Mrs. BOXER. Mr. President, I ask unanimous consent that whatever time remains for the Republicans be reserved until the Democrats have finished our time.

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

The Senator from California is recognized.

(The remarks of Mrs. BOXER, Mr. LIEBERMAN, Mr. INHOFE, Mr. WARNER, Mr. COLEMAN, Ms. COLLINS, and Mr. ALEXANDER, pertaining to the introduction of S. 2191 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ARMENIAN RESOLUTION

Mr. WARNER. Mr. President, I am greatly concerned. I had breakfast early this morning, together with the Senator from Michigan, the chairman of our committee, and two House senior Members of the Armed Services Committee—our annual meeting to work toward conference of the authorization bill—Secretary Gates and the new Chairman of the Joint Chiefs, the Admiral. We addressed this issue of the Armenian resolution in the House. I do not in any way imply that the House has moved forward on that in an improper way. I don't want to get into the politics. I simply say I perceive that this is changing, a changing issue in the House. It may well not be brought up. But the Secretary of Defense again, and the Chairman of the Joint Chiefs, reiterated the possible impact of such a resolution, were it to be passed, upon our operating forces, both in Iraq and in Afghanistan.

ARMENIAN GENOCIDE

Mr. President, it is my intent to oppose the non-binding resolution, passed by the House Foreign Affairs Committee, that states that the deportation of nearly 2 million Armenians from the Ottoman Empire between 1915 and 1923, resulted in the deaths of 1.5 million of them, amounted to genocide. While I deplore the killings of Armenians 92 years ago by the Ottoman Empire, I urge my colleagues to consider the grave consequences this may have on United States-Turkish relations and on interests of the United States in Europe and the Middle East. Turkey has been a steadfast ally and an indispensable friend in a critical region of the world. If Turkey decides to respond negatively to our passage of this resolution, their decision could have lasting repercussions for U.S. foreign policy interests in the region and compromise our conduct of the war in Iraq and Afghanistan.

The House resolution on the Armenian genocide appears at a particularly sensitive point in United States-Turkish relations. The possibility of a Turkish incursion into northern Iraq must be an immediate concern. There is no doubt that tensions are mounting along the Iraqi-Turkish border. The United States has urged Turkey not to send troops over the border into northern Iraq to fight Kurdish separatist rebels, who launched cross-border attacks against Turkish targets. We must all urge Turkey and Iraq to seek a diplomatic solution to this crisis and the House resolution could undermine our diplomatic leverage.

Last week, Defense Secretary Robert Gates said that relations with Turkey are vital because 70 percent of the air cargo sent to U.S. forces in Iraq and 30 percent of the fuel consumed by U.S. forces in Iraq are flown through Turkey. Secretary Gates said that U.S. commanders ''believe clearly that access to airfields and roads and so on, in Turkey, would very much be put at risk if this resolution passes and the Turks react as strongly as we believe they will.''

I would like to share some important facts with my colleagues about how Turkey is enabling our forces to achieve the mission we have given them. Turkey has provided over 20,000 overflight clearances to U.S. military and contracted aircraft since 2002. These flights carry critical supplies and equipment to our forces in the field, currently including 95 percent of the Mine Resistant Ambush Protected, MRAP, vehicles. These flights also include our medical evacuations from Iraq to Landstuhl, Germany. KC–135 tankers operating out of Incirlik, Turkey, have flown over 3,400 sorties and delivered 35 million gallons of fuel to U.S. fighter and transport aircraft on missions in Afghanistan and Iraq. Finally, approximately 30 percent of the fuel and 17 percent of the food used by U.S. and coalition forces enter Iraq from Turkey via the Habur Gate border crossing.

I would like to expand on these military concerns. The loss of access to critical air and ground lines of communication through Turkey to Iraq and Afghanistan may result in: (1) temporary interruptions to the flow of cargo; (2) increased aircraft requirements; (3) increased costs; and (4) longer transit times.

If these supplies need to be rerouted by ground through Kuwait, or Jordan, we must be concerned about additional force protection issues. I am very troubled about our ground convoys that already move from Kuwait to Iraq. They are high-value targets to insurgent groups. I visited with a number of the convoy drivers on my last visit to Kuwait. We have brave and experienced drivers leading these dangerous convoys, but I am concerned about the heightened risks associated with an increase in number of convoys or employing less experienced drivers on the road to meet the new mission caused by the loss of access to lines of communications through Turkey.

There is one additional point I would like to make about the impact on our operations in Iraq. I believe we should all be concerned about the potential negative impact this resolution could have on the eventual redeployment or withdrawal of U.S. forces from Iraq. If Turkey decides to cut off our lines of communications through their country that redeployment or withdrawal would be more difficult.

I would also like to remind my colleagues that there are over 1000 Turkish soldiers in Afghanistan. Turkey remains the only Muslim country in the International Security Assistance Forces, ISAF, in Afghanistan. Their troops have significant responsibilities in ISAF which include providing security in Kabul.

I urge my colleagues to consider the consequences which may result from passing the House legislation on Armenian genocide and encourage them to reject the measure. The passage of this measure would do great harm to our relations with a key ally in NATO, our interests in the region, and our military operations in Iraq and Afghanistan.

It is the House of Representatives' business. But I do believe here in the Senate we have to address that issue.

I do not in any way disparage or denigrate the seriousness of what happened 92 years ago, at another time in history. But right now we have young men and women of the Armed Forces of the United States, and our coalition partners, risking their lives in Iraq and Afghanistan. The passage of this could have implications on nations in that region which I think could be detrimental and could put at risk the lives of our service persons.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

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.

Pending:

Harkin/Specter amendment No. 3325, in the nature of a substitute.

Vitter amendment No. 3328 (to amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada.

Dorgan amendment No. 3335 (to amendment No. 3325), to increase funding for the State Heart Disease and Stroke Prevention Program of the Centers for Disease Control and Prevention.

Thune amendment No. 3333 (to amendment No. 3325), to provide additional funding for the telehealth activities of the Health Resources and Services Administration.

Dorgan amendment No. 3345 (to amendment No. 3325), 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.

Menendez amendment No. 3347 (to amendment No. 3325), to provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we are now back on the Labor, Health and Human Services, Education, and related agencies appropriations bill.

I thought I might recap for Senators where we are. We started yesterday. I thought we had a fairly productive afternoon. We, right now, have five pending amendments that we are working on in terms of offsets. We have the Vitter amendment on drug reimportation. That language we are just working on. There is no offset needed.

We have the amendment by Senator DORGAN on heart disease. We are again looking at an offset there. We are working on that.

We have an amendment by Senator THUNE on telehealth. Again, we are working on trying to find the proper offsets.

We have another amendment by Senator DORGAN on a NAFTA study. That has not been totally agreed to yet on the other side of the aisle.

We have an amendment by Senator MENENDEZ on patient navigators. Again, I think it is broadly supported. But, again, we are working on trying to find an offset.

We adopted three amendments yesterday: the amendment by Senator FEINSTEIN which was to set up a child abuse registry; the second amendment was by Senator SMITH which was a technical fix to the Garrett Lee Smith suicide prevention bill; and then yesterday we accepted an amendment by Senator MCCASKILL which provides for a link on the Web sites of all of the departments under our jurisdiction to the IG.

I am told we have about 30 amendments filed. We have 10 that we now have worked on, so we are down to about 20 amendments. I hope we can again move rapidly today and have people come over. I see people are here waiting to offer amendments. I appreciate that very much.

Mr. President, I ask unanimous consent that these three Members be recognized to call up amendments and that the pending amendments all be set aside for this purpose. In this order it would be: Senator DEMINT, Senator DOLE, and Senator BROWN.

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

Mr. HARKIN. I yield the floor.

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

AMENDMENT NO. 3338 TO AMENDMENT NO. 3325

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3338.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3338 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To provide a limitation on funds with respect to the Charles B. Rangel Center for Public Service)

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.

Mr. DEMINT. Mr. President, I actually wanted to bring up another amendment to speak on briefly. If there is no objection, I would like to call up amendment No. 3340 at the same time. I will speak to both of them.

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

AMENDMENT NO. 3340

Mr. DEMINT. Mr. President, amendment No. 3340 is one we have already seen. It is a simple amendment that we all agree on. Both sides accepted it unanimously last week on the last appropriations bill that we considered.

This is an amendment that prohibits Members of Congress from pressuring Federal agencies to designate funds, what we call ''phone marks'' to special projects back home.

All of us have worked real hard to create more transparency and disclosure of earmarks. Last week we added to the last appropriations bill this amendment that would prohibit Members of Congress from going around the earmark disclosure process and pressuring Federal agencies to designate funds.

This is an amendment that I also want to add to this appropriations bill. I understand both sides will be willing to accept this again.

AMENDMENT NO. 3338

I would like to address my second amendment at this point as well. This is a very difficult amendment to talk about because when we start talking about earmarks in the House or the Senate, all of those earmarks are something that have been designated by individual Members of Congress. So it is often taken quite personally when we challenge these amendments and make it public, particularly amendments that do not sound good to taxpaying Americans.

I want to assure my colleagues that my point is not to focus on Members of Congress but to focus on wrong ideas; in fact, wrong ideas about earmarking and spending taxpayer dollars that have discredited this body with the American people.

We know only 11 percent of the American people have any kind of favorable perspective of Congress at this point. A lot of it is because of the publicity of how we spend their money.

I was made aware by ''CBS News'' of a particular earmark that the House has put in their version of the Labor-HHS bill. CBS is not known for being supportive of conservative causes. They were pointing out a particular attachment to the House appropriations bill, which will be in the final bill if we do not disallow it in the Senate.

It is an earmark for $2 million that was put in this bill by Congressman RANGEL, chairman of Ways and Means. This $2 million earmark goes to a new Charles B. Rangel Center for Public Service at the City College of New York. This center does not yet exist. It is one that money is being raised for at this time.

Frankly, the college does not need this duplication of an educational service which already exists on the campus, but the description of this building includes not only an educational program—that is, a duplication of the Colin Powell Center which is already there—but it also creates a library for the personal archives of Congressman RANGEL and a well-furnished office for his personal use.

CBS made the point, and they actually called this ''Monument to Me.'' And not just about Congressman RANGEL but about all of us who, through the earmarking process each year, are given a personal slush fund to send taxpayer dollars to our favorite causes back in our home States and districts.

Increasingly, Members of Congress are doing things such as giving money to colleges and other organizations that are naming buildings and programs after us so that it will attract more earmarks. It has become a vicious circle that Americans are on to.

CBS made the point of this waste of money. To me, it, frankly, looks very bad. It reflects poorly on all of us, and it discredits a lot of the good things we do. Again, my point is not to identify a particular Member of Congress to embarrass them but, hopefully, to embarrass us all; that we are all involved with a very bad approach to spending taxpayer dollars.

The idea of each Member of Congress—we all have papers, we all give them to colleges. Does this mean we will all get taxpayer money to send to these colleges to build some type of Presidential-like library to archive our papers and give us personal offices? I assume it is permanent.

The hard-working people in South Carolina who are paying taxes should not be building a center for Congressman RANGEL in New York. If we had plenty of extra money, maybe we could talk about it. But the fact is, we are borrowing this money from future generations to build monuments to ourselves all around the country.

My amendment would disallow the use of funds in this bill for this particular project, hopefully making a point to all of us that this is not what

America expects when they send us to Congress. Our job is to do what is best for this country in our future, not to create slush funds for ourselves so we can win popularity back home by taking money back home, particularly when we get involved with this back and forth of, they named something after us, so we give money to them. It does not look good, it does not sound good, and it is not good. It is not good for our country and our future.

I encourage every Member of this Senate to vote for this amendment that would disallow funds for this project and hopefully send a message here and all around America that we are going to reform ourselves, and we are no longer going to be embarrassed by CBS and other media. Every time they point out what we are doing, we cannot hide from the fact that it is shameful. I do not want my tax dollars spent this way. I know the people in South Carolina do not. I bet if we had a chance to ask every American, not one would say this is how they expect their tax dollars to be spent.

I encourage my colleagues to vote for this amendment.

Mr. President, I ask unanimous consent that amendment No. 3340 be pending at this time.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3340 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To provide that none of the funds made available under the 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, and for other puropses)

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.

Mr. DEMINT. I ask for the yeas and nays on amendment No. 3338.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. DEMINT. Mr. President, we do have two amendments I have offered. My understanding was that there would be a voice vote on 3340, and I have asked for the yeas and nays on 3338, if I may correct my request.

Mr. HARKIN. Parliamentary inquiry: Would the Chair state the question before the Senate right now?

The PRESIDING OFFICER. The Senator from South Carolina has asked for the yeas and nays on amendment No. 3338.

Mr. DEMINT. That is correct.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Will the Senator from South Carolina repeat his request?

Mr. DEMINT. Mr. President, I ask for the yeas and nays on amendment No. 3338.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we have not disposed of amendment No. 3340, if I am correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. We have looked at 3340. I don't know that it needs an up-or-down vote. We can accept it. I understand Senator SPECTER will accept it, also, so it is accepted on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3340.

The amendment (No. 3340) was agreed to.

Mr. HARKIN. Mr. President, I will probably have more to say about this later, but on the amendment the Senator offered regarding the Rangel Center, I object to this amendment. It is an attack on an institution that is not in the Senate amendment before us. It is a House provision that provides funding for a center at the City College of New York. As I understand it, the center was set up basically to offer interdisciplinary programs for bachelor's degrees, master's degrees, midcareer programs, to get more minority population into management positions. Right now, non-Whites make up nearly 30 percent of our population, yet only 13.8 percent of the men and women who occupy top management and policy positions in the Federal Government are members of minority groups. We need to do more to bring minority Americans into public service. A center for public service at the City College of New York was set up to do this. It was the City College of New York that decided the name of it. As far as I know, we didn't decide that. We didn't do anything to decide the name of it. In this bill, we have funds for the Howard Baker Center in Tennessee. We have funds for a Robert Dole Center. These are centers set up at universities, and they name them. We do not. They decide to put a name on it.

I believe we ought to be in the position of saying, yes, there is a need for course work to help minorities get into midmanagement and senior positions in the Federal Government. That is laudable. But what the university names it ought to be up to the university. It is not up to us.

Mr. DEMINT. Will the Senator yield?

Mr. HARKIN. Surely.

Mr. DEMINT. I appreciate the concerns. Again, it is difficult when names of Members of Congress are involved. The college already has an education center specifically for the purpose listed for the Charles Rangel Center. It is called the Colin Powell Center. They perhaps added some bells and whistles, archived the papers as well as the personal office we talked about.

To the chairman's objection about this not being in our bill, in this body we regularly disallow funds for various agencies that are not listed in our bill but that as a body we decide it is not the appropriate way for money to be spent.

We should honor Congressman RANGEL and others who have served with distinction as he has. CBS brought out that the college had not made the decision or at least would not make the decision as to how to name the center. So there were a lot of questionable things that came up in this report, questions enough that CBS decided to make it news.

My point is, if we get into the practice as Members of Congress while we are still serving of responding to centers being named after us by getting taxpayer dollars back to them and getting personal offices in buildings around the country, this is clearly not our purpose, and it is not one that will be respected by the American people.

I look forward to further debate. I appreciate all the time.

Mr. HARKIN. Mr. President, we have in our bill a provision for a Howard Baker Center at the University of Tennessee. I haven't heard the Senator from South Carolina want to go strike the Howard Baker Center. That is in this bill. A couple years ago, we had the provision for the Dole Center at the University of Kansas. I don't remember the Senator objecting to that. This is nothing unusual. This happens all the time. It is up to the university to decide whether they want to name them; it is not up to us.

Mr. DEMINT. Mr. President, if the Senator will continue to yield, I appreciate the give-and-take. We have made the point many times. We did it with judges. We created a law that would not allow us to name courthouses after active judges, but once they retire, we look at it differently. The same is true for Members. Senator Baker and Senator Dole are not in positions now to direct money to different places because they are named after them, but we are. There is a serious question here, and we should make a distinction between what we do while we are serving and what we do after we have retired.

I thank the Chair and yield the floor.

Mr. HARKIN. Mr. President, I believe we are ready for the Dole amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 3341 TO AMENDMENT NO. 3325

Mrs. DOLE. Mr. President, I call up No. 3341 pending at 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 Carolina [Mrs. DOLE] proposes an amendment numbered 3341.

Mrs. DOLE. 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 funding for the National Cord Blood Stem Cell Program)

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:''.

Mrs. DOLE. Mr. President, on December 20, 2005, the Stem Cell Therapeutic and Research Act was signed by the President and became law. This legislation established, through the Health Resources and Services Administration, HRSA, the C.W. ''Bill'' Young Cell Transplantation Program. This program, a successor to the National Bone Marrow Donor Registry, takes what used to be considered medical waste, deposits of umbilical cord blood, and banks it for future transplant recipients. Cord blood is the only known substitute for bone marrow.

The first cord blood transplant in the United States not involving a family member was performed at Duke University Medical Center in 1993. Since then, cord blood transplants have become increasingly common. Nationwide, more than 500 cord blood transplants are performed each year.

Today, cord blood transplantation is one of the most hopeful and exciting areas in the field of medicine. Together, adult stem cells and cord blood units have been used to treat over 70 blood cancers and genetic diseases.

