Act.

(b) SCOPE.—In preparing the report under subsection (a), the Institute of Medicine shall examine licensing, certification, service definitions, claims payment, billing codes, and financial auditing requirements utilized by the Office of Management and Budget, the Centers for Medicare & Medicaid Services, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Office of the Inspector General, State Medicaid agencies, State departments of health, State departments of education, and State and local juvenile justice and social service agencies to—

(1) establish an estimate of the combined nationwide cost of complying with the requirements described in this paragraph, in terms of both administrative funding and staff time;

(2) establish an estimate of the per capita cost to each qualified community mental health program defined in section 1913(b)(1) of the Public Health Service Act to comply with the requirements of this paragraph, in terms of both administrative funding and staff time; and

(3) make administrative and statutory recommendations to Congress, which may include a uniform methodology, to reduce the paperwork burden experienced by qualified community mental health programs defined in section 1913(b)(1) of the Public Health Service Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $550,000 for each of fiscal years 2009 and 2010.

SEC. 9. WAGE STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Institute of Medicine shall conduct a nationwide analysis, and submit a report to the appropriate committees of Congress, concerning the compensation structure of professional and paraprofessional personnel employed by qualified community mental health programs as defined under section 1913(b)(1) of the Public Health Service Act, as compared with the compensation structure of comparable health safety net providers and relevant private sector health care employers.

(b) SCOPE.—In preparing the report under subsection (a), the Institute of Medicine shall examine compensation disparities, if such disparities are determined to exist, by type of personnel, type of provider or private sector employer, and geographic region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $550,000 for each of fiscal years 2009 and 2010.

By Mr. SMITH (for himself and Mr. REED):

S. 2183. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions. '

Mr. SMITH. Mr. President, I rise today with my colleague, Senator JACK REED of Rhode Island, to introduce two bills, S. 2182 and S. 2183, that we hope will have a tremendous impact on the quality and accessibility of mental health care throughout the U.S. Our bills, the Community Mental Health Services Improvement Act and the Community-Based Mental Health Infrastructure Improvement Act, support those programs that serve as an important line of defense against mental illnesses and suicide.

Community mental health programs are the backbone of our mental health system by providing access to vital mental health care services to those in need. Unfortunately, community mental health centers are suffering under tremendous fiscal constraints to provide care in their communities. They operate, usually, on a small budget and with little resources to improve their facilities. Senator REED and I are introducing these two bills to help community mental health centers obtain the resources necessary to meet their needs.

The goal of the Community Mental Health Services Improvement Act is to provide funding to promote the provision of mental health services locally. The bill would establish a grant program for community mental health programs to provide health care services, screenings, referrals, information technology or facility improvements. The bill also establishes grants for programs that integrate treatment for individuals with a serious mental illness and a co-occurring substance abuse disorder. Grants also would be provided to mental health nonprofit organizations or accredited institutions to establish or expand accredited mental health education and training programs. Finally, this bill will provide grants to community mental health programs for tele-mental health in medically-underserved areas.

The second bill that we are introducing today is one that is very important to mental health programs in my home State of Oregon. Currently, patients are waiting for important mental health care due to lack of building capacity. Our bill, the Community-Based Mental Health Infrastructure Improvements Act, would provide funding for bricks and mortar infrastructure for mental health programs in our communities. There is no Federal funding currently available for construction of community mental health facilities. This bill ensures that individuals with mental illness are not turned away because a facility does not have the resources to keep their building up to code or because a building expansion could not occur to keep up with a growing population because no funds were available.

In developing this legislation, I worked with the Health Resources and Services Administration, HRSA, and the Substance Abuse and Mental Health Services Administration, SAMHSA, to determine how best to make funding available for community mental health programs. This bill would encourage a continuation of this important partnership between SAMHSA, HRSA and States to ensure that competitive grant funding is made available to community mental health programs throughout the country.

We know that mental illness can affect people of any age, of any race and of any income. As a parent with a son who struggled with mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. In any given year, more than a quarter of our Nation's adults, 60 million people, suffer from a diagnosable mental disorder, many of whom suffer in silence. Mental disorders are the leading cause of disability for those aged 15–44 in the U.S. and in Canada.

Mental illness is just as deadly and serious as a physical illness. Suicide takes the lives of more than 30,000 people each year, with more than 700,000 attempts. Suicides outnumber homicides three to one each year. People who suffer from mental illness also suffer from much higher rates of other chronic conditions, such as cardiovascular disease. However, unlike heart attacks and strokes, mental illness is not something that we, as a Nation, want to talk about.

In a 2004 report by the Oregon Governor's Mental Health Taskforce, they found that in any given year 175,000 adults and 75,000 children under the age of 18 are in need of mental health services in my home State. Effective treatment exists for most people suffering. Help is out there, and these bills will help ensure that this help can be accessed effectively.

I urge my colleagues on both sides of the aisle to support the important work of community mental health centers by voting for these bills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community-Based Mental Health Infrastructure Improvements Act''.

SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Title V of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''PART H—COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS

''SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS.

''(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to expend funds for the construction or modernization of facilities used to provide mental health and behavioral health services to individuals.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State that is the recipient of a Community Mental Health Services Block Grant under subpart I of part B of title XIX and a Substance Abuse Prevention and Treatment Block Grant under subpart II of such part; or

''(2) an Indian tribe or a tribal organization (as such terms are defined in sections 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

''(c) APPLICATION.—A eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing—

''(1) a plan for the construction or modernization of facilities used to provide mental health and behavioral health services to individuals that—

''(A) designates a single State or tribal agency as the sole agency for the supervision and administration of the grant;

''(B) contains satisfactory evidence that such agency so designated will have the authority to carry out the plan;

''(C) provides for the designation of an advisory council, which shall include representatives of nongovernmental organizations or groups, and of the relevant State or tribal agencies, that aided in the development of the plan and that will implement and monitor any grant awarded to the eligible entity under this section;

''(D) in the case of an eligible entity that is a State, includes a copy of the State plan under section 1912(b) and section 1932(b);

''(E)(i) includes a listing of the projects to be funded by the grant; and

''(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

''(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

''(G) in the case of a facility that is not a public facility, includes the name and executive director of the entity who will provide services in the facility; and

''(2) with respect to each construction or modernization project described in the application—

''(A) a description of the site for the project;

''(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

''(C) assurance that the title for the site is or will be vested with either the public entity or private nonprofit entity who will provide the services in the facility;

''(D) assurance that adequate financial resources will be available for the construction or major rehabilitation of the project and for the maintenance and operation of the facility;

''(E) estimates of the cost of the project; and

''(F) the estimated length of time for completion of the project.

''(d) SUBGRANTS BY STATES.—

''(1) IN GENERAL.—A State that receives a grant under this section may award a subgrant to a qualified community program (as such term is used in section 1913(b)(1)).

''(2) USE OF FUNDS.—Subgrants awarded pursuant to paragraph (1) may be used for activities such as—

''(A) the construction, expansion, and modernization of facilities used to provide mental and behavioral health services to individuals;

''(B) acquiring and leasing facilities and equipment (including paying the costs of amortizing the principal of, and paying the interest on, loans for such facilities and equipment) to support or further the operation of the subgrantee; and

''(C) the construction and structural modification (including equipment acquisition) of facilities to permit the integrated delivery of behavioral health and primary care of specialty medical services to individuals with co-occurring mental illnesses and chronic medical or surgical diseases at a single service site.

''(e) REQUEST TO TRANSFER OBLIGATION.—An eligible entity that receives a grant under this section may submit a request to the Secretary for permission to transfer the 10-year obligation of facility use, as described in subsection (c)(1)(F), to another facility.

''(f) AGREEMENT TO FEDERAL SHARE.—As a condition of receipt of a grant under this section, an eligible entity shall agree, with respect to the costs to be incurred by the entity in carrying out the activities for which such grant is awarded, that the entity will make available non-Federal contributions (which may include State or local funds, or funds from the qualified community program) in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant.

''(g) REPORTING.—

''(1) REPORTING BY STATES.—During the 10-year period referred to in subsection (c)(1)(F), the Secretary shall require that a State that receives a grant under this section submit, as part of the report of the State required under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part, a description of the progress on—

''(A) the projects carried out pursuant to the grant under this section; and

''(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during such 10-year period.

''(2) REPORTING BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall establish reporting requirements for Indian tribes and tribal organizations that receive a grant under this section. Such reporting requirements shall include that such Indian tribe or tribal organization provide a description of the progress on—

''(A) the projects carried out pursuant to the grant under this section; and

''(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during the 10-year period referred to in subsection (c)(1)(F).