Let me tell you about a young girl named Sangeetha. She received a transplant 10 years ago at my alma mater, Duke University, when she was battling leukemia. Doctors struggled to find a bone marrow match for Sangeetha, who is Indian. Fortunately, doctors found a compatible match from a baby girl born in New York, and Sangeetha was able to have cord blood stem cell transplantation. I am pleased to say she graduated from Western Alamance High School last year and is now a freshman at East Carolina University.

My amendment ensures that the cord blood program is included in the actual Labor-HHS appropriations bill. In the past, the cord blood program has enjoyed strong bipartisan support in Congress, and I ask that the Senate again show its support of this program by accepting my amendment. I also thank my colleagues, Senators SPECTER and HARKIN, for their strong support of the cord blood program. Without their hard work, this life-saving program would not have received the funding increase that it did this year.

Patients across the Nation have benefited from these state-of-the-art centers that are located in six States: North Carolina, New York, Washington, California, Colorado, and Texas. I know that in my home State of North Carolina, Duke University Medical Center has been working tirelessly to serve patients who travel from all across the country to benefit from the latest advancements in medical research.

I urge my colleagues to support this important amendment. It is imperative that these centers are adequately funded to ensure that the National Cord Blood Centers can continue to expand and store more cord blood donations—which means matches for more patients in desperate need of a transplant.

I ask for passage of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator from North Carolina for her interest in and support of the National Cord Blood Stem Cell Bank. This is a program Senator SPECTER and I created in the 2004 bill when he was chairman. Our bill includes $12 million for this program, enough to sustain the banks that exist and start a new round of grants to startup operations. The Dole amendment codifies this $12 million for the cord blood stem cell banking program. I fully support it. I believe I can speak for Senator SPECTER. On both sides, we are more than happy to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 3341.

The amendment (No. 3341) was agreed to.

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

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

Mr. BROWN. I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 3324

Mr. BROWN. Mr. President, I rise to oppose amendment No. 3324, the Sessions amendment. As far as I know, there is no Member of this body who opposes rigorous oversight of labor unions. Members of this body who care about the well-being of American workers don't want them harmed, period. It doesn't matter if it is an employer or a union leader or the U.S. Trade Representative who is doing the harming.

Unions are already subject, as they should be, to stringent reporting requirements, and unions overwhelmingly comply with whatever requirements are mandated. In its budget justification, the Department of Labor stated that the acceptability rate for unions in meeting their financial requirements is 96 percent. There is not a serious problem. We don't have a problem with monitoring unions. What we do have a problem with is attacking workers, which is what this amendment will do.

The offset of this amendment should offend any Member of this body who respects the hard-fought progress our Nation has made in the workplace, whether it is protecting the health and safety of workers or preventing the exploitation of children.

Look at what this amendment does. It increases funding 37 percent for ''labor-management standards.'' It does nothing for wage and hour enforcement. The Presiding Officer from Iowa has fought so hard for more wages to build the middle class.

Look what it does here—and one of the reasons we have had stagnant wages in this country—it cuts funding for occupational safety and health. We know what has happened with workers in the workplace. We have seen an increase in incidents because of the Bush administration's lax enforcement of OSHA standards to begin with. Look what it does to the International Labor Affairs Bureau.

This offset would undercut our investment in fighting the worst forms of child labor and human trafficking. It would undercut our ability to ensure that labor laws in developing nations are being enforced. When those laws are not enforced, not only are there gross human rights abuses, there are insurmountable obstacles to fair competition in the global trading arena.

In other words, when we do not enforce labor standards in the developing world, it is only costing us jobs because they are undercutting our wages because they are violating labor law and they are basically not playing fair.

This administration now seeks more of the same, asking Congress to approve trade agreements with Peru, Panama, Colombia, and South Korea. This amendment is more of the same. The Sessions amendment cuts from the small contribution—the small contribution—this Government makes toward eliminating the worst forms of labor abuse.

Many countries still permit deplorable practices such as child labor and forced labor. The Sessions amendment cuts funding of the International Labor Affairs Bureau by $5 million. That undercuts its core mission: investigating and combating these violations of human dignity.

Look at these children shown in this picture I have in the Chamber, and look at the work they are doing, hour

after hour, day after day, in all too many places around the world. This is economic globalization on the cheap, and our Nation cannot afford it.

Many in this Chamber may remember a report released last year by the National Labor Committee which exposed disgraceful working conditions in Jordan—a country with which we have a free trade agreement. The report documented workers who were trafficked—their passports confiscated when they arrived in Jordan. They used materials made in China to make finished projects eligible for duty-free entry into the United States, passing through Jordan. We see too many workers in places such as Jordan. And our administration, what does it do? It looks the other way.

International Labor Affairs funding—the funding this amendment would cut—goes toward the implementation of ILO Convention 182 on the Elimination of the Worst Forms of Child Labor. It has been ratified by 165 nations. The funding provides foreign governments with technical assistance on meeting their responsibilities so this does not happen.

A more recent ILO report, ''The End of Child Labor: Within Reach,'' showed that the number of children working around the world dropped 11 percent, from 246 million children—like these—in 2000, to 218 million in 2004. That is not good enough, but that is progress, and the Sessions amendment would pull the rug out from under that progress.

Members of this body who vote ''yes'' on this Sessions amendment will be simultaneously launching a gratuitous attack on labor unions in this country and abandoning workers, including these children, and others, who are being abused and exploited. It is doubly wrong. Vote ''no.''

AMENDMENT NO. 3348 TO AMENDMENT NO. 3325

Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 3348 at the desk.

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

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. VOINOVICH, proposes an amendment numbered 3348 to amendment No. 3325.

Mr. BROWN. 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 funding for the Underground Railroad Educational and Cultural Program)

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.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment will be set aside.

AMENDMENT NO. 3349 TO AMENDMENT NO. 3325

Mr. BROWN. Mr. President, I call up amendment No. 3349, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ, proposes an amendment numbered 3349 to amendment No. 3325.

Mr. BROWN. 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 prohibit the Secretary of Education from using funds with respect to an evaluation for the Upward Bound Program until congressional examination of the regulation providing for such review)

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.

Mr. BROWN. Mr. President, I am pleased to offer this amendment with Senators LINCOLN, OBAMA, FEINGOLD, COLLINS, WYDEN, MENENDEZ, and KERRY.

This amendment would halt the implementation of an invalid and unethical Department of Education evaluation of Upward Bound programs. Across the country, Upward Bound serves low-income, first-generation students who are at risk of not completing high school or pursuing higher education. The evaluation requires that Upward Bound programs aggressively recruit twice as many students as they can serve simply to provide enough students for a control group that will never actually receive Upward Bound services. It forces program directors to engage in a sort of bait and switch that contradicts their mission as educators. It places in danger longstanding trust relationships between Upward Bound directors and school administrators, between students and their families, and, most critically, it dashes the hopes of vulnerable teens who lack the academic or the financial or the emotional support necessary to successfully pursue higher education.

Not only will students be given false hope under this evaluation and this process, but there remain serious questions about the adequacy of research designs based on randomly assigned control groups in educational research. These concerns are based on the difficulty—perhaps even the impossibility—of imposing laboratory conditions in nonlaboratory environments.

Unless we take action, the evaluations will proceed on about 100 campuses across the country, 10 percent of those—10 of those—in my State of Ohio.

Upward Bound programs are critically important. We know how effective they are to our Nation's youth, and we should evaluate their effectiveness. But we should do it the right way, in a fair, ethical, and valid way.

I will continue to work with my colleagues, including the Presiding Officer, on the Health, Education, Labor, and Pensions Committee and in the Senate to develop an evaluation methodology that will truly let us know how our Upward Bound programs are performing.

I urge adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the pending business be laid aside for the purpose of offering an amendment.

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

AMENDMENT NO. 3321 TO AMENDMENT NO. 3325

Mr. KYL. Mr. President, I call up amendment No. 3321, which I believe is at the desk and was filed by Senator COBURN. He and I are cosponsors.

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

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. COBURN, for himself and Mr. KYL, proposes an amendment numbered 3321 to amendment No. 3325.

Mr. KYL. 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 care for pregnant women, mothers, and infants by eliminating a $1,000,000 earmark for a museum dedicated to Woodstock)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds made available under the heading ''OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION'' under the heading ''INSTITUTE OF MUSEUM AND LIBRARY SERVICES'' in title IV may be used for for the Bethel Performing Arts Center.

(b) The amount made available under the heading ''OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION'' under the heading ''INSTITUTE OF MUSEUM AND LIBRARY SERVICES'' in title IV is reduced by $1,000,000, and the amount made available under the heading ''HEALTH RESOURCES AND SERVICES'' under the heading ''HEALTH RESOURCES AND SERVICES ADMINISTRATION'' in title II is increased by $336,500, which $336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.

Mr. KYL. Mr. President, I can describe the amendment very briefly. Here is the context in which Senator COBURN and I offer this amendment.

This Labor-HHS appropriations bill provides just under $150 billion in total discretionary spending. I believe it is $149.2 billion. This is about $8.95 billion over the President's recommendation. That is well over 6 percent in excess of what the President recommended.

With this kind of excessive spending in the bill, it is important for Congress to address the use of taxpayer dollars within this bill to ensure that anything that is not a critical governmental function is prioritized, and for those things that are not critical, that we not spend money on them.

Now, this bill contains a $1 million earmark for a museum located at the Bethel Performing Arts Center in Bethel, NY—the site of the original 1969 Woodstock Festival. The museum, which is scheduled to open in 2008, apparently will house exhibits on the Woodstock Festival and the 1960s in which it occurred. According to the museum's Web site—I am quoting now—

> Through dramatic imagery, audio-visual technology and immersive interactives, this exhibition tells the story of the 1969 [Woodstock] festival and its significance in a time of unrest and change, concluding with the myth, reality, and impact of the Woodstock Festival today.

Our amendment is very simple. We simply strike that $1 million earmark.

For those who thought the Woodstock Festival was a neat thing and something that needs to be commemorated in American history, it is happening. It does not need the Federal Government, the taxpayers in my State and others, to subsidize that museum.

The Gerry Foundation, which is a nonprofit 501(c)3 organization, oversees the Bethel Center, and it reported an adjusted net income of $7.7 million, investment income of more than $24 million, and total net assets of over $150 million at the end of 2004, the last year for which statistics are available. So why are we asking for $1 million to be earmarked out of this particular bill, the Labor-HHS bill, for the funding of this particular museum? As I said, our amendment would eliminate the earmark for this Woodstock museum, and it would transfer the funding to the Maternal and Child Health Block Grant program—something that is relevant to the Labor-HHS bill.

The Maternal and Child Health Block Grant program provides funding to States to meet their most pressing maternal and child health needs, encouraging the development of community-based networks for both private and public health care services and programs designed to meet the health needs of pregnant women, mothers, infants, children, and adolescents. This is what this bill is supposed to be about.

We have had a lot of debate recently about protecting children's health. It seems to me if that is something we are concerned about, we could use this $1 million for children's health rather than helping to pay the expenses of an already very well-funded museum to celebrate the festival at Woodstock.

The amendment basically asks some questions about our priorities as Members of Congress, stewards of taxpayer dollars. Remember, the money has not grown on trees. It has been collected from hard-working families who expect us to put it to good use. They are frustrated about wasteful Washington spending. They criticize us every day for the priorities we set. It seems to me we do have to ask questions such as whether it is the will of this body to fund an earmark for a museum celebrating a weekend-long party that occurred 38 years ago or funding child health.

The American people, as I said, are sick and tired of the kind of spending that this particular kind of earmark represents. They see us as a government that is not accountable to them, that is out of touch with their needs and realities in trying to provide for their own families, and they then send what the Government needs by way of taxes. They are not against paying taxes, but they do not want us to waste their money.

It is beyond me how, with an entity as well funded as the Gerry Foundation, the Government would have to then take taxpayer money and fund this particular museum to the tune of $1 million. It is clearly not a high priority. It is clearly not needed. It is not critical to our future. It may be a nice thing for some people to visit to relive their memories of the good old days, but, frankly, it is a handout from taxpayers to a foundation that otherwise has plenty of money to commemorate this particular event.

I close by noting that recently there was a festival at the Bethel site, the site of Woodstock, on August 11 of this year. They hosted an event called the ''HIPPIEFEST,'' with tickets priced up to $60 a person. Here is how it was advertised:

> Return to the flower-powered days of the 1960's with our oh-so-hippie line-up of truly talented artists.

The center's advertisement for the concert further states:

> [G]ather your groovy beads and we'll see you on the lawn for a trip down memory lane.

Well, the trip down memory lane may be fine for folks. I suggest if they want to participate in that, they can pay the admission price. If a rich entrepreneur in New York wishes to fund the creation of this museum, as he has done, he obviously has plenty of money to do it, as I indicated. It is not something American taxpayers should pay for.

I will conclude by saying this: The reason why this Congress has a lower approval rating than the President of the United States—the lowest approval rating in its history, according to the public opinion surveys—is because they do not trust us to do the right thing. They believe we are wasteful stewards of their money. We have to start somewhere in convincing them that we are serious about the business they want us to conduct, that we can set priorities, and that we are not going to continue to waste their money.

How can we, with a straight face, argue to them that we are not wasting their hard-earned, taxpayer money when we take $1 million of it to spend on a memorial or a museum for a party, as I said, that occurred 38 years ago, and which is already plenty adequately funded? It makes no sense at all.

I urge my colleagues, when this comes up for a vote, let's at least demonstrate in a symbolic way, at a minimum, that we are serious about not wasting their money. I hope my colleagues will support this amendment.

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

Mr. SCHUMER. Mr. President, does my colleague from Oklahoma intend to speak on this amendment? Then I would like to speak after both my colleagues have spoken and respond to what they have to say.

Mr. COBURN. Mr. President, I intend to speak after Senator SCHUMER speaks as well.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we heard Senator KYL talk about the problem. The Woodstock Museum is not the problem; it is a symbol of the problem. Alan Gerry has done great things for the State of New York. He should be praised for what he has done. This isn't an attack on him. This is an attack on the process—the process where we inappropriately send money back on the basis not of priority but on the basis of a low-priority need.

Now, there was a historian by the name of Alexander Tyler. These words are attributed to him. Nobody can say for sure he is the author of them, but they bear a very important lesson for us. He wrote about the Athenian Empire which had collapsed, and he was writing this about the time that our Founders were writing our institutional documents. Here is what he said: All democracies eventually fail. They fail because people learn that they can vote themselves money from the public Treasury. Consequently, they only vote for people in elected office who will return them money from the public Treasury. Consequently, all democracies fail over a fiscal collapse.

Now, is that where we are headed? Have we walked into the trap of history which talks about how every other democracy in the world has, in fact, failed over fiscal issues? They haven't failed over the principles of their democracy. They haven't failed over their freedom. They failed over the financial collapse of their system because the political class used public monies to pay off private citizens.

This is a symbolic vote. It is not about going after Senator SCHUMER or Senator CLINTON and this earmark. I have been going after Republican and Democratic earmarks for 2½ years. But this is a great example. I am part of the hippie generation. I was a junior in college when Woodstock occurred. It may be great for upstate New York to empower and have this as an economic development tool. It is certainly a part of our history and ought to be remembered. There is no question about it. But the question is, should this be a priority for this body over the priority of women and children, of maternal-child health, which isn't funded adequately in this country? Should we fund $1 million to a worthwhile project but low priority? That is the question. It is not about whether great things have been done in this area or whether great things can continue to be done.

New York has a $1.6 billion surplus right now. If this is great, why shouldn't the State of New York fund it more, this $1 million? We have, according to the latest estimate if you use Enron accounting, a $160 million deficit. If you use real accounting, it is going to be about a $300 billion deficit. So why should we put the credit card in and charge another $1 million to our kids for something that is low priority? If we are going to charge another $1 million to our kids, why don't we do it for the kids, for maternal and child health? We will earn the 11 percent if we reject this amendment.

The problem is, this is a good thing to do. Senators have a right to do it. We know that. Even though, I disagree that, before we fix the major financial problems that face our country, we shouldn't be sending money home. I am in the minority on that issue. I understand that. You are not bad if you disagree with me. But according to the American public, you don't agree with them either because 85 percent of the American people in the latest poll think we ought to eliminate all earmarks until we get our house in order.

The question is, how will they ever trust us to fix Medicare or Social Security if they can't trust us on these small things? And they can't. We can't help ourselves. Surely, $1 million for a Woodstock museum and performance center is not a priority for this country at this time.

Mr. HARKIN. Would the Senator yield for a unanimous consent request? I hate to interrupt the Senator.

Mr. COBURN. I am happy to yield.

Mr. HARKIN. Mr. President, I think this has been cleared on the other side.

I ask unanimous consent that at 12:30 today, the Senate proceed to vote in relation to the DeMint amendment No. 3338, with no amendment in order to the amendment prior to the vote, and that there be 2 minutes of debate prior to the vote with the time equally divided and controlled between Senators DEMINT and SCHUMER or their designees; that upon disposition of the DeMint amendment, Senator BYRD be recognized to call up an amendment on the subject of mine safety.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, I would ask to modify that time on the provision that we be finished this debate. In other words, that being the first order of business after we finish this debate rather than setting a fixed time because I am not sure we will be through at 12:30. If the Senator would care to modify, so that at 12:30, or the soonest thereafter we finish this debate, I would be more than happy to agree.

Mr. HARKIN. If the Senator will yield, is there any chance that we could finish the debate after the vote? We are trying to get the vote in prior to some noon things that are happening around here.