''(h) FAILURE TO MEET OBLIGATIONS.—

''(1) IN GENERAL.—If an eligible entity that receives a grant under this section fails to meet any of the obligations of the entity required under this section, the Secretary shall take appropriate steps, which may include—

''(A) requiring that the entity return the unused portion of the funds awarded under this section for the projects that are incomplete; and

''(B) extending the length of time that the entity must ensure that the facility involved is used for the purposes for which it is intended, as described in subsection (c)(1)(F).

''(2) HEARING.—Prior to requesting the return of the funds under paragraph (1)(B), the Secretary shall provide the entity notice and opportunity for a hearing.

''(i) COLLABORATION.—The Secretary may establish intergovernmental and interdepartmental memorandums of agreement as necessary to carry out this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. SANDERS):

S. 2186. A bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. SMITH. Mr. President, today I am introducing the Community Health Center Employee Health Coverage Act of 2007, a bill that will help provide community health centers, or CHCs, better access to more affordable health insurance for their employees. I am pleased to have my colleagues Senators BINGAMAN, SALAZAR and SANDERS join me as original cosponsors on this important proposal.

CHCs form the backbone of the Nation's health care safety net. They provide essential medical services to some of our most vulnerable citizens, including the uninsured and Medicaid and Medicare beneficiaries. In my home State of Oregon, health centers provide over 130 points of access, where upwards of 180,000 individuals receive care each year. Approximately 41 percent of those served are uninsured and 36 percent are on Medicaid, and most all reside in either a rural or economically depressed area. Clearly, CHCs have an important role in ensuring that those who otherwise might be unable to afford health coverage have access to the care they need.

CHCs also serve their patients in a very efficient manner. Studies have shown that care provided Medicaid patients at CHCs costs 30 percent less than care provided in other settings. This is mainly due to a lower number of specialty referrals and fewer overall hospital admissions. CHCs effectively demonstrate how focusing on primary and preventive care can help keep individuals healthier, which ultimately enhances their lives and saves the broader health care system money. Above and beyond the efficiencies CHCs have achieved in service delivery, patients report overwhelming satisfaction for the treatment they are provided. Health care providers across the spectrum would be well-served by emulating CHCs' example of delivering affordable, high-quality health care in an efficient manner.

Given the enormous value CHCs have to the U.S. health care system, I believe Congress should do all it can to support their mission. I commend President Bush's commitment to increasing funding for health center expansion in recent years. I am pleased the administration's request for $180

million in new funding in fiscal year 2007 was included in the Senate's version of the budget resolution. As the appropriations process continues to move forward, I hope that those much-needed funds are ultimately approved by Congress.

The bill I am filing today will compliment the increased funding CHCs have received in recent years. Just like businesses across the nation, health centers are coping with the rising cost of providing health benefit to their employees. Premiums for private health insurance grew by 9.5 percent in 2005, the fifth consecutive year of increases over 9 percent. Because CHCs operate on very limited budgets, it has become more and more difficult for them to absorb these increased costs while continuing to provide affordable health care to their patients.

It is important to note that CHCs rely upon the Federal Government for more than half of their operating revenues. Each year, health centers receive 26 percent of their funding from direct Federal grants and another 36 percent from the Medicaid Program. Because CHCs are predominantly a Federal enterprise, I believe it makes sense for them to be able to reap many of the same benefits of other Federal entities. That is why the bill I am filing today would allow CHCs to purchase more affordable health insurance coverage for their employees through the Federal Employee Health Benefits Program, FEHBP.

Allowing federally funded entities to purchase health coverage through FEHBP is not unprecedented. Employees of Gallaudet University and certain U.S. Department of Agriculture grantees already are able to participate in FEHBP as if they were directly employed by the Federal Government. Considering that CHC providers are already deemed ''Federal employees'' for the purpose of receiving medical liability protection through the Federal Government, it is a logical next step to allow them to purchase health coverage through FEHBP. In doing so, we will be able to provide CHCs much needed security in knowing that their employees will have steady access to affordable health insurance.

I believe that in the long run, CHCs will be able to achieve a great deal of savings by purchasing health coverage for their employees through FEHBP. Premiums for policies purchased through FEHBP consistently grow at a much slower rate than other commercial policies. Every dollar CHCs save in employee benefit costs can be redirected into medical care for the vulnerable populations they serve. Access to FEHBP coverage also may help some CHCs provide health benefits to their employees for the first time. This could help recruit much needed medical personnel in underserved and rural communities. I am hopeful health centers in rural parts of my State will be able to attract the physicians they so desperately need by offering them FEHBP coverage.

There is wide support for CHCs in the Senate, as evidenced by the development of a number of CHC-related measures. Earlier this year, I joined a group of bipartisan Senators in filing the Community Health Center Reauthorization Act, to ensure that vulnerable populations have access to basic health care for the next several years. I hope the Senate's leadership will move these bills quickly through the process, as a sign of appreciation for the important role CHCs play in the U.S. health care system.

I ask unanimous consent that full text of the bill be printed in the RECORD.

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Health Center Employee Health Coverage Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Federally Qualified Health Centers (referred to in this section as ''FQHCs'') are required under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be located in, and serve, a community that is designated as ''medically underserved''.

(2) FQHCs are required under such section 330 to make its services available to all residents of the community, without regard to ability to pay, and to make those services affordable by discounting charges for otherwise uncovered care to low-income families in accordance with family income.

(3) FQHCs are required under such section 330 to provide comprehensive primary health care services, including preventive care, care for illness or injury, services which improve the accessibility of care, and the effectiveness of care.

(4) FQHCs are required under such section 330 to be governed by a board of directors, a majority of whose members are active, registered patients of the health center, thus ensuring that the center is responsive to the health care needs of the community it serves.

(5) FQHCs delivered comprehensive primary and preventive care to more than 16,000,000 people in 2006, more than 6,000,000 of whom had no health insurance coverage.

(6) FQHCs employ nearly 100,000 people across the United States.

(7) FQHCs are being challenged by increasing financial pressures that jeopardize their ability to provide health services to medically underserved populations, including the elderly, the uninsured, and lower-income individuals.

(8) Health insurance costs in the small employer market have risen more than 30 percent in the past 2 years, forcing many FQHCs to use additional Federal funding to continue to provide health insurance coverage for their employees.

(9) The Federal Government negotiates premiums with health insurance companies for millions of Federal employees, thereby ensuring the best possible rates under the Federal Employee Health Benefit Program (referred to in this section as ''FEHBP'').

(10) Last year FEHBP premiums increased 6.6 percent, far less than that of even large employers.

(11) FQHCs receive Federal grants from the Health Resource and Services Administration that help cover the cost of providing high quality, affordable health care for everyone in their communities, including the uninsured.

(12) FQHCs use a portion of their Federal grant to cover the cost of health insurance for their employees.

(13) As health insurance premiums rise, FQHCs may be forced to reduce health insurance coverage for their own employees, or reduce the availability of care in their communities.

(14) Last year, almost 1,400,000 Americans joined the ranks of the uninsured—bringing our Nation's total to more than 47,000,000 people without health insurance, while another 30,000,000 or more are underinsured.

(15) The uninsured are in significantly worse health than those with health insurance, receive fewer preventive services, are less likely to receive regular care for chronic diseases, and are more likely to be hospitalized for a condition that could have been treated more effectively with timely access to ambulatory care.

(16) Adding FQHC employees to the list of those covered under the FEHBP would help control rising health insurance costs, reduce the cost of providing health insurance to their employees, and enable centers to use scarce funds to continue providing care in their communities.

SEC. 3. ADDITION OF HEALTH CENTER EMPLOYEES TO FEHBP.

(a) DEFINITIONS.—Section 8901(l) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(J) an individual who is an employee of a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) that has elected to offer coverage under this chapter or who is an employee of a grantee that is receiving funds under section 330(l) of the Public Health Service Act (42 U.S.C. 254b(l)) that has elected to offer coverage under this chapter.''.

(b) EMPLOYEES HEALTH BENEFITS FUND.—Section 8909 of title 5, United States Code, is amended by adding at the end the following:

''(h) An individual who is an employee of a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) who has elected coverage under this chapter or who is an employee of a grantee that is receiving funds under section 330(l) of the Public Health Service Act (42 U.S.C. 254b(l)) who has elected coverage under this chapter shall be required to pay currently into the Employees Health Benefits Fund, under arrangements satisfactory to the Office, an amount equal to the sum of—

''(1) the employee and agency contributions which would be required in the case of an employee enrolled in the same health benefits plan and level of benefits; and

''(2) an amount, determined under regulations prescribed by the Office, necessary for administrative expenses, but not to exceed 2 percent of the total amount under clause (i).''.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SALAZAR, Mr. SMITH, Mr. AKAKA, and Mr. SANDERS):

S. 2188. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of

services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators Snowe, Salazar, Smith, Akaka, and Sanders to introduce the Medicare Access to Community Health Center, MATCH, Act, which would address a long standing problem for a key component of our Nation's health care safety net, community health centers. These facilities serve as medical homes to nearly 16 million underserved patients. Over 1 million of those patients are Medicare beneficiaries. Health centers are known for providing high quality, comprehensive care to some of our Nation's most vulnerable populations.

Over 15 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Congress required centers to be paid their reasonable costs for providing care to their patients. The Centers for Medicare and Medicaid Services later established a per visit payment cap in regulations based on a statute applicable to Rural Health Clinics. CMS applied the cap to FQHCs without meaningful data to support the payment limit but with the promise of future reviews to guarantee that health centers were adequately reimbursed. However, these reviews have not taken place. Now, 15 years later, over ¾ of health centers are losing money serving Medicare beneficiaries, with losses totaling over $50 million annually according to an analysis done by the National Association of Community Health Centers. In my home State of New Mexico, NACHC estimates that health centers have lost more than a million dollars annually.

I have repeatedly asked CMS to review this antiquated cap but I have had little success. So I rise today to introduce legislation to improve the Medicare payment mechanism for FQHCs. MATCH will establish a Prospective Payment System for FQHCs, based on actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC Prospective Payment System. By reforming the payment structure at FQHCs, we will ensure health centers are able to dedicate their Federal grant dollars for their original intent, providing care to the uninsured. This new mechanism will also increase efficiency and stability in the Medicare program for health centers.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to ensure that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Access to Community Health Centers (MATCH) Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that:

(1) NATIONAL IMPORTANCE.—Community health centers serve as the medical home and family physician to over 16,000,000 people nationally. Patients of community health centers represent 1 in 7 low-income persons, 1 in 8 uninsured Americans, 1 in 9 Medicaid beneficiaries, 1 in 10 minorities, and 1 in 10 rural residents.

(2) HEALTH CARE SAFETY NET.—Because Federally qualified health centers (FQHCs) are generally located in medically underserved areas, the patients of Federally qualified health centers are disproportionately low income, uninsured or publicly insured, and minorities, and they frequently have poorer health and more complicated, costly medical needs than patients nationally. As a chief component of the health care safety net, Federally qualified health centers are required by regulation to serve all patients, regardless of insurance status or ability to pay.

(3) MEDICARE BENEFICIARIES.—Medicare beneficiaries are typically less healthy and, therefore, costlier to treat than other patients of Federally qualified health centers. Medicare beneficiaries tend to have more complex health care needs as—

(A) more than half of Medicare patients have at least 2 chronic conditions;

(B) 45 percent take 5 or more medications; and

(C) over half of Medicare beneficiaries have more than 1 prescribing physician.

(4) NEED TO IMPROVE FQHC PAYMENT.—While the Centers for Medicare & Medicaid Services have nearly 15 years' worth of cost report data from Federally qualified health centers, which would equip the agency to develop a new Medicare reimbursement system, the agency has failed to update and improve the Medicare FQHC payment system.

SEC. 3. EXPANSION OF MEDICARE-COVERED PRIMARY AND PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

''(3) The term 'Federally qualified health center services' means—

''(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other ambulatory services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

''(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act,

when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider or health care professional employed by or under contract with a Federally qualified health center and for this purpose, any reference to a rural health clinic or a physician described in paragraph (2)(B) is deemed a reference to a Federally qualified health center or a physician at the center, respectively. Services described in the previous sentence shall be treated as billable visits for purposes of payment to the Federally qualified health center.''.

(b) CONFORMING AMENDMENT TO PERMIT PAYMENT FOR HOSPITAL-BASED SERVICES.—Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by inserting ''Federally qualified health center services,'' after ''qualified psychologist services,''.

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2008.

SEC. 4. ESTABLISHMENT OF A MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) IN GENERAL.—Paragraph (3) section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended to read as follows:

''(3)(A) in the case of services described in section 1832(a)(2)(D)(i) the costs which are reasonable and related to the furnishing of such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A) but in no case may the payment for such services (other than for items and services described in 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(B) in the case of services described in section 1832(a)(2)(D)(ii) furnished by a Federally qualified health center—

''(i) subject to clauses (iii) and (iv), for services furnished on and after January 1, 2008, during the center's fiscal year that ends in 2008, an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during such center's fiscal years ending during 2006 and 2007 which are reasonable and related to the cost of furnishing such services, or which are based on such other tests of reasonableness as the Secretary prescribes in regulations including those authorized under section 1861(v)(1)(A) (except that in calculating such cost in a center's fiscal years ending during 2006 and 2007 and applying the average of such cost for a center's fiscal year ending during fiscal year 2008, the Secretary shall not apply a per visit payment limit or productivity screen), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of such average of such costs;

''(ii) subject to clauses (iii) and (iv), for services furnished during the center's fiscal year ending during 2009 or a succeeding fiscal year, an amount (calculated on a per visit basis and without the application of a per visit limit or productivity screen) that is equal to the amount determined under this subparagraph for the center's preceding fiscal year (without regard to any copayment)—

''(I) increased for a center's fiscal year ending during 2009 by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for 2009 and increased for a center's fiscal year ending during 2010 or any succeeding fiscal year by the percentage increase for such year of a market basket of Federally qualified health center costs as developed and promulgated through regulations by the Secretary; and

''(II) adjusted to take into account any increase or decrease in the scope of services, including a change in the type, intensity, duration, or amount of services, furnished by the center during the center's fiscal year,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of the amount determined under this clause (without regard to any copayment);

''(iii) subject to clause (iv), in the case of an entity that first qualifies as a Federally qualified health center in a center's fiscal year ending after 2007—

''(I) for the first such center fiscal year, an amount (calculated on a per visit basis and without the application of a per visit payment limit or productivity screen) that is equal to 100 percent of the costs of furnishing such services during such center fiscal year based on the per visit payment rates established under clause (i) or (ii) for a comparable period for other such centers located in the same or adjacent areas with a similar caseload or, in the absence of such a center, in accordance with the regulations and methodology referred to in clause (i) or based on such other tests of reasonableness (without the application of a per visit payment limit or productivity screen) as the Secretary may specify, less the amount a provider may charge as described in clause (ii) of section 1866 (a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(II) for each succeeding center fiscal year, the amount calculated in accordance with clause (ii); and

''(iv) with respect to Federally qualified health center services that are furnished to an individual enrolled with a MA plan under part C pursuant to a written agreement described in section 1853(a)(4) (or, in the case of MA private fee for service plan, without such written agreement) the amount (if any) by which—

''(I) the amount of payment that would have otherwise been provided under clauses (i), (ii), or (iii) (calculated as if '100 percent' were substituted for '80 percent' in such clauses) for such services if the individual had not been enrolled; exceeds

''(II) the amount of the payments received under such written agreement (or, in the case of MA private fee for service plans, without such written agreement) for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholds) less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(B);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2008.

By Mr. DODD (for himself and Mr. DURBIN):

S. 2189. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Student Bill of Rights. This bill would ensure that every child in America has an equal opportunity to receive a high quality education.

The Student Bill of Rights would achieve this goal by providing America's children with components needed for a solid education. These components include highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology.

Currently, federal law requires that schools within the same district provide comparable educational services. The Student Bill of Rights would extend that basic guarantee of equal opportunity to the state level by requiring comparability of resources across school districts within a state.

More than 50 years ago, Brown v. Board of Education struck down segregation in law. Over 50 years later, we know that just because there is no segregation in law does not mean that it does not persist. Today, our education system remains largely separate and unequal, and in light of a recent Supreme Court decision, we need to find more creative ways to promote equity in our schools.

All too often, where a child's family can afford to live determines whether that child is taught by a high quality teacher, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education. In fact, the U.S. ranks at the bottom among developed countries in the disparity in the quality of schools available to wealthy and low-income children. This gap is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

While other factors such as supportive parents, motivated peers, and positive role models in the community are also beneficial to academic achievement, we know that adequate resources are crucial to providing students with the opportunity to receive a solid education.