Mr. COBURN. I guess we can do that. I would do that if that is what you want to do. I would love for us to finish this before the vote.

Mr. HARKIN. Mr. President, I modify my unanimous consent request to say that if the pending debate is not finished at 12:30, that after the vote on amendment No. 3338, we would return to the debate on the Coburn amendment.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Is that OK with my colleague?

Mr. SCHUMER. I only intend to speak for 5 minutes.

Mr. COBURN. Then I think we should be finished. I have no objection to the original request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Harkin request, as modified, is agreed to.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, so here we have a bill, the Labor-HHS bill, and it has over $400 million in earmarks—some good, some priority, some are high priority, probably should be there, but many are not high priority.

When are we going to do what the American family has to do every year? What they have to do is say: Here is how much money we have coming in. Here is what we have needs for, and here is what we have available. What they do is make choices based on priorities. This debate is about making choices. If we had different rules, this debate would have been eliminating the earmark plainly, and several others. But because of the Senate rules, the money is going to be spent, so we have to figure out a higher priority place to spend it, and maternal and child health is certainly the place to do it.

The real question the American people are asking us, the 89 percent of the American people who don't have confidence in this institution are asking us is, when are we going to get it? When are we going to start doing what they want us to do? When are we going to start playing for them and their future, rather than playing for us and our future? That is the real question.

There is no question that the desirability of what this earmark supports is probably great. I don't have any problems with it. What I have a problem with is that we have a $9 trillion debt.

This Senator has never voted to raise the debt limit. We just raised the debt limit $850 billion, to almost $10 trillion, because we can't control ourselves.

So the question before us isn't whether this is good or bad. The question is, when are we going to change our behavior? When are we going to start doing $1 million here and $1 million here, up to $398,584,000 worth of earmarks in a bill? That is the question. This isn't conservatives who are asking this question; it is liberal Democrats; it is Independents; it is conservatives, because they know, in fact, this Government can run better, more efficiently, with less money than what we are doing now, if, in fact, we will stand up and do the oversight work we ought to be doing. But we refuse to do that.

So the vote will come. We will have a vote. If we don't enhance this amendment and pass it, we will go from 11 percent to 10.95 percent because, in fact, the American people will see, again, that we don't get it. We don't have to live by the rules they live by.

The tragedy is, in this bill, the Labor-HHS bill to help those most dependent in America, we are going to take money in the future from those who we are saying we are giving to now, through a decreased standard of living or an increased tax rate. If you don't believe that, read David Walker, the Comptroller General's report about what is getting ready to happen to us as a nation in terms of our finances, or read Peter Peterson's book, ''Running On Empty,'' about what is going to happen to us. Why in the world is the Euro at $1.42 when it was 83 cents 3½ years ago? Why is that? Is there a beckoning call about our financial condition that the world financial markets recognize, and yet we refuse to pay attention to?

So I call on my colleagues. This isn't a partisan amendment. I have gone after just as many Republican amendments—as a matter of fact, one of the amendments I am going to be offering today goes after a Republican amendment. I also plan on offering an amendment to get rid of all earmarks in this bill before we finish this bill. So we will get to see whether this body gets it, whether the 80 percent to 85 percent of Americans who want us to change our behavior have any influence on us whatsoever. Will we listen?

There is a rumble. I said this a year and a half ago. There is a rumble in America, and the rumble is this: We don't have confidence in our Government anymore. Where is the legitimacy of our Government when our own people don't have confidence in us? It is a great question to ask about the

greatest Republic that there ever was. It is a problem we need to be about solving rather than ignoring.

With that, I yield for the moment.

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

Mr. SCHUMER. Thank you, Mr. President. I would like to make a few comments. First, I would like to say this: I have tremendous respect for my colleague, and I would say friend, from Oklahoma. I don't think he does this out of any personal animus or even a direct, crass political advantage. I think he believes, and I respect that. So I would like to say that at the outset, and I say the same for my friend from Arizona. They have both been consistent in this, and they don't put in—even though their States do get earmarks, even earmarks for museums, it is not the wish of the Senator from Oklahoma or the Senator from Arizona to do that. That is point 1.

Point 2, generally, about fiscal responsibility, I would say both of my colleagues on the other side of the aisle, like so many others, have voted pretty strongly against spending programs. But they don't vote the same way against tax cuts. They don't do pay-go on tax cuts. They vote to cut taxes much more than all of the earmarks in this entire bill, even though it makes the deficit worse, even though it is a fact that our children will suffer because of the debt.

So there is no high moral ground here. There is a view as to how big Government ought to be, but the idea of keeping the budget balanced for our children and for our grandchildren, I daresay, this new Congress, under Democratic leadership, is toeing the mark far more carefully than previous Congresses did. We have instituted pay-go—pay-go for tax cuts, but pay-go for spending programs as well.

Any economist will tell you, if you have a large deficit, it doesn't matter whether the deficit was caused by either reducing taxes or by raising spending. So, frankly, I think the arguments of my colleagues would have a great deal more suasion in this body if they were to say they will not vote for any tax cut that is not paid for either because what is good for the goose is good for the gander.

If you wish to say I am for shrinking Government and I don't care what the deficit is, that is just fine. But if you are making the argument that we should not pass debt on to our children, debt from tax cuts and debt from spending programs is exactly the same debt.

Mr. COBURN. Will the Senator yield?

Mr. SCHUMER. Yes.

Mr. COBURN. Can the Senator recall a time that I voted for a tax cut?

Mr. SCHUMER. I don't know offhand.

Mr. COBURN. As a matter of fact, my public statements are that there should be no tax cuts unless you do spending cuts to pay for them.

Mr. SCHUMER. I respect my colleague for that. But the Senator from Arizona—I know of his record longer, and he does not have that record.

Mr. COBURN. I appreciate that.

Mr. SCHUMER. I appreciate that, and I look forward, when tax-cutting amendments come to the floor, to working with my colleague to say they ought to be paid for if we are going to do it, like we did, for instance, in the recent SCHIP bill.

I will make a second general point, and I will get to the specifics of this program. There are many needs in this country, and this country has always been one of federalism. Most of our time, effort, and energy goes into broad programs that basically do the same thing in Oklahoma, Arizona, and New York—whether it is helping pregnant women, whether it is education, or whether it is road building. Those are large national needs that this body has determined are real. But we have always had a view that States and localities are important.

Frankly, since the 1930s, there has been a view that the Federal Government has every right or reason to help those States and localities specifically, and that is what good earmarks are. Earmarks are not all good. Spending programs are not all good. Tax cuts are not all good. Each of them can be aimed at a specific place. Each of them can be aimed for the wrong reason. But I am proud of the earmarks I have put in the bills that we have had this year and in previous years. I am proud to defend them and I am glad we are having this debate. I do believe there is a balance, and I don't believe saying every program the Federal Government does ought to be just aimed across the country because Sullivan County in upstate New York, in the Catskill Mountains, is quite different from the county that surrounds Tulsa, OK, or the Grand Canyon in northwestern Arizona.

Yes, there should be a balance. To me, the balance in this bill—and the overwhelming majority are for broad Federal programs, but a certain amount are designated for earmarks—makes sense. Now, obviously, if you are putting an earmark in for something out of your State, or for the wrong reason, that is wrong. But let me tell you, if you go to Sullivan County, NY—and I appreciate that my colleague from Oklahoma has conceded this is a good program; he just doesn't think the Federal Government ought to spend for it. But I appreciate that because if you go to Sullivan County, NY, it is the place where the Catskills are. Until about 1950, the area boomed. Then the airplane boom hit and all the people from New York City, Philadelphia, and Boston who vacationed there started getting on airplanes and going to Florida, the Bahamas, California, and now Arizona to vacation. So Sullivan County became one of the poorest areas in our State. You drive up there, and you will see, from the Old Glory days, the great hotels that are boarded up. You will see the little bungalow colonies that people used to go to, which are now decrepid. I have been there many a time. I was there as a kid. I went to summer camp in the Catskills across the river in Pennsylvania. I would go there, of course, as a Senator frequently. It is an area that needs help.

When you ask the people what is the No. 1 thing they need, it is jobs. In this bill, we talk about jobs, no question. But I daresay the people of Sullivan County—the economic development experts, the town and local officials—have a better idea of what would create jobs in Sullivan County than the Senator from Oklahoma or the Senator from Arizona and, quite frankly, the Senator from New York. They are there, they know it. They live on the ground. They are the ones who see their children unable to get work. They are the ones who have seen and remember the older once great days, and now the decline, and they are desperate to try to restore some of the jobs so their children won't have to go away.

This Bethel Center for the Performing Arts was one of the two economic development projects that Sullivan County put at the top of its list, the other one being a racetrack, remaking the old Monticello Raceway to help with gambling, which is still pending in the Department of the Interior, where the Secretary, from Idaho, who doesn't seem to have a real understanding of the need, says it is an out-of-State tribe and we don't want to do it.

A job training program will be very nice, but it would not help Sullivan County to a large extent. All of the other large Federal programs we fund in this bill will not help Sullivan County. The people of Sullivan County, as well as the people in the rest of New York, who elected myself and Senator CLINTON to try to help them with their specific needs, as well as make the country a better place—we don't tell them what is good for them. We make sure the money will be spent where it is supposed to be spent. But we defer to their decision. This was their decision. A lot of other things in Sullivan County might have needed specific help, but this was their decision. It is a good decision.

I believe—and this is where, I suppose, my colleague and I have a difference—that the Federal Government should play a role. Being a U.S. Senator means making the big, broad national policies for this country, and it means helping the Sullivan Counties of each of our States. I argue that a Senator who doesn't do that is derelict in his or her responsibilities to their State. So I am proud of this earmark. It is the right type of earmark.

My colleague mentioned the State government and why doesn't the State do it. The State has put $15 million into this. The local county officials have clamored for this for years. There was a previous earmark put in by Congressman HINCHEY in the House of Representatives to help build a road. It is

a whole performing arts center at Bethel, not just a museum, but it is about $100 million. We hear about State and private partnerships, and this is one of them. The locality and the State are putting far more money into it than Washington. So both the State and the county and the town of Bethel have stepped up to the plate. They are not just asking the Federal Government for something they would not spend money for.

Every one of our counties has a need like this. If we are going to let a broad-brushed argument that there should be no earmarks stand—none—we are not going to be able to help these specific needs. I am proud to do it. I spend some time doing it, and I am going to continue to do it. I think it is part of my job. I think the people of Sullivan County and the people of New York State and the people of the United States would agree with that when told the facts of this particular situation and a little history of Sullivan County, which I have just outlined.

So I hope my colleagues will vote against this amendment because this is, as my colleague from Oklahoma says, a worthy project, and most of them are—not all. I have great respect for my two colleagues on the Senate floor. I don't think they are motivated by anything other than the best of intentions. Most of my colleagues believe they want to help out the Sullivan Counties, and we should be getting at the deficit. But the right way to do it is to put in pay-go across the board, not tie our hands and eliminate one specific type of program.

I want to review a little about the Bethel Museum in Sullivan County. It is a museum that not just covers Woodstock in the late 1960s, but it covers a whole post-World War II period, focusing on the sixties. It was a tumultuous decade, and it is a good idea to study it. Museums and libraries are a very important part of our history and education, as well as a job magnet. I don't think there is a debate that they are important. They have broad-brushed Federal programs that help libraries and museums. So that is not the argument.

Most important, it is an economic engine, as important as an economic engine might be in southeast Oklahoma, in the Indian country of Arizona, or the mountains of Montana, and it is what the two Senators—Senator CLINTON and I—in listening to the needs of Sullivan County and the people of Sullivan County, the elected officials there and the Chamber of Commerce have said they need most of all.

I hope my colleagues will support us and vote down this amendment because when they vote down this amendment, they are standing up for the other role we have in the Senate: to help our communities in the way they believe is best, not the way Washington dictates is best.

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

Mr. KYL. Mr. President, let me return the compliment to our colleague from New York. Nobody is questioning anybody's beliefs. He certainly made that point, and we make the same point. In Senator SCHUMER, the citizens of New York have a very worthy and persuasive advocate. I say this with no disrespect. He could literally make the sow's ear into a silk purse, which I think is what is being done with respect to this particular program. He fights for his constituents' interests and beliefs. But I say thank you.

If this is a jobs program, and that is the justification for it, I think we need to take a look at this again. I am informed that the unemployment rate in Sullivan County is 4.1 percent, contrasted with 4.6 percent nationwide.

Our colleague talked about the counties in northwest Arizona. He mentioned the Grand Canyon. One of the counties next to the Grand Canyon incorporates the Navajo Indian Reservation.

I think about Tuba City. The unemployment rate on the Navajo Indian Reservation is about 40 percent as opposed to a little over 4 percent in Sullivan County, NY. We could use a lot of jobs programs. We can use other programs more than that. I cannot get money for a roof on the Tuba City jail which leaks. There are parts of Arizona where it actually rains, and on the Navajo Indian Reservation in Tuba City, AZ, it rains.

I went up there on a Saturday night about 6 months ago. Hope MacDonald said: You need to come up, we have to get a new jail; this thing is falling apart. I walked in and, yes, it is falling apart. It happened to be raining and, yes, the roof leaks.

There are huge needs on these Indian reservations in poor counties of Arizona. There are a lot of events we can commemorate on the Navajo Reservation in terms of a museum that would be worthwhile for everybody in this country to visit. There is a rich, long, wonderful history there. But I don't think we should have an earmark in the Health and Human Services bill to create a museum as a jobs program. If we want to do that, let's focus on the real need.

I don't know how many jobs this would create or what the cost-benefit ratio of the expenditure of this money is for job creation, but there surely has to be a better way to do it than creating a museum. If we are prioritizing, I can tell you areas in Arizona that are far greater in terms of unemployment and could use the money in much more direct ways to benefit the citizens of the State.

The second point that our colleague from New York made—I will stand guilty with respect to Senator SCHUMER's charge, which is that I don't believe we should always raise taxes when we cut taxes. That is what this so-called pay-go rule is all about. It is supposed to work this way. You either cut spending or you raise taxes.

We had a Finance Committee meeting, I believe it was yesterday, an informal meeting. I asked my colleagues, because it was all about raising taxes: Does anybody here have an idea about how we could cut spending in order to pay for this? Dead silence. Not a one. I know my colleague from Oklahoma has lots of good ideas about how to cut spending, but nobody in the Finance Committee was willing to put forth an idea of cutting spending. No, it had to be to raise taxes.

What I am curious about is whoever decided that the amount of revenue the Federal Government collects today is exactly the amount of revenue it has to collect from now into the future so that if we are ever going to reduce taxes on hard-working Americans, we have to raise their taxes in some other area so the Government can still collect the same amount of money?

It is interesting, we collect about 18.4 percent of the gross domestic product in taxes today. We could prevent any of the existing tax rates from increasing—take the 2001 and 2003 tax cuts—and eliminate AMT, the alternative minimum tax, and we would still be collecting 18 percent of our gross domestic product in taxes. Isn't that enough?

If we don't do these things, we will be over 20 percent. The historic 40-year average is 18.2 percent. Clearly, we don't have to keep raising taxes on Americans. That is why some of us believe, when we try to help people by cutting taxes, we ought to leave well enough alone and not raise taxes somewhere else so we can keep the Government whole. The object is not to make sure the Government always has the same amount of money. It is to try to help the people who pay the taxes. They are the ones who generate the jobs.

If we are talking about unemployment, let's talk about who creates the jobs. It is mostly small businesses. So if we help small businesses by not raising their taxes, they can create the jobs and that creates wealth and, by the way, it produces more income tax revenue to the Federal Government.

I conclude by saying I plead guilty to not wanting to raise taxes every time I am in favor of cutting taxes, but that debate is irrelevant to the question before us today, which is simply, as a symbolic measure, can we at least find $1 million in this multibillion-dollar bill that we can all agree could better be spent on something else? Can we set some priorities once and for all?

This Woodstock museum, maybe it is a good idea—I am not so sold on it—but if it is a great job creator, and it is pretty clear the people in New York have concluded that, they have the money to fund a museum. They do not have to rely on the taxpayers in my State or other States to fund a museum.

I hope my colleagues agree that in setting priorities, we can strike this one earmark from this bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have a couple points as to Senator SCHUMER's statement. First, with an unemployment rate six-tenths percent lower than the national average and lower than New York's average, by the way—lower than New York's average—it is hardly in the dire consequences of what we see around the rest of the country.

The second point is, we have 60-some million dollars out there for competitive grant competition on museums for which the museum administration does a great job. In other words, everybody in the country who wants to have a museum has to compete against everybody else, and the ones who are most meritorious—by the way, they are also audited to see that the money is actually spent in a proper way; this will never be audited—they have to compete.

The major problem with Senator SCHUMER's argument is that Sullivan County can never be healthy if the country as a whole is not healthy. That is the problem with the argument. We can say we want to make XYZ healthy. It is akin to saying your finger is healthy when you are having a heart attack.

The fact is, the country as a whole is at the precipice—D day comes January 1, 2008. That is the demographic day on which all the baby boomers, the ''Woodstockers'' start taking Social Security, and 3 years later they start taking Medicare, $79 trillion worth of unfunded liabilities. How in the world can the American people ever trust us to fix those big problems if we don't even get it on the small problems?

If this is a great idea, put it into the competition on competitive grants for museums. To say they are in hardship with an unemployment rate of 4.1 percent compared to the rest of New York and the rest of the country, that is hard to believe.

Again, we have to start listening to the rumble in America that says start being good stewards with our money, quit doing things that help you as politicians that hurt us as a country.

The fact is, although this may be very worthy, why shouldn't it have to compete against everybody else in the country who wants a museum? Why shouldn't it have to compete? Why is it that I can pick out and place—and I guess I am one of the derelict Senators because I don't believe Oklahoma can be healthy if our country isn't healthy. I believe Oklahoma will ultimately fail if our country fails. I believe that future generations will live a less standard of living with less opportunity and ultimately less freedom if we don't solve the financial problems in front of us as a nation.

This is a symptom of our sickness, and until we reject and get rid of this disease of parochialism and start fulfilling our oath—do you realize the oath we take when we come to the Senate never mentions our State? It says you will uphold the Constitution of these United States—these United States, all of us. So the will and the best well-being of all of us as a country has to be our most important goal.

Alexander Tyler will be right about us if we don't wake up and change what we are doing. We will collapse under our own fiscal insanity if we continue to do these things.

Senator SCHUMER is a great Senator for the State of New York, there is no question about it. He is going to fight and defend this old way of parochialism. He is going to fight and defend it until we as a country collapse. That is why we have an 11-percent confidence rating. We are collapsing already in terms of our real duty to build confidence, that we are looking out for the country as a whole, not for our own political careers or not for local parochial interests. That is why the Senate was created. It wasn't for parochial interests. If you read the Founders' writings, they never thought about the Senate being considered anything other than a body that looked at the long term, ensure the future, create opportunities, and protect the liberty, and we fall away from that as we go through this process.

Mr. President, I know we have a unanimous consent agreement. I ask that all the Members of this body read Comptroller General David Walker's report about what is getting ready to happen to us and read former Secretary Peter Peterson's book ''Running on Empty'' and what they will see is not a pretty picture.

The time to diagnose the disease is now, not when we are in ICU and we could have prevented it.

I yield the floor. I thank my colleagues for their debate.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, moments ago I heard my colleague from Arizona, who is a member of the Finance Committee, as am I, talking about eliminating the alternative minimum tax. Most of us in this Chamber know we have a problem with the alternative minimum tax that is going to affect 23 million Americans, up from nearly 4 million last year, if we fail to act. But the notion that we eliminate the alternative minimum tax and not pay for it I find breathtaking. Why? Because unless we replace that revenue, we will have to go out and borrow another $870 billion over the next 10 years. In fact, some of my colleagues in a meeting yesterday of the Finance Committee said let's not only eliminate the alternative minimum tax and not pay for it, let's eliminate or extend the 2001 and 2003 tax cuts and not pay for that either, not reduce spending or replace it with other revenue.

The effect of those proposals would be $4 trillion of additional debt after they have already run up the debt of the country by $3 trillion in the last 6 years alone, a 50-percent increase in the debt. I find that not just irresponsible, I find it wildly irresponsible.

From where is this money going to come? It would be borrowed. From whom would we borrow it? Right now, over half the money we are borrowing to float this Federal Government we are borrowing from abroad and primarily the Japanese and the Chinese.

So when my colleagues come out and say let's have a bunch more tax cuts and not pay for them, by either reducing spending or replacing it with other revenue, understand what they are saying. What they are saying is let's go borrow a bunch more money from China and Japan.

Some people say it is a sign of strength that they will loan us this money. That is an interesting idea of strength. I had a man in my office the other day, one of the wealthiest men in America. He said to me: I believe America is in danger of following the path of Great Britain, a great empire in decline, because we are not responsible about our financial commitments and we get into this idea of spending money we don't have and borrowing it primarily from abroad.

It leaves me cold to hear some of my colleagues talk about supporting every tax cut, supporting every spending initiative, wanting another $200 billion for the war in Iraq and not willing to pay for any of it. That is what will bring America down. That is what will weaken this country. That is what will leave us deep in debt and a debt that we will owe all around the world.

We are increasingly dependent on the kindness of strangers. At some point, we have to get serious around here and become responsible. Those who embrace every spending initiative of every tax cut and then call themselves fiscally responsible have gone beyond the pale.

I thank the Chair and yield the floor.

AMENDMENT NO. 3338

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided between the Senator from South Carolina, Mr. DEMINT, and the Senator from New York, Mr. SCHUMER, or their designees, prior to a vote on amendment No. 3338, offered by the Senator from South Carolina.

Mr. DEMINT. Mr. President, I have been in the Senate about 3 years, and I have become increasingly concerned that many of my colleagues and good friends, whom I deeply respect, now believe it is our purpose here in the Senate to take tax dollars from the American people and then give them to our favorite causes back in our States. There are many wonderful causes back in South Carolina. I could spend a whole national treasury on them if I could get my hands on it, but that is not what I am here for. Americans expect us to work for the good of the country, of everyone and our future as a whole, not to create slush funds for ourselves and give them to our favorite causes back home.

My amendment addresses a particular cause, and my purpose is not to

embarrass a Member of Congress but to point out that it is particularly egregious if we, as Members of Congress, take taxpayer money and give it to some project that has been named after us, and in this case Mr. RANGEL has gotten $1 million or $2 million.

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

Mr. DEMINT. Mr. President, I ask unanimous consent for another 30 seconds since no one else is speaking.

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

Mr. DEMINT. My amendment strips this out. Some have said it is not in the Senate bill, so we don't need to do it. We do that all the time; we disallow the use of funds for particular reasons because that is not what a bill is intended for.

Some have said we name things after Senators all the time. But it has only been after they have retired that we have done that. We do it for judges after they retire.

We have to stop this insidious problem of becoming a favor factory where we are giving away taxpayer money for things we are not supposed to do, despite how worthy they might be. Please support my amendment to strike this egregious provision.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the only fault I find with the amendment of the Senator from South Carolina is that this provision is not in the bill before us. It is not in this bill. The thing he finds objectionable is in the House bill; it is not in this bill.

Mr. DEMINT. Will the Senator yield?

Mr. CONRAD. I think all time has expired.

Mr. DEMINT. We have done this before. We did it with spinach a while back. It is not unusual for us to disallow the use of funds for things not in our bill. It is important we do it as a Senate; otherwise, it will end up in the final bill.

Mr. CONRAD. Mr. President, is there time remaining?

The PRESIDING OFFICER. Twenty-two seconds.

Mr. CONRAD. Mr. President, I would just say again that I find it unusual that we are passing amendments on provisions that aren't even in the bill before us. It is in the House bill. Now, maybe the Senator from South Carolina wants to send a signal, and I certainly respect that, but the fact is the provision he objects to is not in the legislation before us. It is over in the House bill. Ultimately, this will have to be worked out between the House and the Senate.

I thank the Chair.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3338. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''nay.''

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

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

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—34

Allard	Crapo	Kyl
Barrasso	DeMint	Martinez
Bayh	Dole	McConnell
Bennett	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Feingold	Smith
Burr	Graham	Snowe
Chambliss	Grassley	Sununu
Coburn	Gregg	Thune
Coleman	Hutchison	Vitter
Corker	Inhofe	
Cornyn	Isakson	

NAYS—61

Akaka	Hagel	Nelson (FL)
Alexander	Harkin	Nelson (NE)
Baucus	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Johnson	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shelby
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Stevens
Cochran	Lincoln	Tester
Collins	Lott	Voinovich
Conrad	Lugar	Warner
Craig	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feinstein	Murray	

NOT VOTING—5

Biden	Kennedy	Obama
Dodd	McCain	

The amendment (No. 3338) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we are making progress on this legislation. The two managers are working very hard to consider all the amendments that people have suggested to them.

We have just spoken to the distinguished Republican leader, and we believe this bill can be finished—it is 1 o'clock Thursday afternoon, and I hope we will not have to work into the evening tomorrow. We really need to finish this bill and have some cooperation from Senators as to how it can be finished with a time certain. So I tell the two managers, this is a bill we need to do.

As I said before, there are a couple of reasons we need to do it. No. 1 is we need to get this bill completed so we can get something to the President, and this would be a bill to do that. If the President is going to veto legislation, which he said he is going to do, this would be a good one to send to him because what the President is complaining about, in actual dollars, is in this bill.

Second, the chairman of the Agriculture Committee is the manager of this bill. We have to get him the ability next week to start and finish marking up the farm bill. We have to do the farm bill every 5 years. We are now past the time when we should have already completed that.

So there are a number of very important reasons we have to push forward this week to finish what we are working on today. I hope everyone understands that. I said before, I am so happy last week we were able to find a way of finishing the Mikulski-Shelby appropriations bill. We were able to do that. It took the cooperation of both sides, but we wound up with a good product.

I hope we do not have to work late tomorrow. I hope we can figure out a way to do this. When Senator MCCONNELL was speaking earlier today, a few minutes ago, we had both our floor staffs with us, and they are going to help work through this. If people have amendments they want votes on, let's set them up today or tonight. It should be, and could be, an important day to complete this legislation.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me say to the majority leader, we are anxious to move this bill to completion as well. We understand the desire of the manager of the bill to turn his attention to the farm bill, which has not yet been marked up. I am on that committee, and I understand his interest in being able to do that.

Let me just reiterate, there is going to be plenty of cooperation on this side of the aisle to complete the Labor-HHS bill at the earliest possible time. I encourage our Members who have been offering amendments and are going to be offering some more to come down and let's do it today.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, to move this along, I ask unanimous consent to call up en bloc amendments numbered 3242, 3352——

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized.

The senior Senator from West Virginia is recognized.

Mr. BYRD. Does the Senator wish to make a unanimous consent request?

Mr. ENSIGN. If the Senator will yield, if I could call up this amendment and speak for 2 minutes and then yield the floor?

Mr. BYRD. How long does the Senator wish?

Mr. ENSIGN. Two minutes.

Mr. BYRD. Mr. President, I yield the floor for 2 minutes.

AMENDMENTS NOS. 3342 AND 3352 EN BLOC, TO AMENDMENT NO. 3325

Mr. ENSIGN. Mr. President, I call up, en bloc, amendments Nos. 3342 and 3352.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes, en bloc, amendments numbered 3342 and 3352 to amendment No. 3325.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3342

(Purpose: To prohibit the use of funds to administer Social Security benefit payments under a totalization agreement with Mexico)

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.

AMENDMENT NO. 3352

(Purpose: To prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits)

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 which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

Mr. ENSIGN. Mr. President, these——

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator yielded for 2 minutes.

Mr. BYRD. Do I have the floor?

The PRESIDING OFFICER. The Senator has the right to recall the floor but yielded 2 minutes.

Mr. BYRD. I will sit down because I know I have the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, very briefly, I will keep this very short. The first amendment deals with the totalization agreement the United States and Mexico have been working on together. I think there is a severe problem with a totalization agreement between our two countries; not because of our country but because of the recordkeeping and the problems associated with Mexico.

What the first amendment would do, very simply, it would not allow the administration to use funds to implement a totalization agreement with Mexico. Our Social Security trust fund is already in trouble. We all know that.

This totalization agreement with Mexico would put our Social Security trust fund into trouble. That is why I think this is an important amendment that we debate, we talk about, and hopefully we will support.

The second amendment I have, I believe, reflects American values. We hear about identity fraud all the time. My amendment says the Social Security Administration could not pay Social Security benefits to anybody who has used a Social Security number fraudulently. That happens today. They use it fraudulently. They come back and they claim the benefits while they were using someone else's Social Security number.

This amendment would stop that practice. It would say Social Security cannot use any funds in this bill to give Social Security benefits to somebody who used an illegal Social Security number.

So briefly, those are my two amendments. I appreciate the Senator from West Virginia yielding me 2 minutes.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from West Virginia.

Mr. BYRD. Madam President, is the Senate operating under a time agreement at this point?

The PRESIDING OFFICER. There is no time agreement on the Senator's time.

Mr. BYRD. Am I recognized at this point?

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

AMENDMENT NO. 3362 TO AMENDMENT NO. 3325

(Purpose: To increase funding for the Mine Safety and Health Administration.

Mr. BYRD. Madam President, last year the coal mining industry recorded the highest fatality rate in 10 years: 47 coal miners perished. Perished. They died. Many of these coal miners perished in the terrible tragedies at the Sago, Alma, and Darby Mines in West Virginia and Kentucky.

In response, the Congress passed the MINER Act to help ensure better emergency preparedness in the coalfields, such as the underground installation of wireless communications and additional emergency breathing devices.

In order to fund these new mandates, and in order to ensure continued compliance with already existing health and safety standards, the Senate Appropriations Committee recommended $13 million above the President's budget request for the Mine Safety and Health Administration in the fiscal year 2008 budget.

I also note that because the President's budget failed to do so in fiscal years 2006 and 2007, the Labor-HHS Appropriations Subcommittee secured funding, at my request, to hire additional mine safety inspectors and to bolster safety enforcement at MSHA.

I wish to thank Chairman HARKIN and Senator SPECTER for their support and their stalwart advocacy of these requests. They are true champions of the coal miners.

Since the Appropriations Committee reported this bill in June, another tragedy occurred in Utah where six miners were trapped at the Crandall Canyon Mine. During the rescue operation, three miners lost their lives, one of them a Federal mine inspector. The original six miners who had been trapped were never found. They remain entombed to this very minute, this very hour, this very day. They remain entombed in Crandall Canyon.

When the Congress returned from its August recess, the chairman and the ranking member of the Senate Labor HHS Subcommittee conducted a hearing to examine MSHA's actions at Crandall Canyon.

In response to several questions I asked based on articles in West Virginia's Charleston Gazette, the Assistant Secretary of Labor for Mine Safety and Health informed me that MSHA had not been performing the full quarterly inspections required by the Mine Act. I learned that MSHA has fallen dangerously, shockingly behind on its mine inspections across the Nation.

In southern West Virginia, the inspection rate had been allowed to decline from 89 percent in 2006 to 63 percent in 2007. MSHA needs the personnel, MSHA needs the budget to perform its primary and most basic functions; MSHA needs support staff to properly assess penalties; MSHA needs resources to review and certify safety equipment; MSHA needs the capacity and the personnel to train more inspectors.

Years of attrition and budget cuts by the Bush administration—let me say that again—years of attrition and budget cuts by the Bush administration have left critical positions unfilled at MSHA, incapacitating the Agency in many respects.

During a recent meeting in my office, the Assistant Secretary for MSHA, in response to my request, described a plan for MSHA to achieve 100 percent of the inspections required by the Mine Act. The plan would require many tens of thousands of overtime hours and the transfer of inspectors from districts across the country.

I have been told that these additional measures would be sufficient to fill the current gaps in the inspection schedules, at least until new inspectors can be trained and are able to assume their full responsibilities.

Now the problem falls to the Congress. That is here. The problem falls to the Congress to figure how to pay for this interim plan and how to fix these very serious budget deficiencies at MSHA.

Even after the most horrific year of mine fatalities in a decade, the President's budget request still does not include adequate funds to enable MSHA to conduct, in full, the most basic safety inspection.

The President's budget request—let me say that again. Our President's budget request—let me say that again—our President's budget request does not even include the necessary funds to help MSHA comply with the mandates of the new MINER Act which the President signed into law.

Today, I am offering an amendment that would add $10 million. Did you hear that? It would add $10 million to MSHA's budget. These funds are necessary to enable MSHA both to complete the safety inspections required by the law and also to implement the mandates required by the MINER Act.

The amendment would be fully offset by a reduction in travel expenditures for the departments and the agencies funded in the underlying bill. It would save lives. The funds enable MSHA to support additional hours of overtime for mine inspectors and specialists and to pay for travel for inspectors temporarily reassigned.

In addition, this amendment enables MSHA to hire additional support and administrative staff and to designate education specialists to better train new mine inspectors. The amendment would allow MSHA to begin to reduce its backlog of applications for certification and approval of new safety technologies. The amendment would spur expeditious approval of a truly wireless communications and tracking system that can meet the requirements of the MINER ACT.

As SAGO—SAGO, a terrible word because of that terrible tragedy—Crandall Canyon, and too many other recent mine disasters have made deadly clear, mine safety must not be funded on the cheap. The Congress must fund MSHA's true budgetary needs, and it must have the candid appraisal of the Department of Labor and the Mine Safety and Health Administration. Tell it to us straight. I say to them, tell it to us straight. Anything less is a threat to the health and safety of our miners.

I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. SPECTER, and Mr. HARKIN, proposes an amendment numbered 3362:

At the appropriate place in title I, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,000,000 for necessary expenses for salaries and expenses of the Mine Safety and Health Administration.

(b) Amounts made available under this Act for travel expenses 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 the percentage necessary to decrease the overall amount of such spending by $10,000,000.

Mr. BYRD. Madam President, it is my understanding that someone is needed on the other side of the aisle. I can certainly appreciate that. I want to ask for the yeas and nays on my amendment.

I am advised by the able staff on the other side that Senator SPECTER would agree to having the yeas and nays. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. CASEY and Mr. SANDERS pertaining to the introduction of S. 2191 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

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

CHIP

Mrs. MCCASKILL. Mr. President, we have a saying in some parts of Missouri, and I think it is a common saying in some rural parts of America: That dog won't hunt. I rise today to speak a few minutes about the Presidential veto of the Children's Health Insurance Program.

Mr. President, that dog won't hunt. All America has to do is look at the rationale for the veto and look at the tale of two programs—and that would be T-A-L-E.