The quality of a child's education should not be determined by his or her ZIP code. The Student Bill of Rights will help ensure that each and every child gets a decent education, and in turn, an equal opportunity for a successful future. I hope that my colleagues will join me in supporting the Student Bill of Rights.

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

S. 2189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

TITLE II—STATE ACCOUNTABILITY

Sec. 201. State accountability plan.
Sec. 202. Consequences of failure to meet requirements.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

Sec. 301. Annual report on State public school systems.

TITLE IV—REMEDY

Sec. 401. Civil action for enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definitions.
Sec. 502. Rulemaking.
Sec. 503. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) In 2005, the National Academies found in their report ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future'' that the inadequate preparation of kindergarten through grade 12 students in science and mathematics, including the significant lack of teachers qualified to teach these subjects, threatens the economic prosperity of the United States. When students do not receive quality mathematics and science preparation in kindergarten through grade 12, they are not prepared to take advanced courses in these subjects at the postsecondary level, leaving the United States with a critical shortage of scientists and engineers—a shortfall being filled by professionals from other countries.

(3) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(4) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(5) Since 1785, Congress, exercising the power to admit new States under section 3 of

article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(6) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(7) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(8) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(9) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001)).

(10) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(11) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(12) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(13) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(14) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(15) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(16) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(17) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 201(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of elementary school classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

TITLE II—STATE ACCOUNTABILITY

SEC. 201. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2005–2006 school year, each public elementary school in the State shall have access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 202. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 201(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 201(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 201(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 201(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the

withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 201(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 201(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 201(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 201(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

TITLE IV—REMEDY

SEC. 401. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 502. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 503. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I rise to introduce the Medicare Mental Health Prescription Drug Access Act of 2007—legislation to provide our Nation's seniors and individuals with disabilities access to the mental health drugs that best meet their needs.

As many of my colleagues are aware, nearly one out of four Americans, 58 million people, will experience a mental illness during any given year, and a large number of them will be senior citizens and individuals with disabilities.

For far too long, mental illness has been shrouded in fear, misunderstanding and stigma. I believe it is long past time for us to address the inequitable treatment of mental illness in our broader health care system. Mental health parity is a critical part of the solution. We must fulfill the intent of the 1996 mental health parity law and expand the definition of parity to include deductibles, co-payments, coinsurance, out-of-pocket expenses, as well as scope and duration of treatment.

However, parity alone is not a panacea to the problem of treating mental illness in this country. We must improve the range of mental health illnesses and treatment options covered by health plans, particularly for children and seniors.

This year in the Senate, we have taken a major step toward improving

access to mental health services for children by passing the Children's Health Insurance Program, CHIP, Reauthorization Act, H.R. 976, not once, but twice. Among the many important provisions included in this legislation, which I co-authored, is a provision that requires the private health insurance plans that administer CHIP to provide mental health services for children that are equivalent to the coverage provided for physical illnesses. In other words, we require full mental health parity for children enrolled in CHIP.

I still believe that we must do more to ensure that all children have the broadest health care coverage possible for mental health screening and treatment, along the lines of what is provided to children enrolled in Medicaid through the Early Periodic Screening Diagnosis and Treatment, EPSDT, program. However, we have taken a significant step in the right direction toward addressing the mental health needs of our nation's children by passing the CHIP reauthorization bill.

Unfortunately, the same is not true for our nation's seniors and individuals with disabilities. We haven't done nearly enough to address their mental health needs. In fact, we have taken a step backwards in the mental health coverage provided to Medicare participants, particularly those that are dually eligible for Medicare and Medicaid.

Many of my colleagues will recall that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 excluded certain classes of medications from the newly-created Medicare prescription drug program. Among the prescription drugs excluded were two important classes of mental health drugs, benzodiepines and barbiturates, central nervous system depressants which have multiple clinical benefits.

Benzodiazepines and barbiturates are used to help seniors and individuals with disabilities who are dealing with a variety of conditions including anxiety, depression, insomnia, panic disorders, muscle spasms and seizures. Despite being some of the oldest and most effective medications for the treatment of mental illness, benzodiazepines and barbiturates are currently unavailable to most seniors and individuals with disabilities enrolled in Medicare. That is just wrong.

Patients who have found success with benzodiazepines and barbiturates are reluctant to change prescriptions because of the potential side effects or the understandable fear that their conditions might return. Often, there is also an increased cost associated with alternative medications, but the efficacy of these ''replacement'' drugs may actually be less than benzodiazepines and barbiturates. So, why should we require MediCare participants to use prescription drugs that could cost more without offering any greater clinical benefit? I don't believe we should. Medicare participants deserve affordable access to the prescription medications that are best suited to treat their conditions.

Many of my colleagues may be wondering why these two classes of prescription drugs were excluded from the Medicare prescription drug program in the first place. They were excluded because of an inappropriate application of existing Medicaid law to the Medicare prescription drug program. The 1990 law that established the Medicaid prescription drug rebate program gave state Medicaid agencies the OPTION to exclude barbiturates and benzodiazepines from their drug formularies. Even though no states have excluded these medications from their Medicaid formularies, the Medicare law makes this exclusion MANDATORY for seniors and individuals with disabilities.

It is unfair to restrict access to prescribed medications that have been proven to be safe and effective in the treatment of mental illnesses and other conditions that commonly affect seniors and the disabled. That is why I am introducing this important piece of legislation today, and I urge my colleagues to support it.

We know that mental illness is treatable, and treatment can help people to live healthy, productive lives. Yet, our Nation's focus on mental health has continued to take a backseat to our focus on physical health even though the two are interrelated. We must act now to bring an end to the silent epidemic of mental illness in our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Mental Health Prescription Drug Access Act of 2007''.

SEC. 2. INCLUSION OF BARBITURATES AND BENZODIAZEPINES AS COVERED PART D DRUGS BEGINNING IN 2008.

Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting ''and, beginning in 2008, other than subparagraphs (I) (relating to barbiturates) and (J) (relating to benzodiazepines) of such section'' after ''agents)''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE FOR RECEIVING THE 2007 NOBEL PEACE PRIZE, IN RECOGNITION OF THEIR EFFORTS TO PROMOTE UNDERSTANDING OF THE THREATS POSED BY GLOBAL WARMING

Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them ''for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change'';

Whereas the Nobel Committee found that Vice President Gore ''became aware at an early stage of the climatic challenges the world is facing'', and that his ''strong commitment . . . has strengthened the struggle against climate change'';

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and ''has created an ever-broader informed consensus about the connection between human activities and global warming: and

Whereas the Nobel Committee stated that Vice President Gore ''is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted'' to combat global warming, Now, therefore, be it

Resolved, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

SENATE RESOLUTION 350—HONORING THE ACHIEVEMENTS OF MARIO R. CAPECCHI, SIR MARTIN J. EVANS, AND OLIVER SMITHIES, WINNERS OF THE 2007 NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic

stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3324. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 3325. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, supra.

SA 3326. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3327. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3328. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3329. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3330. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3331. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3332. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3333. Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3334. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3335. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3336. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3337. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3339. Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3340. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3341. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3342. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3343. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3344. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3345. Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3346. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3347. Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3348. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3349. Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3324. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 14, line 24, strike ''$436,397,000'' and insert ''$441,397,000, of which $50,737,000 is for the Office of Labor Management Standards,''.

On page 26, line 6, strike ''$313,400,000, of which $82,516,000'' and insert ''$308,400,000, of which $77,516,000''.

SA 3325. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the 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; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,587,138,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor:

(2) for federally administered programs, $481,540,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $3,700,000 shall be available on October 1, 2007, of which $66,392,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training Grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to

the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) $53,696,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) $79,752,000 for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) $65,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, $111,088,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) $30,650,000 for Pilots, Demonstrations, and Research, of which $27,650,000 shall be available for noncompetitive grants, with the terms, conditions and amounts specified in the committee report of the Senate accompanying this Act: *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the committee report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $13,642,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D);

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,063 are hereby rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $483,611,000, which shall be available for the period July 1, 2008 through June 30, 2009.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter II of the Trade Act of 1974 and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $98,409,000, together with not to exceed $3,248,223,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $34,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $55,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $19,541,000 is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $91,133,000, together with not to exceed $94,372,000, which may be

expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $143,262,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $436,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 are hereby rescinded.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the ''Act''), $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health (''NIOSH'') for the administration of the Energy Employees Occupational Illness Compensation Program (''EEOICP''), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities under the EEOICP (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; not to exceed $24,785,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $335,000 for transfer to Departmental Management ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $498,445,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory

recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $330,028,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers Association, for classroom and simulated rescue training for mine rescue teams, and $1,350,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $482,000,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2): *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,400,000, of which $82,516,000 is for the Bureau of International Labor Affairs, and of which $22,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et. seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,659,872,000, plus reimbursements, as follows:

(1) $1,516,000,000 for Job Corps Operations, of which $925,000,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 is available for the period July 1, 2008 through June 30, 2009 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $73,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress

are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. The Secretary shall prepare and submit not later than July 1, 2008, to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2008 funds made available for section 171 of the Workforce Investment Act.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community College Initiative Grants, Community-Based Job Training Grants, and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 107. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 109. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 110. (a) Not later than June 20, 2008, the Secretary of Labor shall revise regulations prescribed pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 863(y)) to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary of Labor.

(b) Not later than June 15, 2008, the Secretary of Labor shall issue regulations, pursuant to the design criteria recommended by the National Institute of Occupational Safety and Health and section 13 of the MINER Act (Public Law 109–236), requiring installation of rescue chambers in the working areas of underground coal mines.

SEC. 111. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the ''Department of Labor Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $6,843,673,000, of which $191,235,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the committee report of the Senate accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $220,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $300,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $814,546,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $95,936,920 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,238 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds available under this heading, $1,829,511,000 shall remain available to the Secretary until September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants): *Provided further*, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 222 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, and not less than $5,000,000 shall be for general dentistry programs and not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: *Provided further*, That where prior year funds were disbursed under this appropriation account as Health Care and Other Facilities grants (and were used for the purchase, construction, or major alteration of property; or the purchase of equipment), the Federal interest in such property or equipment shall last for a period of 5 years following the completion of the project and terminate at that time: *Provided further*, That if the property use changes (or the property is transferred or sold) and the Government is compensated for its proportionate interest in the property, the Federal interest in such property shall be terminated: *Provided further*, That for projects where 5 years has already elapsed since completion, the Federal interest shall be terminated immediately.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service

Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,528,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,157,169,000, of which $220,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $108,585,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $92,071,000 to carry out research activities within the National Occupational Research Agenda: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further,* That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further,* That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further,* That the Congress is to be notified promptly of any such transfer: *Provided further,* That not to exceed $19,035,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further,* That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further,* That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further,* That if States are eligible, up to $30,000,000 shall be used to implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program): *Provided further,* That $16,890,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,910,160,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,992,197,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $398,602,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,747,784,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,573,268,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,668,472,000: *Provided,* That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: *Provided further,* That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,978,601,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,282,231,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $681,962,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $656,176,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,073,048,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $519,810,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $402,680,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,456,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $445,702,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,022,594,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,436,001,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $497,031,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $304,319,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,177,997,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,213,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,895,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $68,000,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $327,817,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That $110,900,000 shall be available to carry out the National Children's Study: *Provided further*, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director, NIH may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,278,135,000, of which $10,335,000 shall be available for projects and in the amounts specified in the committee report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $21,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $329,564,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2008.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,248,088,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $253,775,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That in addition, the Secretary may charge a fee for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys: *Provided further*, That such fees, in an amount not to exceed $35,000,000, shall be credited to this account as offsetting collections, to remain available until expended for the purpose of conducting such revisit surveys: *Provided further*, That amounts transferred to this account from the Federal Health Insurance and Federal Supplementary Medical Insurance Trust Funds for fiscal year 2008 shall be reduced by the amount credited to this account under this paragraph: *Provided further*, That $1,625,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in title 18 of the Social Security Act, with oversight activities including those activities

listed in 18 U.S.C. 1893(b); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the Department of Health and Human Services for program integrity activities in title 18, title 19 and title 21 of the Social Security Act; and of which $36,690,000 is for the Department of Justice: *Provided*, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.

For making payments under section 2604(e) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $181,170,000, notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $654,166,000, of which up to $9,823,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,062,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be available to the Secretary for discretionary activities to support comprehensive consumer education or parental choice: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,213,332,000, of which $9,500,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided*, That $7,088,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That $735,281,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $16,720,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $11,390,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,330,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $80,416,000 shall be for making competitive grants to provide abstinence education to adolescents, and for Federal costs of administering the grant: *Provided further*, That information provided through grants under the immediately preceding proviso shall be scientifically accurate and shall comply with section 317P(c)(2) of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That $7,425,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,441,585,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $2,935,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $399,386,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; up to $4,000,000 shall be for the Secretary's discretionary fund and may be used to carry out activities authorized under the Department's statutory authorities; and $9,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further,* That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: *Provided further,* That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further,* That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further,* That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further,* That $2,100,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $70,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $43,000,000: *Provided,* That in addition to amounts provided herein, $28,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,687,000: *Provided,* That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $756,556,000, of which not to exceed $22,338,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $888,000,000, of which $652,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided,* That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further,* That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further,* That $158,000,000 shall be transferred within 30 days of enactment to the Centers for Disease Control and Prevention for pandemic preparedness activities: *Provided further,* That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

For expenses to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001, terrorist attacks on the World Trade Center, $55,000,000 to be transferred to Centers for Disease Control and Prevention, Disease Control, Research, and Training.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided,* That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further,* That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers

from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Appropriations Committees of both Houses of Congress are promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad during fiscal year 2008, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State; and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under sections 402(b)(7) and 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Common Fund.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 220. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.

SEC. 221. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 222. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 223. Not to exceed $35,000,000 of funds appropriated by this Act to the Institutes and Centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 224. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2008''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,867,778,000, of which $6,812,554,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,867,301,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided,* That $6,808,407,000 shall be for basic grants under section 1124: *Provided further,* That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $1,365,031,000 shall be for concentration grants under section 1124A: *Provided further,* That $2,868,231,000 shall be for targeted grants under section 1125: *Provided further,* That $2,868,231,000 shall be for education finance incentive grants under section 1125A: *Provided further,* That $500,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA: *Provided further,* That $9,330,000 shall be to carry out part E of title I: *Provided further,* That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,248,453,000, of which $1,111,867,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided,* That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,198,525,000, of which $3,560,485,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further,* That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further,* That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further,* That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further,* That $60,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further,* That $34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further,* That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further,* That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $118,690,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), $962,889,000: *Provided,* That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further,* That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further,* That $317,699,000 shall be available to carry out part D of title V of the ESEA: *Provided further,* That $64,504,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: *Provided further,* That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further,* That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further,* That five percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $697,112,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided,* That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: *Provided further,* That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,112,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further,* That $145,000,000 shall be available to carry out part D of title V of the ESEA: *Provided further,* That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345 and $3,000,000 shall be used to implement a comprehensive program to improve public knowledge, understanding and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $670,819,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $12,330,374,000, of which $6,192,551,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $5,924,200,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided,* That $13,000,000 shall be for Recording for the

Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That $3,000,000 shall be available to support the Special Olympics Winter World Games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (''the AT Act''), and the Helen Keller National Center Act, $3,286,942,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That $32,000,000 shall be used for carrying out the AT Act, including $26,377,000 for State grant activities authorized under section 4 of the AT Act, $4,570,000 for State grants for protection and advocacy under section 5 of the AT Act and $1,053,000 shall be for technical assistance activities under section 6 of the AT Act: *Provided further*, That $2,650,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $22,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $59,000,000, of which $1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $111,000,000, of which $600,000 shall be for the Secretary of Education to carry out section 205 of the Act: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Amendments of 1998, $1,894,788,000, of which $1,103,788,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,770,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $16,368,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,310.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $708,216,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,028,302,000: *Provided*, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $970,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That $12,000,000 shall be for grants to institutions of higher education, in partnership with local educational agencies, to establish instructional programs at all educational levels in languages critical to U.S. national security: *Provided further*, That $59,855,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $481,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $188,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $589,826,000, of which $322,020,000 shall be available until September 30, 2009.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,631,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,239,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in