The President says he is vetoing children's health care because it is too expensive. It is a $35 billion expansion over 5 years—an average of $7 billion a year. The President says he is vetoing the Children's Health Insurance Program because it is providing health insurance for wealthy families or families who can afford health insurance on their own.

This is a President who is out of touch. When a family of four making around $50,000 is facing over $1,200 a month in health insurance costs, that is a crisis in our country, and one that the majority in Congress has recognized. That is why we have prioritized the children. This is a program for low-income children, for modest-income children, and it is important we give them this health insurance. The President says it is too expensive. We pay for it. It is a novel concept around here that we are paying for it.

Now, let's dial back the calendar a few years and look at Medicare Part D. Was it expensive? Yee howdy, was it expensive. Try $710 billion over 10 years—an average of $70 billion a year. Was there a way to pay for it? Absolutely not. No way to pay for it. We just wrote a bad check for it. We had no way of paying for it. Was it for modest-income Americans or low-income Americans? Oh, no. Oh, no. It was for anybody in America. You could be a billionaire and participate in Medicare Part D.

So let me see if I get this straight. We have one program that is not paid for that is 10 times more expensive than the Children's Health Insurance Program that is for wealthy people in America—and it is OK the year before the President stood for reelection, it is OK with my Republican colleagues who voted against the Children's Health Insurance Program, it is OK with some of my colleagues from Missouri in Congress on the other side of this building who are voting to uphold the President's veto today. They voted for Medicare Part D.

So what is the difference? Why is one program not fiscally irresponsible and inappropriate? But the program for low-income children, why is it so bad? Well, the devil is in the details. And the details in this instance are that the people who wanted Medicare Part D were the pharmaceutical companies and the insurance companies. It is estimated they are going to make close to $150 billion off Medicare Part D. That is why this dog won't hunt. Because what this is about is the private insurance companies and private drug companies making money. Then it is OK to give the benefit to wealthy people and to not have a way to pay for it. But if it is going to the children and nobody is going to make any money off of it, then all of a sudden it is evil.

No wonder the people of America are outraged. No wonder our phones are ringing off the hook. No wonder the Members of Congress who are willing to uphold this veto are feeling the heat. They ought to feel the heat. This is the right thing to do. We should be taking care of these children. It is the least we can do as Americans to face the health care crisis that we face right now.

So I urge my colleagues from Missouri—especially those who are voting to sustain the President's veto—to reconsider because if you voted for Medicare D and you are saying this is a problem, you know what: America will figure that out.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first of all, I commend my colleague from Missouri for her wonderful comments as it relates to health care. Also, as to the bill in front of us, I thank the distinguished Senator from Iowa for his passionate commitment to the right things as it relates to the values and priorities for our families: health care, education, and focusing on things that really matter to families every day.

I specifically come to the floor, though, because we just saw a vote in the House of Representatives that was just completed regarding the children's

health care legislation. Unfortunately, it fell short of the override we need to have happen in order to be able to provide health insurance for 10 million children in America—10 million children of working families who are working very hard. They don't want to be on public assistance and Medicaid so that their children can get coverage; they want to work. They are working, but they are not in a position to be able to afford private health care coverage and they don't have it at work. So we are, through the children's health care program, rewarding work and rewarding the families of America who want to make sure their children have health insurance.

It is my understanding that there was just a vote that fell short. There were 273 colleagues in the House of Representatives—and I commend every one of them.

All of those who have worked so hard on both sides of the aisle in the House and the Senate should be commended again. Certainly, our leader, Senator REID, the Speaker, Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, Senator HATCH—all of our bipartisan colleagues should be thanked for their efforts one more time.

I come to the floor to say that we are not done. We are not done. The people of this country are appalled at the lack of understanding of what average families are going through today. This President will be shortly asking us to approve another $200 billion for the war in Iraq—that will be paid for by our children, by the way, because it is not paid for; it goes on the national deficit, so our children and grandchildren will be paying for it—but says no to a program that is fully paid for, that invests $7 billion a year in making sure the children of America have health insurance. Seven billion dollars versus $200 billion, on top of another half a trillion dollars that has already been spent, on a war the American people want to stop as it is currently constituted. They want to change that mission and focus on things that will certainly keep us safer.

So I come to the floor to, first of all, commend everyone who has been involved to this point. I am very proud to be a member of the Finance Committee, where we worked very hard to put together a bipartisan agreement. But we are not done. This is a mainstream program supported by the broadest possible coalition you could have, from the business community and the large pharmaceutical companies to Families USA and to organized labor and child advocates and health care organizations. This is mainstream. This is the broadest possible coalition. Unfortunately, I regret to say it has been defeated by misinformation presented by folks who think that if they repeat long enough that somehow this covers people making $83,000 a year or repeat long enough that illegal immigrants are covered, that it somehow makes it true. Now, as the distinguished Chair knows, even in looking at the issue of documented or undocumented immigrants, even those who are here legally were asked to—were basically put in a position not to be able to receive children's health care help.

So to be able to address all of this misinformation that is out there, there is a real issue about that which needs to be fixed. So we have seen lack of information, misinformation, and more that has gone on with this proposal. In the short term, it seems to have worked, but it will not work in the long run because the reality is this is the right thing to do. It was passed 10 years ago by a Democratic President and a Republican Congress. I remember that debate. I was in the House of Representatives at the time in 1997. This was a positive step forward to support families working hard every day, trying to make sure they can put food on the table, pay the mortgage, buy the school clothes, and then have children's health care, have health care for their children, maybe be able to take them to the dentist so they don't end up with an abscessed tooth and the outrageous situation that happened with a child who died whom we all read about in the paper.

This is about moral values, priorities. When this President now comes to us asking for another $200 billion for a war that is not paid for, that is putting brave American men and women in the middle of a civil war in Iraq every day, I want to have him answer the question: Why?

Why, Mr. President, is it all right to add $200 billion more to the debt and ask our children and grandchildren to pay for it, yet you are not willing to stand with the children of America, 10 million children in America who are counting on us to be able to make sure they can get basic health care? There is something fundamentally wrong with this.

I urge colleagues to join with us. We are not going to stop until this is addressed because it is the right thing to do from a moral standpoint, and from a fiscal standpoint it is the right thing to do.

When children can't go to the doctor, their family can only use the emergency room or the child gets sicker than they otherwise would because they only have the emergency room to go to. They can't go to a doctor. The hospital pays, and then who picks up the tab? Every business that has health insurance. So from a practical economic standpoint, it makes sense. Certainly from a moral standpoint, it makes sense.

I think this is one of the proudest moments we have had in the Senate, of people of diverse backgrounds and philosophies coming together, putting the ideology at the door, and saying: You know what, this is about children. I don't know how many times I heard the chairman of the Finance Committee, the distinguished chairman, say: This is about the kids. Just keep focused on the kids. And because we did that in this Chamber, we came up with something we can all be very proud of.

The American people want to know that we reward work in this country and that we understand that families who are desperately concerned about health care for their children ought to be able to have a right to be able to purchase an affordable policy that will allow them to have their children get the health care they need.

So I appreciate our distinguished chairman of the Appropriations subcommittee allowing me to speak. I am deeply disappointed, along with people all across America, at the vote that just happened. But we are not done. Ten million children and their families are counting on us, and we are not going to stop until they have the health care they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I wish to thank the Senator from Michigan for her very eloquent and very timely statement on what just happened in the House. I guess it just transpired a little while ago. I think probably all of us were hoping that somehow the Members of the other body would come to realize this had broad support across the country—the SCHIP bill—and the fact that the $35 billion we had in there over 5 years was something that is sorely needed. I think we were all hoping this would pass. So when I just heard the Senator from Michigan say it failed by only getting 273 votes—we need 290 in the House to override a veto—that is a shame because it is obvious that we here in the Senate have the votes to override a veto.

So what can I say? Seventeen people prevented this from becoming law and from providing the health care our children need in this country—children of working parents. Mostly these are people who are a working parent or parents, they are contributing to society, they are taxpaying individuals, but they simply don't have enough money to buy the kind of health insurance they need to cover their kids. So this really is a slap in the face to the middle class in America, the middle-class people who are struggling to make ends meet and trying to provide a good education for their kids, maybe trying to put something away for a rainy day or for retirement, and they just don't have the money for health insurance. The Senator from Michigan is so right.

I don't mind if the President is opposed to this, but I think he has an obligation to speak truthfully to the American people. When he came out yesterday—I think it was just yesterday I heard this—he said: Well, it would cover kids with families earning up to $83,000 a year. Well, that is just simply not factually true. It would be if he signed it—I mean, it is up to the

President to approve or not approve those. So is he saying that if the bill went through, he would approve it? That doesn't make sense. So that was disingenuous on his part. Also, as the Senator from Michigan pointed out, that somehow this would cover immigrant children, that is absolutely forbidden in the bill.

So I thank the Senator from Michigan for her long efforts in this regard as a member of the Finance Committee, as well as the occupant of the chair, who I know is a member of the Finance Committee and who also has worked very hard to reach a compromise, a bipartisan agreement on this bill to send it to the President. All I can say is, when people ask me now what are we going to do, well, what we are going to do is we are going to try to do something to move this forward. We can't just sit back and say that because of 17 people we can't move ahead.

So I think most of us who feel very strongly about the Children's Health Insurance Program are going to do everything we can between now and the time we adjourn to get this back up and try to get it to the President, and hopefully by then there will be enough momentum behind it that he will sign it. But I don't think we should just sit back and let it linger.

So I thank the Senator from Michigan for all of her strong support for the SCHIP bill.

AMENDMENT NO. 3362

Mr. President, turning back now to this bill in front of us, the chairman of the full Appropriations Committee, the President pro tempore of the Senate, Senator BYRD, had offered an amendment on MSHA, the Mine Safety Health Administration, to provide an additional $10 million for that. It was fully offset by a reduction of $10 million in travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education. I am proud to be a cosponsor of that amendment.

Our subcommittee held two hearings on MSHA this year. What we learned is they still don't have two-way communication and tracking technology that would operate after an accident in an underground coal mine. Other countries seem to do quite well in that—Poland, Australia—other countries seem to be able to do that, but we can't. MSHA has been dragging its feet on this for a long time.

Our inspector force has been growing over the last couple of years, again thanks to Senator BYRD, who in the 2006 supplemental put in $25 million to train and to equip the inspectors. But even with that, MSHA still is not capable of conducting 100 percent of the inspections in our Nation's coal mines. That 100 percent is required. That is a requirement. Yet they still can't do it.

This is something I think is sorely needed. I support it, and I hope the Senate will adopt the Byrd amendment to the Mine Safety and Health Administration.

AMENDMENT NO. 3368

Mr. HARKIN. Mr. President, at this time, I ask unanimous consent that the pending amendment be set aside and I send an amendment 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 Iowa [Mr. HARKIN], for himself, Mr. KENNEDY, and Mr. SPECTER, proposes an amendment numbered 3368.

The amendment is as follows:

(Purpose: To provide funding for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections)

On page 50, line 5, insert before the period the following: ": *Provided further*, That $5,000,000 shall be for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections".

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself, Senator SPECTER, and Senator KENNEDY. We have seen, in the last 24 hours or so, horrific stories come out about this new bacteria that is invulnerable to our first line of antibiotics. It is a dangerous germ and it is spreading all over the country.

There was a story in the paper this morning about cases nearby here. A teenager died recently in Bedford County, VA, because of methicillin-resistant staphylococcus, or MRSA. As of yesterday, Montgomery County schools had 14 cases, Anne Arundel County had 1 reported MRSA infection. They have received 57 reports from parents about other possible cases. Two cases have been confirmed at Wild Lake High School in Howard County. So something is going on.

Some of these schools are trying to clean up. We have one here, where the Rappahannock County School System finished a comprehensive cleaning of its two campuses, and the cost was more than $10,000. That is one cost. The cost in human life and suffering is growing.

We all are very concerned—and rightfully so—about the number of people losing their lives to the AIDS virus every year. But the fact is more people are dying because of this staphylococcus than they are of AIDS. MRSA was calculated with striking 31.8 out of 100,000 Americans, which translates into 94,360 cases and 18,650 deaths nationwide a year. In comparison, complications from the AIDS virus killed about 12,500 Americans last year.

So what is happening is that this microbe is spreading. The Centers for Disease Control and Prevention have calculated about 19,000 deaths a year. So, again, it seems to me we need to pay some attention to this and we need to respond to it as rapidly as possible.

This amendment basically says they shall spend a minimum of $5 million—take $5 million out now to focus on identifying and containing and trying to hold down the spread of this terrible bacteria. It is not a virus, it is a bacteria. So, again, Senator SPECTER, KENNEDY, and I wanted to introduce this to let the public know we are trying to get on top of it. Hopefully, we will have hearings with the CDC soon to find out what they are doing.

This amendment would increase activities in hospitals and other health care settings, aimed at preventing the spread of this deadly bacteria. So I will leave it there.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article that appeared today on Washingtonpost.com regarding this MRSA.

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

[From the Washington Post Oct. 17, 2007.]

DRUG-RESISTANT STAPH GERM'S TOLL IS HIGHER THAN THOUGHT

(By Rob Stein)

A dangerous germ that has been spreading around the country causes more life-threatening infections than public health authorities had thought and is killing more people in the United States each year than the AIDS virus, federal health officials reported yesterday.

The microbe, a strain of a once innocuous staph bacterium that has become invulnerable to first-line antibiotics, is responsible for more than 94,000 serious infections and nearly 19,000 deaths each year, the Centers for Disease Control and Prevention calculated.

Although mounting evidence shows that the infection is becoming more common, the estimate published today in the Journal of the American Medical Association is the first national assessment of the toll from the insidious pathogen, officials said.

"This is a significant public health problem. We should be very worried," said Scott K. Fridkin, a medical epidemiologist at the CDC.

Other researchers noted that the estimate includes only the most serious infections caused by the germ, known as methicillin-resistant Staphylococcus aureus (MRSA).

"It's really just the tip of the iceberg," said Elizabeth A. Bancroft, a medical epidemiologist at the Los Angeles County Department of Public Health who wrote an editorial in JAMA accompanying the new studies. "It is astounding."

MRSA is a strain of the ubiquitous bacterium that usually causes staph infections that are easily treated with common, or first-line, antibiotics in the penicillin family, such as methicillin and amoxicillin. Resistant strains of the organism, however, have been increasingly turning up in hospitals and in small outbreaks outside of heath-care settings, such as among athletes, prison inmates and children.

On Monday, Ashton Bonds, 17, of Lynch Station, Va., succumbed to MRSA, prompting officials to shut down 21 Bedford County schools today for cleaning to prevent further infections. The infection had spread to Bonds's kidneys, liver, lungs and the muscle around his heart.

The MRSA estimate is being published with a report that a strain of another bacterium, which causes ear infections in children, has become impervious to every approved antibiotic for youngsters.

"Taken together, what these two papers show is that we're increasingly facing antibiotic-resistant forms of these very common organisms," Bancroft said.

The reports underscore the need to develop new antibiotics and curb the unnecessary use

of those already available, experts said. They should also alert doctors to be on the lookout for antibiotic-resistant infections so patients can be treated with the few remaining effective drugs before they develop serious complications, experts said.

MRSA, which is spread by casual contact, rapidly turns minor abscesses and other skin infections into serious health problems, including painful, disfiguring ''necrotizing'' abscesses that eat away tissue. The infections can often still be treated by lancing and draining sores and quickly administering other antibiotics, such as bactrim. But in some cases the microbe gets into the lungs, causing unusually serious pneumonia, or spreads into bone, vital organs and the bloodstream, triggering life-threatening complications. Those patients must be hospitalized and given intensive care, including intravenous antibiotics such as vancomycin.

In the new study, Fridkin and his colleagues analyzed data collected in California, Colorado, Connecticut, Georgia, Maryland, Minnesota, New York, Oregon and Tennessee, identifying 5,287 cases of invasive MRSA infection and 988 deaths in 2005. The researchers calculated that MRSA was striking 31.8 out of every 100,000 Americans, which translates to 94,360 cases and 18,650 deaths nationwide. In comparison, compliions from the AIDS virus killed about 12,500 Americans in 2005. ''This indicates these life-threatening MRSA infections are much more common than we had thought,'' Fridkin said.

In fact, the estimate makes MRSA much more common than flesh-eating strep infections, bacterial pneumonia and meningitis combined, Bancroft noted.

''These are some of the most dreaded invasive bacterial diseases out there,'' she said. ''This is clearly a very big deal.''

The infection is most common among African Americans and the elderly, but also commonly strikes very young children.

''We see these cases all the time,'' said Robert S. Daum, a pediatric infectious-disease specialist at the University of Chicago. ''In the last five weeks, I've taken care of five children who were sick enough to be hospitalized and require intensive care.''

Studies have shown that hospitals could do more to improve standard hygiene to reduce the spread of the infection. Individuals can reduce their risk through common-sense measures, such as frequent handwashing.

In the second paper, Michael E. Pichichero and Janet R. Casey of the University of Rochester in New York documented the emergence of an antibiotic-resistant strain of another bacterium known as Streptococcus pneumoniae, which causes common ear infections. Although 11 children identified in the Rochester area with the microbe so far were successfully treated, five required an antibiotic approved only for adults, and one child was left with permanent hearing loss.

The researchers attributed the emergence of the strain to a combination of the overuse of antibiotics and the introduction of a vaccine that protects against the infection.

''The use of the vaccine created an ecological vacuum, and that combined with excessive use of antibiotics to create this new superbug,'' Pichichero said.

Mr. HARKIN. Mr. President, for the knowledge of other Senators, we are trying to reach an agreement to get to a series of votes. We don't quite have it yet, but hopefully in the next few minutes we will agree to have a series of votes starting fairly soon.

With that, I see my friend, the distinguished Senator from New Jersey on the floor.

I yield the floor at this time.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I might call up an amendment.

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

AMENDMENT NO. 3350

Mr. LAUTENBERG. I call up amendment No. 3350, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Ms. SNOWE, proposes an amendment numbered 3350.

Mr. LAUTENBERG. 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 prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term ''medically inaccurate'' means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

Mr. LAUTENBERG. Mr. President, before I speak on my amendment, I offer my personal thanks to Senators HARKIN and SPECTER for their hard work in putting together an excellent bill. It puts more resources, in particular, into the well-being of our most precious asset: our children.

I was pleased to join Senator HARKIN and Senator SPECTER as a member of the subcommittee in providing more of the resources needed for health and education programs that have been shortchanged by this administration over the last several years.

The best part of this bill is that we have a chance to help children live longer, healthier, and more productive lives. The worst part of it is that, despite all of its benefits, the President said he intends to veto the bill.

This bill increases Head Start funding by $200 million. Today in New Jersey, more than 14,000 children depend on Head Start for their early education. This bill also recognizes growing concerns about the terrible conditions of autism. It is a growing problem. Studies have shown that 1 in 94 children in New Jersey will be born with or carry autism in their lives. From 1991 to 2005, the number of cases diagnosed as autistic went from 234 in 1991 to 7,400 cases in 2005, a mere 15 years. To see an increase such as this must be paid attention to. These numbers are alarming.

I congratulate our committee for this welcome addition for funding autism detection. Families across America are ever more anxious about this health threat. Also alarming are the statistics on another health problem in our country. We have the highest rate of teen pregnancy in the industrialized world. America sees 19 million cases of sexually transmitted diseases, and almost half of them strike young people. That is why Senator SNOWE from Maine and I are offering an amendment to make sure our young people get the truth about their health, so they don't become one of these statistics. America's young people should expect the truth from their doctor, they should expect it from their parents, and they certainly should expect it from a government-funded program. We cannot expect young people to make life-changing decisions if they get the wrong information from the Government. We have a responsibility to give them the most accurate information available when communicating with them.

Right now, the Federal Government is falling down on the job. We have given out hundreds of millions of dollars for abstinence-only education. The fact of the matter is these programs are not successful. If we are going to spend as much as a dime on them, we must be good stewards of the people's tax dollars and make sure the information being given out is complete and truthful. Yet we have found case after case of incorrect and potentially harmful information being taught in these programs.

In 2004, a report found that of the 13 most common federally funded abstinence programs, 11 have unproven claims and basic scientific errors. In fact, the office in the Department of Health and Human Services in charge of these programs doesn't even bother to check whether they are providing accurate medical or scientific information. It is time to change this policy. Young people have a right to complete and accurate information that protects their health and may save their lives.

The amendment Senator SNOWE and I are offering would make sure they get it right. Our amendment says Federal money is not to be spent on inaccurate and deceptive information. Millions of children in New Jersey and across this country deserve no less.

We have seen misstatements made about the failures of contraception. What does that mean? It means diseases are more likely to be transmitted. It also means the number of teen pregnancies could increase based on misinformation.

The Senate had approved this amendment in the 2006 appropriations bill. I hope and urge that we pass it again this year. What is more, I commend the leadership of this committee, Senators HARKIN and SPECTER, for constructing a bill that is going to help our young children better off in their lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend and colleague from New Jersey for his amendment. Senator SPECTER and I had put into the bill a prohibition on abstinence-only programs providing information that is medically inaccurate. Again, this is the beauty of having issues such as this come to the floor. Senator LAUTENBERG and Senator SNOWE have offered a suggestion to tighten down on that provision and actually make it more meaningful.

This is what the amendment says:

For purposes of this section, the term ''medically inaccurate'' means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

That clarifies the intent of the amendment. I thank Senator LAUTENBERG for the amendment, and I intend to support it.

Hopefully, we are going to have clearance soon to begin a series of votes. We do not have that agreement yet, but we hope in the next 15 minutes we will begin a series of four votes. We don't have that agreement yet. Hopefully, we will have that cleared pretty soon. In the meantime, 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. ROBERTS. 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. 3365 TO AMENDMENT NO. 3325

Mr. ROBERTS. Mr. President, I call up the Roberts amendment No. 3365.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 3365 to amendment No. 3325.

The amendment is as follows:

(Purpose: To fund the small business child care grant program)

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) $5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative expenses for the Department of Labor, Department of Health and Human Services, and Department of Education shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

Mr. ROBERTS. I thank the Presiding Officer and the expert staff we have working for us.

I rise today to offer an amendment that I truly believe will have a positive effect on the quality of life for many hard-working American families. Access to childcare is essential to the quality of life of families trying to balance both work and family.

Earlier this year, S. 228, my small business childcare grant program, was incorporated into and passed as part of the supplemental spending bill. I thank Senators KENNEDY and DODD for working with me to secure this authorization. This truly was a bipartisan effort.

My amendment today provides the funding for this program so that we can make a difference for American families.

Unfortunately, our small businesses generally do not have the resources required to start up and support a childcare center. The small business childcare grant program provides flexible short-term funding to encourage small businesses to work together or with other local organizations to provide childcare services for their employees.

Small businesses will be eligible for grants up to $500,000 for startup costs and for training, for scholarships, and other related activities. Grants will be given to States on a competitive basis with the grant amount to be determined by the population of the State. Priority will be given to grantees who work with other small businesses, large businesses, nonprofit agencies, local governments, or other appropriate entities to provide childcare in an underserved geographical area of the State.

The grantees will be required to match Federal funds to encourage self-sustaining facilities well into the future—50 percent for the first year, 67 percent for the second year, 75 percent for the third year. The Secretary is required to report to Congress in 2-year and 4-year intervals on the effectiveness of the program, and the program will sunset in 2012.

It seems to me this is a fiscally responsible approach to increasing access to childcare. The matching requirement, paired with the program and the sunset, will ensure that Federal funds are used in an efficient and targeted manner.

This program has been authorized at $50 million over 5 years. My amendment appropriates only $5 million for fiscal year 2008.

I urge support for this amendment to help ease the burden on working families by encouraging the development of small business childcare programs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President we now have clearance for a series of votes.

I ask unanimous consent that the Senate vote in relation to Senator BYRD's amendment No. 3362 at 2:30 p.m.; that upon disposition of that amendment, the Senate vote in relation to Senator HARKIN's amendment No. 3368; that upon the disposition of that amendment, the Senate vote in relation to the Brown amendment No. 3348; that upon the disposition of that amendment, the Senate vote in relation to the Kyl amendment No. 3321; that there be 2 minutes for debate equally divided in the usual form prior to each vote and that no other amendments be in order prior to these votes.

Mr. ROBERTS. Mr. President, we have no objection to the Senator's request.

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

Mr. HARKIN. Mr. President, Senators should be alerted that beginning at 2:30 p.m., there will be a series of four votes. I do not ask for consent now, but I will after the first vote, that the other three votes be 10-minute votes. So there will be four votes starting at 2:30 p.m.

Mr. President, I have a slight change in that unanimous consent agreement. It has been cleared. That the first vote at 2:30 p.m. will be my amendment No. 3368; that following that amendment, it will be Senator BYRD's amendment No. 3362, and the rest as stated earlier.

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

Mr. HARKIN. Mr. President, I ask that Senator SNOWE and Senator ROCKEFELLER be added as cosponsors of the amendment I offered on MRSA.

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

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. 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. 3368

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. HARKIN. Mr. President, the first amendment will be my amendment, and I have not asked for the yeas and nays as yet, so I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

All time is yielded back, and the question is on agreeing to amendment No. 3368. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—90

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inouye	Sanders
Byrd	Isakson	Schumer
Cantwell	Johnson	Sessions
Cardin	Kerry	Shelby
Carper	Klobuchar	Smith
Casey	Kohl	Snowe
Chambliss	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Webb
Dole	Martinez	Whitehouse
Domenici	McCaskill	Wyden

NAYS—3

Coburn	DeMint	Inhofe

NOT VOTING—7

Biden	Kennedy	Warner
Clinton	McCain	
Dodd	Obama	

The amendment (No. 3368) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent on the subsequent three votes they be 10 minutes in length.

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

AMENDMENT NO. 3362

The PRESIDING OFFICER. The question is on agreeing to the Byrd amendment. There are 2 minutes for debate, evenly divided.

The Senate will be in order.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, my amendment would add $10 million to the budget for the Mine Safety and Health Administration. These funds would enable MSHA to complete safety inspections and to implement the MINER Act. The amendment is fully offset by a reduction in travel expenditures for the Departments funded in the underlying bill.

This amendment is cosponsored by the managers of the bill, Senators HARKIN and SPECTER.

I ask unanimous consent that Senator MCCONNELL also be added as a cosponsor.

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

Mr. BYRD. Mr. President, I also ask unanimous consent that Senator WEBB be added as a cosponsor.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe this is a very worthwhile amendment for a very important cause for mine safety. I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time in opposition? Is time yielded back? Without objection, it is so ordered. Time is yielded back.

The yeas and nays have previously been ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—89

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johnson	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Landrieu	Stabenow
Coburn	Lautenberg	Stevens
Cochran	Leahy	Sununu
Coleman	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lincoln	Vitter
Corker	Lott	Voinovich
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	

NAYS—4

Cornyn	Inhofe
DeMint	Kyl

NOT VOTING—7

Biden	Kennedy	Warner
Clinton	McCain	
Dodd	Obama	

The amendment (No. 3362) was agreed to.

The PRESIDING OFFICER. The question is on amendment No. 3348 offered by the Senator from Ohio, Mr. BROWN. There are 2 minutes equally divided between both sides.

Who yields time?

Mr. BROWN. Madam President, I would like to be notified when a half minute is gone so I can yield the other 30 seconds to Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio controls 1 minute.

Mr. BROWN. I ask unanimous consent that Senators LIEBERMAN and WHITEHOUSE be added as cosponsors of the amendment.

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

Mr. BROWN. This important bipartisan amendment, offered by Senators VOINOVICH, LIEBERMAN, and WHITEHOUSE, would provide $2 million in paid-for funding for the Underground Railroad Educational and Cultural Program. It is administered by the Department of Education to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad. Senators ALEXANDER, COCHRAN, ISAKSON, LEVIN, and I offered a similar reauthorization bill that this amendment is taken from. I ask for the support of my colleagues for the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. STEVENS. I yield back the time.

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

The Senator from Ohio.

Mr. VOINOVICH. Madam President, the Underground Railroad is an educational cultural program that we have as a grant from the Department of Education for the purpose of making known to children all over America the history of the Underground Railroad and of the Civil War. It also is a program that is aimed at diversity training that is so necessary. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Time has expired.

The question is on agreeing to amendment No. 3348.

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator

from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 81, nays 12, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—81

Akaka	Durbin	Menendez
Alexander	Enzi	Mikulski
Barrasso	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Hagel	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Rockefeller
Brownback	Inouye	Salazar
Bunning	Isakson	Sanders
Byrd	Johnson	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Specter
Cochran	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Corker	Lott	Thune
Crapo	Lugar	Voinovich
Dole	Martinez	Webb
Domenici	McCaskill	Whitehouse
Dorgan	McConnell	Wyden

NAYS—12

Allard	Craig	Inhofe
Burr	DeMint	Kyl
Coburn	Ensign	Roberts
Cornyn	Gregg	Vitter

NOT VOTING—7

Biden	Kennedy	Warner
Clinton	McCain	
Dodd	Obama	

The amendment (No. 3348) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3321

The PRESIDING OFFICER. The question now occurs on amendment No. 3321 offered by the Senator from Arizona, Mr. KYL. There are 2 minutes equally divided before the vote, and at this time the yeas and nays have not been ordered.

The Senator from Arizona.

Mr. KYL. Madam President, this amendment strikes an earmark of $1 million in the bill, an earmark that would create a Woodstock museum celebrating the Woodstock Festival in northern New York 38 years ago.

Now, some of you may believe it would be neat to celebrate Woodstock again and to do so with a museum. To the extent you believe that, there is a private foundation as well as money available from the State of New York that provides the funding.

To the extent one would argue it is only $1 million, and therefore symbolic, the answer to that is, yes, it is, but I think the American people want us to begin to make some votes that demonstrate we care about setting priorities. Funding a Woodstock museum in New York is not a priority above the funds that would help the children and the pregnant women to whom this $1 million would otherwise go.

As to jobs, every one of us could spend $1 million in our States to help create jobs. But to justify this on the basis of it being a job-creation program goes too far. The unemployment rate in this county, I am told, is less than the average nationwide.

So let's strike a blow for priorities. Let the American taxpayer know we are willing to at least start somewhere to save their money and not waste it on the Woodstock museum.

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

Mr. SCHUMER. Madam President, this is the largest economic development program in one of our poorest counties. It is the Bethel Performing Arts Center. It is a large complex. It is a $100 million program. Madam President, $85 million has been donated by a major philanthropist. The State has put in close to $14 million. This is our $1 million.

Every one of you has a poor county. They have gotten together, and this is their economic development project. It is not just a museum; it is a whole complex devoted to history in America from 1945 through to the present.

If you believe in helping counties, if you believe every one of us wants the Federal Government not to just pass broad-brushed programs but to help individual needs in our States—this one coming from the leaders who have spent years and years in the Catskills to try to bring that area back—this is the project.

I urge a ''yes'' vote.

Madam President, I move to table amendment No. 3321 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The result was announced—yeas 42, nays 52, as follows:

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—42

Akaka	Boxer	Cantwell
Baucus	Brown	Cardin
Bingaman	Byrd	Carper
Casey	Kohl	Pryor
Clinton	Lautenberg	Reed
Conrad	Leahy	Reid
Dorgan	Levin	Rockefeller
Durbin	Lieberman	Salazar
Feinstein	Lincoln	Sanders
Harkin	Menendez	Schumer
Inouye	Mikulski	Stabenow
Johnson	Murray	Tester
Kerry	Nelson (FL)	Whitehouse
Klobuchar	Nelson (NE)	Wyden

NAYS—52

Alexander	DeMint	Martinez
Allard	Dole	McCaskill
Barrasso	Domenici	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Roberts
Bond	Feingold	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Landrieu	Webb
Craig	Lott	
Crapo	Lugar	

NOT VOTING—6

Biden	Kennedy	Obama
Dodd	McCain	Warner

The motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment.

The amendment (No. 3321) was agreed to.

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

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

SCHIP

Mr. CORKER. Madam President, I think everyone is aware that the House today failed to override the President's veto on SCHIP. I think everybody is aware that 18 Republicans joined with Democrats to pass this bill in the Senate. This is a bill to support health insurance for low-income children. It is something I think all of us want to make sure continues to go forward.

I haven't had the opportunity since I have been here to vote for a perfect bill. I doubt I will be able to do that during the course of the time I am here in the Senate. I think everybody knows the President's budget, the budget's $5 billion is not enough to cover the program, even going forward as it is. I think everyone would agree we can always trim a little bit out of any bill we put forth.

I have a letter here signed by 18 Republicans, the 18 Republicans who

joined with Democrats to make sure this bill was able to pass and hopefully to be able to fund insurance for low-income children. What this letter does is asks the leadership of the House and the leadership of the Senate not to simply send back the bill that has already been voted on, but to ask them to sit down with the President and let's negotiate a bill that can cause this program to go forward as we all want it to and discontinue all of the political rhetoric that is centered around this issue.

I want to make sure children in America, like everyone else, have the opportunity, as low-income children, to be insured. I encourage the leadership of the House and Senate to sit down with the President and let's come up with a bill that allows this very good program to go forward.

I yield the floor.

Mr. KYL. Madam President, I ask unanimous consent to set aside the pending amendment so I may call up an amendment which I will then later withdraw.

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

AMENDMENT NO. 3356 TO AMENDMENT NO. 3325

Mr. KYL. Madam President, I call up amendment No. 3356.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3356 to amendment No. 3325.

Mr. KYL. 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 modify provisions relating to the Low Income Home Energy Assistance Program)

On page 55, strike lines 19 through 23 and insert the following: ''U.S.C. 8623(a)–(d)), $2,161,170,000.''.

Mr. KYL. Madam President, the Low-Income Housing Energy Assistance Program, LIHEAP, was designed to provide funds to low-income individuals who cannot cover rising home energy prices. The program does not discriminate between cold and hot weather States. However, upon implementation, cold weather States have unfairly received the majority of the LIHEAP funds.

My amendment eliminates the discretionary nature in which the funds are disbursed and frees up money and allocates it on a nondiscretionary basis.

Before I go into specifics of my amendment, I would first like to discuss how Arizona is affected by LIHEAP funds. This summer, record level temperatures have devastated the State. Phoenix set a record with 32 days of temperatures exceeding 110 degrees. In August alone, Phoenix experienced 9 days of temperatures of 110 degrees or above. The State of Arizona's average temperature for August 2007 was 105.8 degrees. It was the second hottest summer on record in Arizona and the Salt River Project and Arizona Public Service reached peak demand for energy service. Just imagine the cost to the people of Arizona to cool their homes during such extreme heat. Therefore, LIHEAP funds are crucial to many Arizonans who cannot meet their energy costs alone.