order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

This title may be cited as the ''Department of Education Appropriations Act, 2008''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the programs, activities, and initiatives under provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (the 1973 Act) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act), $804,489,000: *Provided,* That all prior year unobligated balances from the ''Domestic Volunteer Service Programs, Operating Expenses'' account shall be transferred to and merged with this appropriation: *Provided further,* That up to one percent of program grant funds may be used to defray costs of conducting grant application reviews, including the use of outside peer reviewers: *Provided further,* That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to program participants whose incomes exceed 125 percent of the national poverty level: *Provided further,* That not more than $275,775,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the 1990 Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the 1990 Act: *Provided further,* That not less than $117,720,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $7,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further,* That in addition to amounts otherwise provided to the National Service Trust under the fifth proviso, the Corporation may transfer funds from the amount provided under the fourth proviso, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further,* That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $65,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,516,000 shall be made available to provide assistance to State commissions on national and community service under section 126(a) of the 1990 Act: *Provided further,* That not more than $10,466,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the 1990 Act (42 U.S.C. 12853 et seq.): *Provided further,* That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further,* That $31,789,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the 1990 Act (42 U.S.C. 12611 et seq.), of which not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $69,520,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided,* That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2008, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal

year 2008, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Except as expressly provided herein, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Corporation in this Act may be transferred between activities identified under this heading in the committee report accompanying this Act, but no such activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 shall be for the costs associated with replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $44,450,000, including $400,000, to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $8,096,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $266,680,000: *Provided*, That $8,680,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,113,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,696,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $8,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,959,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by

the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,372,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000 shall be available for additional continuing disability reviews and redeterminations of eligibility.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or

adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the Senate and of the House of Representatives a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008''.

SA 3326. Mr. ROBERTS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $10,000,000, to remain available until expended. Each amount otherwise appropriated in this Act shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

SA 3327. Mr. VITTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent, or to coordinate with another employee of the Federal government to prevent, an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

SA 3328. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

SA 3329. Mr. VITTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. None of the funds appropriated under this Act shall be made available to Planned Parenthood for any purpose under title X of the Public Health Service Act.

SA 3330. Mr. VITTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds appropriated in this title shall be distributed to grantees who perform abortions or whose subgrantees perform abortions, except where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from

the pregnancy itself. The preceding sentence shall not apply to a grantee or subgrantee that is a hospital, so long as such hospital does not subgrant to a non-hospital entity that performs abortions.

SA 3331. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SA 3332. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SA 3333. Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.

SA 3334. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 66, line 7, strike ''$756,556,000'' and insert ''$786,556,000''.

On page 66, line 10, strike the period and insert '', and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.''.

On page 79, between lines 4 and 5, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, each congressionally directed spending item in this Act shall be reduced on a pro rata basis by $30,000,000.

SA 3335. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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 other purposes; as follows:

On page 59, line 22, insert before the semicolon the following: '', of which $5,000,000 shall be made available to the Centers for Disease Control and Prevention as an additional amount to make grants under the State Heart Disease and Stroke Prevention Program''.

SA 3336. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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 other purposes; as follows:

On page 64, line 5, insert before the period the following: ''*Provided further*, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act''.

SA 3337. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SCIENCE TEACHING AND ASSESSMENT.

(a) FINDINGS.—The Senate finds that there is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that such direct involvement must be included in every science program for every science student in prekindergarten through grade 16.

(b) SENSE OF THE SENATE REGARDING THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009 SCIENCE TEST.—It is the sense of the Senate that—

(1) the National Assessment of Educational Progress (NAEP) 2009 Science assessment should reflect the findings of the Senate described in subsection (a) and those expressed in section 7026(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act; and

(2) the National Assessment Governing Board (NAGB) should certify that the National Assessment of Education Progress 2009 Science framework, specification, and assessment include extensive and explicit attention to inquiry.

(c) REPORT.—The National Assessment Governing Board shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate describing whether the certification described in subsection (b)(2) has been made, and if such certification has been made, include in the report the following:

(1) A description of the analysis used to arrive at such certification.

(2) A list of individuals with experience in inquiry science education making the certification.

SA 3338. Mr. DEMINT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used for the Charles B. Rangel Center for Public Service, City College of New York, NY.

SA 3339. Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for

himself and Mr. SPECTER) to the 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; as follows:

On page 49, line 19, insert before the period the following: ''*Provided further*, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008''.

SA 3340. Mr. DEMINT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

SA 3341. Mrs. DOLE submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 37, line 2, insert ''*Provided further*, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005 (Public Law 109-129):'' after ''programs:''.

SA 3342. Mr. ENSIGN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SA 3343. Mr. ENSIGN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number or under any other basis that is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

SA 3344. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 34, line 4, after ''Act'' insert the following: '', including $250,000 for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana''.

SA 3345. Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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; as follows:

On page 12, line 8, before the period, insert the following: ''*Provided further*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.''.

SA 3346. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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; which was ordered to lie on the table; as follows:

On page 33, between lines 9 and 10, insert the following:

SEC. ____. Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress containing an analysis of the Secretary of Labor's implementation of section 302 of the Social Security Act (42 U.S.C. 502) and the Secretary's allocation of State unemployment insurance administrative grants according to the requirements under such section 302.

SA 3347. Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the 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; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $15,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109–18).

(b) Notwithstanding any other provision of this Act, the amount made available under this Act for the Reading First State Grants program under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), as specified in the committee report of the Senate accompanying this Act, shall be reduced by $15,000,000.

SA 3348. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, $2,000,000 shall be available for the Underground Railroad Educational and Cultural Program. Amounts appropriated under title III for administrative expenses shall be reduced on a pro rata basis by $2,000,000.

SA 3349. Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. No funds appropriated under this Act may be used by the Secretary of Education to promulgate, implement, or enforce the evaluation for the Upward Bound Program as announced in the Notice of Final Priority published at 71 Fed. Reg. 55447–55450 (Sept. 22, 2006), until after the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives have thoroughly examined such regulation in concert with the reauthorization of the Higher Education Act of 1965.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 17, 2007, at 10 a.m., in order to conduct a markup on an original bill entitled the Sudan Accountability and Divestment Act of 2007; an original bill entitled the Terrorism Risk Insurance Program Reauthorization Act of 2007; and an original bill entitled the Flood Insurance Reform and Modernization Act of 2007.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 17, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will hear testimony regarding consumer practices of the wireless industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 17, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will explore the status of the digital television transition including consumer education efforts, the operation and implementation of the National Telecommunications and Information Administration converter box program, and other issues related to a smooth and effective transition from analog to digital television.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 2:30 p.m. to hold a nomination hearing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 10 a.m. in order to conduct a hearing entitled ''Is DHS Too Dependent on Contractors to Do the Government's Work?''

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

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized during the session of the Senate in order to meet to conduct a hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States, on Wednesday, October 17, 2007, at 10 a.m. in the Hart Senate Office Building room 216.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, in order to conduct an oversight hearing on VA and DOD collaboration, the hearing will focus on the report of the President's Commission on Care For America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission and other related reports.

The Committee will meet in 562 Dirksen Senate Office Building, at 9:30 a.m.

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

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund and Environmental Health, be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, ''Oversight Hearing on the Federal Superfund Program's Activities to Protect Public Health.''

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Alexander Torres and Young-Min Cho of my staff be granted the privileges of the floor for the duration of today's session.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that Leigh Ann Ross be given the privilege of the floor during consideration of the Labor-HHS bill.

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

Mr. HARKIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Jeffry Phan, a fellow in his office, be granted the privileges of the floor for the pendency of H.R. 3043.

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

SUPPORTING NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 182, which was received from the House.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 182) recognizing the need to pursue research into the causes and treatment and eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the resolution be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 182) was agreed to.

The preamble was agreed to.

HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 349.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 349) honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 349 was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them ''for their efforts to build up and disseminate greater knowledge about man-

made climate change, and to lay the foundations for the measures that are needed to counteract such change'';

Whereas the Nobel Committee found that Vice President Gore ''became aware at an early stage of the climatic challenges the world is facing'', and that his ''strong commitment . . . has strengthened the struggle against climate change'';

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and ''has created an ever-broader informed consensus about the connection between human activities and global warming''; and

Whereas the Nobel Committee stated that Vice President Gore ''is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted'' to combat global warming, Now, therefore, be it

Resolved, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

Mr. REID. Mr. President, I am so pleased to rise in support of this resolution. It has now passed, and it is very important that it has. It is to honor our former colleague, the Vice President of the United States, Al Gore.

When I was first elected to the House of Representatives 25 years ago, I was placed on the Foreign Affairs Committee, which was wonderful. I loved it. Clement Zablocki from Wisconsin was the chairman of that committee. I have told people it was like going to school and not having to take the test. I was also put on the Science and Technology Committee. That was a wonderful committee. It opened my eyes to so many different things that I had not seen before and had not been exposed to before.