Let me now turn to the way in which LIHEAP funds are distributed. Currently, LIHEAP funding is divided between two pots of money. The first pot is distributed based on a tiered funding formula, while the second pot of money is deemed a contingency fund distributed based on ''emergencies.'' Historically, the contingency fund is overwhelmingly distributed to cold weather States. My amendment would eliminate the bias inherent in the contingency fund distribution and allocate all LIHEAP money to the funding formula account that is more equitably distributed to all 50 States. I would implore my colleagues to think of all Americans when considering my amendment, and vote to provide a more equitable distribution of LIHEAP funds.

AMENDMENT NO. 3356 WITHDRAWN

Madam President, having spoken to the manager of the bill, and appreciating the fact that the amendment was offered too late in the process, probably, to receive the consideration it deserves, we will work on this at a later date. I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 3373

Mr. SESSIONS. Madam President, I believe, in accordance with our understanding on both sides, it would be appropriate for me to call up amendment No. 3373, and I do so now.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, Mr. VITTER, Mrs. DOLE, Mr. MARTINEZ, Mr. ALEXANDER, Mr. CORNYN, Mr. ENZI, and Mr. GRAHAM, proposes an amendment numbered 3373.

Mr. SESSIONS. Madam 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 increase the amount of funds available for the Office of Labor Management Standards)

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 (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 $5,000,000),''.

Mr. SESSIONS. Madam President, this amendment is similar to the one I introduced yesterday, except it provides a different offset to pay for the needed additional funds for the Office of Labor-Management Standards in the 2008 Labor-HHS budget.

This is a program that I believe is critically important. It is a program that has been very successful. It has resulted in over 700 prosecutions in the last several years and restitution to union members and union locals in the amount of about $101 million.

This is an important program. It is a working program. It represents the only required audits, the only required reporting and disclosure for unions in the country. The Securities and Exchange Commission does that for corporations and other institutions that are required to be audited. Other than this program, there is no real integrity to protect union members from fraud and corruption and theft. I will mention in a moment some extraordinary thefts that have occurred from union members, why this is important, and I will express my personal and deep belief that one reason we have as much broad corruption in unions is because we are not auditing them. We are not doing it. Even with the current level of funding, we are way behind and it would take, at this rate, 33 years to do a basic audit of all the unions around the country. That is not acceptable.

People are not being watched. They feel like they are free and temptation and money is coming before them. Obviously, people are succumbing to that temptation. More rigorous enforcement and audits are needed. The Office of Labor-Management Standards is a group that is required to enforce the statutory provision that mandates that unions provide, each year, public disclosure of how they spend their money. It was a bill offered and passed in 1959 by former Senator and former President, John F. Kennedy. It was an important reform.

During the Clinton years, sadly, this reporting requirement was almost totally abandoned and, under Secretary of Labor Elaine Chao, in recent years she has worked hard and those reporting numbers are up. But 36 percent still don't report. There is not even a way, with our staffing level, that she can insist on that. So 36 percent are not reporting properly. The members don't know where their money is being used. That is the fundamental question.

The committee mark doesn't even flat fund the Department; it cuts its funding by $2 million. Every other enforcement agency is given an increase, but this one is cut. I think our members ought to ask themselves, do we need to be listening to certain union leaders who don't want disclosure, or do we need to be listening to union members whose funds and dues are being misappropriated? If we do regular audits, they will be more effective, and

I am convinced we will see a dropoff in this kind of problem. It is the right thing to do.

My proposal is to add $5 million, $2 million of which would get us back to last year's budget only, and a $3 million cost of living on top of that, so they can continue an aggressive effort to ensure integrity.

I have Senator ENZI with me, the ranking member of the Health, Education, Labor and Pensions Committee, and Senator ALEXANDER, who are both interested in speaking on this. I will yield to Senator ENZI at this time. I believe I have 30 minutes; is that right?

The PRESIDING OFFICER. There is no time agreement.

The Senator from Wyoming is recognized.

Mr. ENZI. Senator SESSIONS has offered a very important amendment, and I am pleased to be a cosponsor. The amendment restores critical funding to the Department of Labor's Office of Labor-Management Standards. It is referred to as OLMS.

Funding for the Office of Labor-Management Standards in the current Senate bill is 20 percent below the requested amount, essentially scaled back from the 2006 level. Senator SESSIONS' amendment restores funding to current fiscal year 2007 levels and adds an additional $3 million to continue audit and enforcement efforts.

What is the Office of Labor-Management Standards and why is it so important? The fact is the Office of Labor-Management Standards is the only agency in the Federal Government that is devoted to protecting the interests of American workers that pay union dues. It requires financial reporting and transparency by labor unions about how they use their members' money, and it investigates and prosecutes union officials who are guilty of fraud or abuse of their members' financial interests.

There should not be any reasonable debate about the importance of financial transparency for any entity, including labor unions. We demand, as we should, corporate transparency in order to protect stockholders. Those who pay union dues are no less entitled to the benefits of financial transparency and fraud protection than those who purchase stock. Indeed, purchasing stock is a voluntary activity, while in many instances the payment of union dues is not voluntary. Protecting the financial interests of working men and women, giving them access to how their money is being used and providing remedies for those instances where the money is misused ought to be a priority, not an afterthought.

It is the height of hypocrisy to talk about protecting the rights of working men and women, or aiding the so-called middle class, while simultaneously slashing the budgets of one of the Federal agencies that protects the financial interests of those who pay union dues.

The Sessions amendment puts a question directly before the Senate. Will we vote down his amendment and allow the Office of Labor-Management Standards funding to be rolled back and go out of our way to send a message to the working men and women who pay union dues that protecting their rights is unimportant? That is the question we are being asked.

I hope we will not tell them that protecting their rights is unimportant. This amendment gives the Senate a chance to go on record about the importance of integrity in leadership elections, finances, and respect for the rights of individuals. We know every dollar in most of our paychecks matters. When we are compelled to give a portion of our paycheck away, either through taxes or union dues, it is an affront for that money to be used to inflate someone else's lifestyle, or to be misused in any other way. That is exactly what the Office of Labor-Management Standards guards against.

OLMS enforces the Labor-Management Reporting and Disclosure Act, a law enacted with bipartisan support, including that of then-Senator Jack Kennedy.

In this administration alone, OLMS has returned nearly $102 million to union members who were robbed. There were only 8.7 million private sector employees represented by unions in 2006. I will restate that number. OLMS has returned $102 million to union members who were robbed. OLMS has indicted 827 individuals and gotten convictions on 790 of them. That is a pretty good record. Again, they have indicted 827, and they have obtained convictions on 790. That is a very impressive conviction rate by any standard.

I have a State-by-State breakdown of those statistics, which I will enter into the RECORD. I ask unanimous consent that it be printed in the RECORD.

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

OLMS STATE PROGRAM DATA (OCTOBER 1, 2000–AUGUST 31, 2007)

State	Active unions	Audits completed	Indictments	Convictions	Restitution amount
Alabama	487	41	19	20	$281,147
Arkansas	320	21	5	4	107,216
Arizona	187	12	6	5	128,880
California	1444	161	31	28	1,231,382
Colorado	297	55	11	9	194,490
Connecticut	324	70	8	8	373,265
District of Columbia	358	30	29	27	16,808,286
Delaware	90	23	3	2	42,630
Florida	592	32	15	15	468,897
Georgia	692	38	15	15	235,285
Guam	7	5	0	0	0
Hawaii	246	21	3	6	110,254
Iowa	474	47	16	15	498,704
Idaho	131	14	2	2	3,234
Illinois	1455	206	43	45	21,924,713
Indiana	905	52	26	28	284,716
Kansas	327	53	15	12	208,039
Kentucky	492	47	14	14	158,038
Louisiana	441	29	15	17	225,807
Massachusetts	653	247	11	10	215,061
Maryland	357	28	5	5	186,658
Maine	165	20	2	2	53,547
Michigan	1121	65	29	28	397,900
Minnesota	606	90	18	18	523,288
Missouri	701	224	33	34	348,851
Mississippi	278	6	14	16	162,221
Montana	205	14	4	4	63,983
North Carolina	498	23	14	17	304,373
North Dakota	144	6	6	6	59,077
Nebraska	231	27	6	5	186,483
New Hampshire	117	30	1	0	0
New Jersey	680	119	10	8	287,263
New Mexico	142	7	4	3	70,430
Nevada	132	21	5	6	279,844
New York	1673	349	88	85	47,785,509
Ohio	1648	223	66	67	1,110,247
Oklahoma	266	18	11	9	130,659
Oregon	341	24	15	12	2,455,717
Pennsylvania	1639	269	54	48	934,263
Puerto Rico	127	3	13	2	33,851
Rhode Island	135	57	1	0	0
American Samoa	2				
South Carolina	234	7	3	3	49,974
South Dakota	117	2	2	2	29,175

OLMS STATE PROGRAM DATA (OCTOBER 1, 2000–AUGUST 31, 2007)—Continued

State	Active unions	Audits completed	Indictments	Convictions	Restitution amount
Tennessee	651	36	30	29	423,477
Texas	1097	69	34	28	494,688
Utah	155	7	2	2	67,406
Virginia	740	30	16	20	338,707
Virgin Islands	17	1	0	1	11,280
Vermont	76	7	0	0	0
Washington	538	69	17	15	675,048
Wisconsin	802	157	22	20	706,424
West Virginia	422	53	12	10	244,159
Wyoming	117	2	3	3	3,899
Totals:	26096	3267	827	790	$101,918,445

Mr. ENZI. This is so my colleagues can see how many union-represented employees have been protected in their States. These numbers indicate that union corruption is not an issue to which we can turn a blind eye. It may not be seen as politically correct by some in this body to fund an office that audits and investigates unions. But the truth is that having a strong Office of Labor Management Standards is the best thing we can do to help the labor movement. Sunshine is the best disinfectant. When rank-and-file employees feel everything is in the open and they can trust union leaders, they are probably more likely to join one.

It was the outcry of rank-and-file union members themselves that actually created the Office of Labor Management Reporting and Disclosure Act. That act was born in the wake of egregious cases of fraudulent elections, embezzlement, and strong-arm tactics by a number of unions. The law also works to prevent backroom dealings between employers and union leaders that disadvantage the employees. The first section of the law, the Union Members Bill of Rights, was added by then-Senator and later President John F. Kennedy.

I certainly understand that not every department can receive an increase in every budget year. But what this bill does is quite remarkable. It singles out this one office, the Office of Labor-Management Standards, as the only enforcement agency in the whole bill to have its funding decreased.

Senator SESSIONS and I are asking today that we simply keep the Office of Labor-Management Standards at essentially the same funding level it received last year. The President requested an increase because OLMS has been taking on a number of projects, such as compliance assistance for unions, which would especially be helpful in light of their recent revised disclosure forms.

The funding called for in this amendment will be offset by a modest across-the-board cut in general administrative expenses of the departments funded under this bill. This reduction in administrative expenses is a very small price to pay in order to protect the rights of working men and women. These workers deserve to know how their hard-earned money is being used and deserve to be protected from those who misuse it.

I hope a majority of our colleagues will agree and vote in favor of this amendment.

I yield the floor.

Mr. SESSIONS. Madam President, I thank the Senator from Wyoming.

I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I appreciate the Senator from Alabama yielding. I am due in the Judiciary Committee, where I am ranking, and we are proceeding with the confirmation as to Judge Mukasey. I wish to speak briefly in opposition to the amendment.

The figures which have been provided to me show that there has been an increase in the funding for the Office of Labor Management Standards up to $47,753,000—it does show a slight decrease on this year. But overall, since fiscal year 2001, the figure has risen from $30,492,000 to a figure of $47,753,000 for last year. This year it is, both the Senate and House figures, $45,737,000.

There has been a very substantial increase in the number of workers, and there is a concern about the complexity of the new form LM–2 which runs to more than 100 pages. The Department of Labor has issued some 88 answers to frequently asked questions to try to address this new rule. Having taken a look at it, it is not in line with the policy to try to reduce regulatory burdens because this new form is extremely burdensome.

The principal argument is going to be made by Senator HARKIN. I have asked him to take the lead, to go ahead because I am due at a Judiciary Committee hearing on Judge Mukasey for Attorney General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, the question before the Senate is whether we think the union members of the United States are first-class citizens or second-class citizens. The Sessions amendment says we recognize union members as first-class citizens by increasing the amount of money available to the Office of Labor-Management Standards, which collects the information to give them a chance to know what is going on within their union.

We treat stockholders as first-class citizens. We passed the Sarbanes-Oxley law with a number of disclosure requirements for businesses. Some of the requirements may be burdensome, as the distinguished Senator from Pennsylvania pointed out, but we thought it was important for the stockholders of this country to know what their public corporations were doing.

We have disclosure requirements which we in the Senate are required to give every year. They are fairly burdensome, but we do that because the voters need to know what our incomes are, what our assets are. They know quite a bit about us because we are required to file these reports, and these reports are investigated by various officials and ethics committees.

There are a number of people running for President of the United States today, including a number in this body. They have to spend a lot of time filing information about where they get their contributions, because this is an era of instant information and almost universal access to information and transparency. We hear that all the time. So, we want the voters to know where the candidates for President are getting their money to see whether that influences what they do.

In this age of transparency and universal access to information, we treat stockholders as first-class citizens, we treat voters as first-class citizens, we treat taxpayers as first-class citizens, but we will be treating union members as second-class citizens if we are going to cut the funds the Department of Labor needs to provide union members with information they deserve.

For example, this year the Senate, I am told, provides a $12.8 million increase in funding for the Securities and Exchange Commission, the oversight agency for publicly-traded companies. So we are recognizing the importance of treating stockholders as first-class citizens, but at the same time we are cutting the funding for the Office of Labor Management Standards, which means we are treating union members as second-class citizens.

That is the issue. A vote for the Sessions amendment says we believe union members are as important as stockholders, are as important as voters, are as important as taxpayers, and that they are all entitled to be treated as first-class citizens.

This is not, as has already been mentioned, a Republican cause, I would hope. I have been around long enough to remember the Kefauver committee,

the McClellan committee, Senator John F. Kennedy and Robert Kennedy in the 1950s. It was the early days of television, and people who wanted to know about the Senate watched those Senators—one of whom later became President, one of whom later became Attorney General—as they ferreted out corruption and organized crime in various parts of American society, including unions.

This Federal statute we are talking about was championed by Senator John F. Kennedy. It was enacted as an outcome of the McClellan committee hearing. Senator Kennedy knew then, as we know today, that rank-and-file union members deserve the right to know how their unions are spending their money, how they are investing their members' money, that their union books are clean, and that elections for union officers are fair and free of intimidation or scandal. They have a right to know that information.

The question is, Do unions still need a Federal watchdog? Apparently so. The Secretary of Labor thinks so. She has said so. She has plenty to do over there. She could do more. She could use the money, according to her testimony.

Over the last 7 years, the Office of Labor Management Standards has performed more than 3,000 audits, resulting in 827 indictments and 790 convictions. There apparently is a lot to do in this area. What is our response? Let's cut the funding so we cannot have the investigations, so we cannot have the audits, so we cannot have the indictments, so we cannot give these union members the rights that Senator Kennedy—later, President Kennedy—thought they ought to have.

I hope we can correct what I hope is an oversight in the development of this big, complex piece of legislation. Senator SESSIONS' amendment would treat union members as first-class citizens, just as we do stockholders, just as we do taxpayers, just as we do voters. We live in an era of instant information, universal access to information, and union members, just as stockholders, voters, and taxpayers, have a right to know what is going on in their union.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank Senator ALEXANDER for his comments. Indeed, what we are talking about is funds contributed by union members to further union causes, not to line the pockets of persons who embezzle, steal, or otherwise cheat and use the money. That is an important issue we need to keep in mind. It is troubling to me that we have opposition to keeping this program on track.

I have offered this amendment, as I indicated earlier, a new amendment that has a different offset. I know there was concern over the international union funds that go to the U.N.-affiliated agency. There is a big increase in that program, a $10 million increase. I am troubled by that increase, frankly, because last year Secretary Chao met with the people who were receiving this money, and they gave very inadequate explanations of where the money went. In fact, they couldn't explain where it went. I don't know whether it is being well spent.

At any rate, the most important thing for us to do is focus on making sure we are protecting the contributions of union members and that their funds are being protected. That is why I altered the offset to one that takes this $5 million from the administrative, management and related expenses of the Department of Labor, the Department of Health and Human Services, and the Department of Education. That is where the funds would come from. I believe that would not be a heavy burden on those agencies. In fact, they can absorb it readily, and this is clearly, as a question of priorities, more important to make sure we are not cutting back on this budget.

Senator SPECTER talked about the status of the budget. I repeat, I think he understood it and explained it eventually correctly that the committee mark cuts the budget $2 million below last year's funding level. Because of inflation and cost increases, that is a most significant $2 million cut.

What we are proposing is that there be a $3 million increase in the overall budget, a total of $5 million—$2 million to get up to last year's funding and an additional $3 million to increase the funding. I think this is valid. I think it is justified. It is something we really should do. If we don't do it, we are going to have a severe, adverse impact on the ability of OLMS to fulfill their statutory requirement of auditing unions and requiring unions to publicly file their financial disclosures.