The first day we met on that committee for organizational purposes, a young man came up to me and he said: I am Al Gore from Tennessee. He said: There is going to be a lot of activity here, people wanting to go to subcommittees. He said: Just wait. They have formed a new subcommittee. I am going to be the subcommittee chairman. Take my word for it. It is going to be the best subcommittee. Don't try to get on all those others. Get on mine.

I did. I followed his suggestion. It was wonderful. I knew at that time that not only was he a very nice man—and I knew, of course, of him because of his father having been a U.S. Senator—but I came to learn what a brilliant man he is.

We did such outstanding things on that subcommittee. We uncovered corruption within the Federal Emergency Management Agency. We held hearings on that. He got into, for the first time, looking at how people are affected who do shift work. Those people who come from manufacturing areas are aware of that, the people who work the graveyard shift, the swing shift. For Las Vegas it is very important because it is a 24-hour town. People work 24 hours, around the clock. He approached it from what does it do to the minds and the bodies of people who have had this shift work. It was a wonderful, enlightening hearing, not only for members of the committee but for the country.

Also, he did, for the first time, public hearings on organ transplants. Remember, this was 25 years ago. I can remember it as if it was yesterday. He brought in before our subcommittee a little girl by the name of Jamie Fisk. I will never forget this little girl. Her color was the color of a light-colored lemon. She was so yellow. She was so jaundiced. This little girl was dying. She needed an organ transplant, a liver transplant, and this wasn't done much. But she was going to die. As a result of this hearing, she was able to get an organ transplant, a liver. I don't know what has happened to Jamie. The last time I checked a number of years ago, she was doing just fine, and I am confident she is. She was able to live as a result of this hearing held by Al Gore. It really paved the way for organ transplants and what we do with people who are on a waiting list to get these organ transplants.

The former majority leader, Dr. Frist, was an organ transplant specialist. I talked to him on a number of occasions about the important work Al Gore did in that subcommittee.

That was only the beginning. Al Gore came to the Senate. I can remember coming to him when I decided to run for the Senate. He came here 2 years before I did. He gave me great advice. He was very concerned about campaign spending laws that needed to be changed. He was totally supportive of McCain-Feingold and was a real leader and a leader in so many different respects as a Senator.

President Bill Clinton, using such good judgment, chose him to be his Vice President. Prior to that, Al Gore ran for President, and I am happy to say the first time he ran for President, other than the Senators from Tennessee, I was the only Senator supporting him. I have never, ever regretted having done that. I think the world of this man. His wife Tipper, if there were an all-American boy, she is the all-American girl. She is just what you would want your daughter to be like. I have a daughter, and I certainly hope she turns out like Tipper Gore.

The Vice President and Senator Gore—I visited him in his office years ago. He had in his office a chart, and it was so unusual. It showed how global warming was taking place, what was happening in the environment, and it went way up into the ceiling. Way back then, 20 years ago, he knew it was a problem. He knew that global warming was a problem.

He is a man of humor. He is real family person. We all lived with him here when he took his little boy to a baseball game and his little boy darted in front of a car and was hit and almost killed. For me personally, he is my friend.

What he has done for the State of Nevada is remarkable. Lake Tahoe. There are only two lakes in the world like Lake Tahoe: Alpine Glacial Lake, and the other one is in Russia—Lake Baikal. Lake Tahoe that we share with California is a wonderful lake. It is almost a mile deep. It was in a state of distress. I talked to Al Gore and said: We need to do a Presidential summit at Lake Tahoe, and we did. He and President Clinton came there 10 years ago and spent 2 days at Lake Tahoe. There was international coverage of what they were doing at Lake Tahoe to show that this wonder of nature was being destroyed. As a result of their having been there—they had 7 Cabinet officers who spent time with more than 1,000 people preparing them for the summit. I thought it would be a photo-op, and it certainly was more than that. It led to our turning around the environmental degradation of that great lake, and we have made progress. Since they came there, we have spent hundreds of millions of dollars on that lake, and it has been worth every penny of it.

Mr. President, Al Gore has had a pretty good year. He won an Emmy, an Oscar, and now the Nobel Peace Prize. I, of course, know he got more votes than the person who beat him in the Presidential election. We not only know he got more votes, we know the tremendous problems they had in Florida. The Supreme Court made a decision. Even though I disagreed with the 5-to-4 decision, it was made by the Supreme Court. As hard as it was for me to accept it, the minute the Supreme Court made that decision, George Bush became my President. Think about how Al Gore felt about that. Al Gore had gotten more votes than the man the Supreme Court said would be President. How did Al Gore lead the country after that disappointment to him? He didn't whine or cry or ask for there to be a contest in the House of Representatives, which he was entitled to. He led the country in saying George Bush is the President.

I say to you there wasn't a single rock thrown through a window and there were no demonstrations held; it was a changeover to George Bush being President. I give that to the greatness of Al Gore. He could have whined and cried and complained. He didn't do that. He set out, in spite of the fact that he was not President of the United States, to change the world. He has done that, earning an Emmy, an Oscar, and now the Nobel Peace Prize. It is one of the all-time great stories in history.

I have to also say that Al Gore, this very serious man, is also very funny; he has a great sense of humor. When I was first elected minority leader, and then became the Democratic leader, he is one of the first people I called. What did he do? He said: How much time do you have? I said: All the time you want. I was on the telephone and he talked to me for more than 2 hours. I took notes. I still have those notes. He gave me such a good view of my job.

I want everyone within the sound of my voice to understand what an extraordinary man he is and how much good he has done. I have watched his progress from the days we spent together on the subcommittee and the committee in the House, and we talked about the environment. This Nobel Peace Prize is a reflection of the man and his accomplishments.

Is there anyone who doubts today that global warming is real? I don't think so. If they do, they are in a very distinct minority. Global warming is here and we must act. Listen to what Vice President Gore says regarding the challenge. He says we must have optimism. He said:

We sometimes emphasize the danger in a crisis without focusing on the opportunities that are there. We should feel a great sense of urgency because it is the most dangerous crisis we have ever faced, by far. But it also provides us with opportunities to do a lot of things we ought to be doing for other reasons anyway. And to solve this crisis, we can develop a shared sense of moral purpose.

Does that depict what a great man he is? Al Gore looks at this optimistically, saying these are things we should have been doing, but we are not doing it, so let's work together to fight the scourge facing our world.

On behalf of our former colleague and my friend, Vice President Al Gore, I am so pleased to support this resolution. More important than passing this resolution, which has happened, I hope all my colleagues will honor his cause and moral purpose to continue the fight to reverse the threat of global warming and leave an Earth to our children and grandchildren that is safe, clean, and livable.

HONORING NOBEL PEACE PRIZE WINNERS IN PHYSIOLOGY OR MEDICINE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 350.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 350) honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies of the 2007 Nobel Peace Prize in Physiology or Medicine.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

MEASURES READ THE FIRST TIME—S. 2179, S. 2180, S. 2184, S. 2185, H.R. 2102, AND H.R. 3678 EN BLOC

Mr. REID. Mr. President, I understand there are six bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2179) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

A bill (S. 2180) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

A bill (S. 2184) to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

A bill (S. 2185) to permanently extend the current marginal tax rates.

A bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

Mr. REID. Mr. President, I now ask for their second reading en bloc, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

S. 2179 AND S. 2180

Mr. BINGAMAN. Mr. President, the Committee on Energy and Natural Resources has reported over 70 individual bills and resolutions this Congress. Most of these bills are authorizations for specific projects and activities in the Department of the Interior, although we have also reported several measures involving National Forest lands under the jurisdiction of the Department of Agriculture, as well as a few authorizations related to the Department of Energy.

Typically these bills would be considered in the Senate under a unanimous consent procedure. Unfortunately, although all of these bills are noncontroversial and all were reported unanimously by the Energy and Natural Resources Committee, we have been unable to get consent to pass these bills.

In an effort to facilitate passage of these bills, today I am introducing two bills which contain the individual measures reported by the committee. The first bill, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, includes the text of 25 bills and 1 resolution which have been passed by the House of Representatives and which were reported, or their Senate companion measure was reported, without substantive amendment by the committee. If considered as individual bills, upon passage in the Senate, these bills would have been cleared for the President. Since they will now be included as part of this comprehensive bill, it will require additional action by the House of Representatives, but I am hopeful that because all of the measures included in this bill were previously approved by the other body that they will be able to approve this bill expeditiously.

The second bill, the Natural Resource Projects and Programs Authorization Act of 2007, includes the text of 44 bills which originated in the Senate, or which passed the House of Representatives and were substantively amended in committee. Like the previous bill, all of the individual bills were reported unanimously by the Energy and Natural Resources Committee. While the House of Representatives has not previously acted on all of the individual components of this new bill, I believe these bills are non-controversial, and I hope that the House will be able to consider this bill in a timely manner as well.

Mr. President, I have prepared a table identifying the individual measures that are included in both comprehensive bills, including references to the corresponding calendar numbers. I ask unanimous consent to have printed in the RECORD the table to which I just referred.

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

NATIONAL FORESTS, PARKS, PUBLIC LAND, AND RECLAMATION PROJECTS AUTHORIZATION ACT OF 2007

Forest Service Authorizations			
Sec. 101	Cal. 255	H.R. 886	Wild Sky wilderness
Sec. 102	Cal. 361	H.R. 247	Jim Weaver trail
Bureau of Land Management Authorizations			
Sec. 201	Cal. 251	H.R. 276	Piedras Blancas Historic Light Station
National Park Service Authorizations			
Sec. 301	Cal. 35	S. 324	NPS cooperative agreements (H.R. 658)
Sec. 311	Cal. 378	H.R. 1100	Carl Sandburg NHS boundary adjustment
Sec. 321	Cal. 232	H.R. 376	Newtonia Civil War battlefields study
Sec. 322	Cal. 236	H.R. 1047	Soldiers' Memorial Military Museum study
Sec. 323	Cal. 362	H.R. 407	Columbia-Pacific heritage area study
Sec. 331	Cal. 233	H.R. 497	Francis Marion Commemorative Work
Sec. 332	Cal. 363	H.R. 995	Disabled veterans memorial authorization
Sec. 333	Cal. 234	H.R. 512	American Latino museum commission
Sec. 334	Cal. 377	H.R. 1148	Hudson-Fulton Champlain commissions (H.R. 1520)
Sec. 335	Cal. 230	S. Con. Res. 6	National Museum of Wildlife Art (H. Con. Res. 116)
Sec. 341	Cal. 285	H.R. 1388	Star-Spangled Banner National Historic Trail
Sec. 342		H.R. 761	Lewis & Clark NHT visitor center conveyance
Sec. 343		H.R. 986	Eightmile River Wild & Scenic River designation
Bureau of Reclamation and U.S. Geological Survey Authorizations			
Sec. 401	Cal. 143	H.R. 1114	Alaska water resources study
Sec. 402	Cal. 250	H.R. 235	Redwood Valley Water District payment schedule
Sec. 403	Cal. 252	H.R. 482	American River Pump Station project transfer
Sec. 404	Cal. 254	H.R. 839	Watkins Dam enlargement
Sec. 405	Cal. 37	S. 255	New Mexico water planning assistance (H.R. 1904)
Sec. 406		H.R. 386	Yakima Project lands and building conveyance
Sec. 407		H.R. 1736	Juab County, Utah conjunctive water use
Sec. 408	Cal. 52	S. 220	A&B Irrigation District contract repayment (H.R. 467)
Department of Energy Authorizations			
Sec. 501	Cal. 360	H.R. 85	Energy technology transfer
Sec. 502	Cal. 379	H.R. 1126	Steel & Aluminum Act amendments

NATURAL RESOURCE PROJECTS AND PROGRAMS AUTHORIZATION ACT OF 2007

Title I—Bureau of Land Management Authorizations			
Subtitle A	Cal. 53	S. 275	Prehistoric Trackways National Monument
Subtitle B	Cal. 38	S. 260	Fort Stanton—Snowy River Cave NCA
Subtitle C	Cal. 43	S. 320	Paleontological Resources Protection
Subtitle D	Cal. 39	S. 262	Snake River Birds of Prey NCA Name Change
Subtitle E	Cal. 249	S. 1139	National Landscape Conservation System
Title II—National Park Service Authorizations			
Subtitle A—New Areas, Boundary Modifications, and Studies			
Sec. 201	Cal. 36	S. 245	Clinton Birthplace Home National Historic Site
Sec. 202	Cal. 223	S. 126	Mesa Verde National Park Boundary Modification
Sec. 203	Cal. 231	H.R. 161	Minidoka Internment National Monument
Sec. 204	Cal. 371	S. 722	Walnut Canyon National Monument Study
Subtitle B—Commissions and Advisory Committees			
Sec. 211	Cal. 227	S. 890	Dwight D. Eisenhower Memorial Commission
Sec. 212	Cal. 359	S. 1728	Na Hoa Pili O Kaloko-Honokohau advisory commission
Subtitle C—National Trails			
Sec. 221	Cal. 40	S. 268	Ice Age Floods National Geologic Trail
Sec. 222	Cal. 226	S. 686	Washington—Rochambeau National Historic Trail
Sec. 223	Cal. 225	S. 580	National Historic Trails study update
Sec. 224	Cal. 365	S. 169	National Historic Trails willing seller authority
Subtitle D—National Heritage Areas			
Sec. 231	Cal. 366	S. 278	National Heritage Areas program and criteria
Sec. 232	Cal. 373	S. 817	Reauthorization of certain existing national heritage areas
Sec. 233	Cal. 357	S. 1182	Quinebaug & Shetucket Rivers National Heritage Corridor
Sec. 234	Cal. 367	S. 289	Journey Through Hallowed Ground National Heritage Area
Sec. 235	Cal. 368	S. 443	Sangre de Cristo National Heritage Area
Sec. 236	Cal. 369	S. 444	South Park National Heritage Area

NATURAL RESOURCE PROJECTS AND PROGRAMS AUTHORIZATION ACT OF 2007—Continued

Sec. 237	Cal. 372	S. 800	Niagara Falls National Heritage Area
Sec. 238	Cal. 375	S. 955	Abraham Lincoln National Heritage Area
Sec. 239	Cal. 355	S. 637	Chattahoochee Trace National Heritage Corridor study
Sec. 240			Abraham Lincoln Kentucky sites national heritage study (amendment to S. 955)
Title III—Bureau of Reclamation and USGS Authorizations			
Sec. 301	Cal. 48	S. 263	Deschutes River Conservancy
Sec. 302	Cal. 49	S. 264	Wallowa Lake Dam rehabilitation program
Sec. 303	Cal. 50	S. 265	Little Butte / Bear Creek water resource study
Sec. 304	Cal. 51	S. 266	North Unit Irrigation District
Sec. 305	Cal. 245	S. 175	Central Oklahoma Master Conservancy District study
Sec. 306	Cal. 246	S. 542	Snake, Boise, and Payette River systems studies
Sec. 307	Cal. 247	S. 1037	Tumalo Irrigation District water project
Sec. 308	Cal. 253	S. 324	New Mexico water resources study
Sec. 309	Cal. 256	H.R. 902	Water and energy resources
Sec. 310	Cal. 34	S. 240	National Geologic Mapping Act of 1992 reauthorization
Title IV—Forest Service Authorizations			
Subtitle A—Authorizations			
Sec. 401	Cal. 31	S. 202	Coffman Cove administrative site conveyance
Sec. 402	Cal. 32	S. 216	Santa Fe National Forest / Pecos NHP land exchange
Sec. 403	Cal. 33	S. 232	Watershed restoration and enhancement agreements
Sec. 404	Cal. 229	S. 1152	Wildland firefighter safety
Subtitle B	Cal. 370	S. 647	Lewis and Clark Mount Hood Wilderness
Title V—Department of Energy Authorizations			
Sec. 501	Cal. 356	S. 645	Technical criteria for clean coal power initiative
Sec. 502	Cal. 358	S. 1203	Additional Assistant Secretary, Department of Energy
Sec. 503	Cal. 374	S. 838	United States—Israel energy cooperation
Sec. 504	Cal. 376	S. 1089	Alaska natural gas pipeline corridor
Title VI	Cal. 42	S. 283	Compact of Free Association Amendments

ORDERS FOR THURSDAY, OCTOBER 18, 2007

Mr. REID. Mr. President, I appreciate everyone's patience. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, October 18; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the Democrats the second half; that at the close of morning business, the Senate resume consideration of H.R. 3043, the Labor-HHS appropriations bill.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Thursday, October 18, 2007, at 9:30 a.m.