Some say this is a burdensome regulation, but in today's day and age, being able to maintain records of where you spend your money is not too much to ask. Most of these records are done by computers now. People have bookkeepers, and if they don't, they are taking serious risks. So to be able to report this information is not too much to ask. It is very valuable to their members. Union members should have the same protection, as Senator ALEXANDER said, as corporate stockholders. This OLMS legislation is to union transparency what the Securities and Exchange Commission is to corporate transparency.

This chart shows the mission of OLMS. The mission of OLMS is a good mission. It is not to harm anybody. It is to assist in the integrity of this system—No. 1, to provide union financial transparency. That is why the bill was passed in 1959, so that union members can know where their money is being spent. That is the report which is required. Then to protect union financial integrity—that is part of the audit function of the OLMS. They are required to audit the union activities, and they do so, but, as I noted, even at this current level of funding, they only get around to doing every union in the country once every 33 years. Until we had some increases in this budget, it was once every 133 years. It is a small agency, $47 million in last year's budget, but it has shown big results.

OLMS does not tell unions how to spend their money; it simply requires them to file accurate and timely reports, which allows union members to determine for themselves whether the expenditures that are being made are appropriate. If they don't know what is happening, they cannot express their opinions in leadership meetings.

That there is a high level of demand from union members for this kind of information is very evident. This is a remarkable number. Between May of 2006 and May of 2007, on the Web site of OLMS where these reports are posted so members can access them—so they don't have to go down and ask the officer or the boss at the local union to ''give me your records,'' they can just access them on the computer—767,980 hits were identified on last year's Web site. People are looking to see where their elected union officers are spending their money. Why shouldn't they? That is an average of 64,000 a month and over 2,100 a day. If union members don't care about how their hard-earned dollars are being spent, I ask, why do they take time to access this Web site? Of course they want to know, they have a right to know, and the only way they are able to get this information in a readily available form is through this reporting requirement.

Unfortunately, the reports are not being submitted, and because of shortage of personnel and a certain lack of legal enforcement ability, only 36 percent of unions are not filing the appropriate forms. The delinquency rate is 36 percent. That is not good for union members.

Now, Secretary Chao has met with union leaders. But let me tell you what happened. Under the Clinton years, this was not being enforced. That is just it. You want to know the truth? It was not being enforced. And the number of personnel went from 427, in about 1990, down to 260. They just weren't enforcing this 1959 mandate. When Secretary Chao realized it was her responsibility to make sure union members could see financial disclosure forms, and she asked that it be done, a lot of grumbling occurred. They said, oh, it was burdensome; oh, there were problems. So she met with them and met with them and they altered plans and they figured out ways to do it that were cheaper and better and less burdensome, but she required them to comply with the law that requires this disclosure.

Now, after our colleagues have gained ascendancy in the Senate, lo and behold we come in and whack their budget. Now, who is being listened to, politically powerful bosses or is it the interest of union members? Embezzlement is not something we ought to

support and put up with. We in Congress are focusing on transparency right here. We talk about it a lot. It is embarrassing to me that our colleagues have seen this budget be reduced.

This chart gives a clear indication of just how significant overall the problem is we are dealing with. From 2001 to 2007, 796 people were convicted. Most of them pled guilty, and court-ordered restitutions totaled $101 million. But I indicated to you that less than 5 percent of the unions per year are being audited, and it appears that for every four of the audits that are conducted, about one person is convicted of something, on average. So we have a problem, we really do. And I submit it is not because people are necessarily bad people. Some of them may be, but a lot of it is because there is no real oversight and accountability, and temptation is too great.

I have been a prosecutor for 15 years. I will tell you, you give people lots and lots of money, it goes through their hands and nobody is watching it. Temptation takes over, and you will rightly expect problems to occur if you don't have tight fiscal controls. We don't have it. I think we need to have a lot more emphasis in this area than we do, other than just a $3 million increase in this department. It is obvious.

We hear a lot of talk about integrity in here about our financial disclosures and other things. Well, if we don't do our duty, people will complain. If businesses don't file their reports, they will complain. And we need to make sure unions do the same, not to beat up on unions but to help unions have integrity.

Now, not to be monotonous—and I find this remarkable—but some may say, well, they are abusing unions and picking on people. But the conviction rate is 95 percent—95 percent of all indictments have resulted in convictions. They do not always get big sentences. I thought some I have seen were pretty light. But the point is, if you are convicted of these kinds of offenses, you lose your leadership position in a union, and that is important. So if you are stealing from a union, you ought not stay in as an officer.

So I would just suggest that from my review of the cases, people are not being abused. They are being fairly treated. Overwhelmingly, the defendants are pleading guilty, and restitution is being made. People who are corrupt are not being able to remain in office to keep their hands in the till where the money is.

The legislation that requires this is not new. This law has been on the books for some time. I will admit that we been very lax, and it was not being enforced, but the conviction rate, the amount of restitution, the number of fraud cases per audit indicates that was not a good decision. And if the audit rates had been maintained, I submit we would have had a lot less crime and fraud and loss of union members' money. This occurred in 1959. One of the leaders of it was our own Senator ROBERT BYRD. He spoke earlier today. He has been here a long time. He was here in 1959 when this bill passed. And as a Senator from West Virginia, a State with a strong union heritage, a proud union heritage, he decided to vote for this bill.

The bill was actually introduced and led by Senator John F. Kennedy. This is what Senator Kennedy said at the time.

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

And until we stopped enforcing it a few years ago, or got lax, it has been beneficial. I think the work that is being done now, the $101 million in restitution, indicates that progress has been occurring that has benefitted union members.

Now, Senator BYRD wrote a letter that was included in the CONGRESSIONAL RECORD in response to certain criticisms he received from a district president of a union in West Virginia. They sent a letter of condemnation, and Senator BYRD was direct about it. He responded:

> 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 this 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.

And I think that remains as true today as it was when he made those comments in 1959.

Madam President, since 2001, OLMS has only had the resources to audit 3,275 of the 26,000 unions on record. That means in the past 7 years combined, only 12.5 percent of the unions have been audited. It is able to audit only about 2 to 4 percent of the unions each year. It is important to note that unlike corporations, unions are not required by law to have outside auditors. Most corporations have to have outside auditors. So in many cases, this audit is the only outside audit a union will have.

In 2000, OLMS 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, they did 736 audits, a better number, but that still translates into an audit only once every 33 years at that rate. It is better, but I think we need to do a lot more.

With the $2 million reduction in funding which is currently in the bill, it is estimated there will be approximately 350 fewer audits each year, and that is almost cutting the number in half. So we should be seeking more, really, considering that from those 3,267 audits that were completed there came 827 indictments and 796 convictions. OLMS has been funded below the President's requested levels over the past several years. Yet if the proposed cuts in the bill are implemented funding will drop from $47.7 million to $45.7 million. That is below last year's budget. So I would just note again that we had 427 employees in this department in 1990. It fell down to 260, it has been inched up to 331, and if this bill passes in this form, cutting the budget, we are going to see a loss of personnel instead of an increase in personnel. We ought to be closer to the 400, it seems to me. OLMS was the only enforcement agency in the Labor Department that received a budget cut during the congressional markup.

Let me mention this story of the United Transportation Union. We have a picture I think is sad. It is a picture from an undercover operation. The person who is handing off this money that is on this picture is a UTU-designated legal counsel by the name of Victor Bieganowski. The person receiving the money is John Russell Rookard, 58, of Olalla, WA, a top special assistant to Alfred Boyd, Jr., UTU president at the time this bribe money was paid.

In 2004, Boyd, the international president of 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 injured union members.

A March 12, 2004, Houston Chronicle article explains that Byron Alfred Boyd, Jr., of Seattle, is the last of four officials of the UTU to plead guilty in a plan to extort bribes from lawyers in exchange for access to these injured members.

Boyd admitted using the bribes he was paid—get this—to gain control of the union. He persuaded former union president Charles Leonard Little of Leander, near Austin, to resign in exchange for $100,000 and a new pickup. This would allow him, Boyd, to assume the presidency of the union. Little resigned, but I guess he didn't get a promissory note or a mortgage because he was never paid his $100,000. Boyd not only stole from his union and breached the trust of his union members, he didn't pay the man he promised to pay to give up his office. Little pleaded guilty last year, as did former union insurance director Ralph John Dennis.

We have too many examples of this kind of disregard for the integrity of the funding of unions. People are being entrusted with this money, and it is not being managed well. And it is something that we need to do more about, in my view.

Madam President, I would just share a few other examples which I think are instructive of some of the problems that have occurred in recent years.

In Pennsylvania, in June of 2007, in the eastern district of Pennsylvania, Lawrence Marable and Deborah Powell, former president and treasurer of AFGE Local 1793, representing employees at the VA Medical Center, both

pled guilty to conspiracy and theft of property in a special territorial case. They conspired to convert dues checks and issued Local 1793 checks for their personal use totaling $184,129. This was a very serious matter, I suggest.

In May of this year, in Michigan, Alan Raines, former financial secretary of Steelworkers Local 1358 was charged with embezzling union funds in the amount of $274,262. That is not chicken feed. That is huge money. A lot of these unions do not have that many members, and the cost per member in one, I remember specifically, was about $1,000 per member in the amount of loss that occurred.

Here, on April 2, 2007, in Puerto Rico, the president of the International Longshoremen's local was found guilty of 12 counts of embezzlement. He was charged among other counts with conspiracy to embezzle union funds in excess of $1,950,000. That is a breathtaking amount. Both of those, in May and April of this year. In March of this year, in New York, John Daley, former chief financial officer of the New York State Nurses Association, was sentenced to time in prison after pleading guilty to grand larceny for taking $1,193,000 in union funds. These are public records. These are huge amounts of money.

In June of last year in Connecticut, a former financial secretary of Local 745 of PACE was charged with taking $138,000, embezzling that much money.

In June of this year, in my hometown, sadly, the Southern District of Alabama, where I at one time was a Federal prosecutor myself in the United States District Court there, Kenneth Mays, the former treasurer of IBEW Local 1053, was sentenced after pleading guilty to embezzlement and ordered to pay $37,000 in restitution, reimbursement. This is right in my home state.

On July of last year, in Fulton County, GA, in the district court, a bookkeeper for IBEW Local 613 was indicted for taking $11,000.

In December of 2005, in the Northern District of Iowa, Debra Herrig was sentenced and pled guilty to embezzling union funds and made restitution in the amount of $13,000.

In December of 2004, in the United States District Court for the Southern District of Iowa, Rodney Fox was charged with embezzling $89,000 of union funds.

In May of 2005, in the Southern District of Iowa, Amanda Kemmer was sentenced to 24 months and ordered to pay $209,000 in full restitution for embezzling union funds.

There are lots more I can indicate.

I will repeat. I don't believe there is any need for this kind of criminal activity to go on. I believe a lot of it occurs because there is so little oversight. If we had a rigorous oversight and audit function by the Department of Labor, we would see a lot less of it. If the unions were required to promptly and fully report the expenditures, union members would be able to watch for problems and pick them up sooner and keep these kind of embezzlements from going to hundreds of thousands of dollars, even millions of dollars. That is why this office, of all offices, should not be reduced.

I understand some people believe it is a burden, and for a good union that never had any problems I guess filing it is a burden. It may not be a necessary thing. But, really, probably it is because the union members get to see where their funds are being spent, honestly and fairly.

Most unions, of course, are honest and do a good job, and most union members are the salt of the Earth and couldn't be better people, and most union leaders are honest and decent and work hard every day to protect the interests of their own members. They try to make sure they get a fair deal in the workplace.

I am telling you we need to be attuned to that because wages are not what I think they ought to be for the average worker in America today. There are a lot of reasons for that. I suggest one of them is this very large surge of low-wage labor that comes into our country illegally.

But, regardless, we want to help our union members receive the highest possible wage and to be able to know that their leadership is honest and trustworthy and doing the right thing. I believe we have to get this money back into this account. We need to be sure we have at least a modest increase in spending to keep up with the inflation rate so we can continue at least this modest rate of enforcement.

I urge my colleagues to not see this as an action that goes against unions but as an action that will strengthen unions, that will affirm the importance of the union members' money that they contribute, and to make sure it is spent wisely.

It is sad to say, sometimes you get a big restitution order of $1 million—I have been there and seen them, but it is like getting blood from a turnip. It will never come back. It is gone and the members have actually lost it and nobody can do anything about it.

I urge my colleagues to give serious consideration to this amendment. I think it is reasonable and fair and the offset, let me repeat, does not deal with the controversial ILO, International Labor Organization, that does some good. It certainly has good objectives. How well they spend their money, I have my doubts, but it has good objectives. It is an offset against administrative expenses, and across the board it will be a small impact on the administrative budgets of these agencies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I would like to respond to some of the points made by the Senator from Alabama. First of all, I want to make it clear that I do not know of any Senator on either side of the aisle who is not in favor of going after either fraud, waste and abuse, or any kind of criminal activities—whether it is done in the business community, by corporations, or whether it is done in labor unions. Really, the question is, how do you do it? What is the best way of doing it? Are we getting a good return on the dollar, so to speak, for what we are investing in?

I thought we might take a look and see what has been happening in this whole area in the Department of Labor over the past few years, where their focus has been and where it has not been, and what the priorities are. You can tell a lot about someone's priorities by how they spend their money. The bill before us provides some modest increase in work protections agencies—OSHA, MSHA, Wage and Hour Division. We also provide for the OLMS—that is the office the Senator from Alabama has been talking about, Office of Labor Management Standards—$45.7 million. That is not chicken feed. I will talk more about that in a bit.

But I want to point to some charts to show where we are, to put it in better perspective. Right now at the Department of Labor, for OSHA—that is the Occupational Safety and Health Administration. These are the people who go out and make sure your workplaces are safe, that you are not exposed to toxic chemicals, things that cause cancer, or unsafe workplaces where you wind up losing a limb, an arm, a hand, or where you are exposed to different things that may injure your lungs, whether it is asbestos inhalation or any kind of toxic chemicals that may have long-term profound effects. This is OSHA.

What does the administration spend on OSHA? They spend $26 per workplace.

The Wage and Hour Division is the people who go out and make sure you are actually being paid what you say you should be paid, that you are getting overtime pay, that the company is abiding by the wage and hour provisions of the contract, for example, that the union may have signed. So in Wage and Hour, they are spending $26 per workplace. Under Occupational Safety and Health, the Department of Labor is spending about $26 per workplace—about the same.

What are they spending at the Office of Labor Management Standards? It is $2,707 per union; $26 per workplace for OSHA, 100 times more for OLMS than they are spending on OSHA investigating where people get injured, damaged, maimed for life due to unsafe working conditions.

There it is, 100 times more for OLMS. Yet they say it is not enough money. They need more. Let's see what that means. OLMS—more staff. More staff and fewer results.

I was listening to the Senator from Alabama. It would be one thing if, over these years they were spending more money and hiring more staff, they actually got more convictions and that

stuff. That is not so. In 2003, there were 297 people working for OLMS. In 2006, that had increased to 384, almost a 40-percent increase, maybe, or 50-percent increase? Anyway, almost 100 people more, 297 to 384. What happened to the number of indictments? The number of indictments in 2003 was 132; the number in 2006 was 118. They have 100 more people, but the number of indictments goes down.

Look at the convictions. We saw the chart. In 2003, we had 152 convictions; in 2006, 129. So we have a lot more people working there. We are spending more money on personnel, and we are getting fewer indictments and fewer convictions. The budget, at that same time, went from $34.3 million to $45.7 million, which is where we are. They put on more people, but they got fewer indictments and fewer convictions.

Now with the Sessions amendment, they want to go to $50.7 million—I guess to hire more people so we can get fewer indictments and fewer convictions.

This really tells the story. What is happening is, they are loading up OLMS with featherbedding. That is classic. They put more and more people on, and they are doing less and less work. When I see a trendline like that, I say: You don't chase bad money with good. We put all that money in there, and it looks as though what we are doing is hiring a bunch of people who are sitting around, not doing very much.

Let's look at labor staffing. I mentioned before—this is the same figure you saw in the previous chart, OLMS went from 297 to 384, a 29-percent increase. How about OSHA? What happened to Occupational Safety and Health? It went from 1,683 down to 1,542. They got rid of people to do inspections. And MSHA, coal mine safety, went down from 2,299 to 2,136. So while OLMS went up, OSHA and MSHA, Mine Safety Health Administration, actually cut personnel.

What does that mean? This next chart shows what it means. Unlike OLMS, where more staff means fewer results, the cutbacks of OSHA and MSHA means less work gets done. This chart demonstrates what has happened over the last several years in President Bush's budget. OSHA inspections, right here, from 2003 to 2006, dropped from 39,884 to 38,589, so we get fewer OSHA inspections and fewer workers are being protected as a result.

Then, the number of employees benefiting from OSHA inspections fell from 1.6 million to 1.2 million. I don't have that number on this chart.

Look at mine safety. Right now, MSHA is unable to do all the inspections that they are required to do by law. What has happened here? Under mine safety, the staff went from 2,299 to 2,136.

The number of inspections they were able to complete went from 98.8 percent to 95.1 percent, which is where we are today. They cannot even inspect all of the mines. Need I remind anyone here of the recent mine disaster in Utah, the mine disasters in West Virginia and Virginia, Pennsylvania.

Miners continue to lose their lives every year in coal mines and other mine disasters, and yet in MSHA, we do not even have enough people there to do the inspections. I think these charts show you what is happening over there.

I think that $45.7 million is more than enough for them to do their job. There it is. It went from 297 to 384 people. Yet the number of indictments and convictions went down. The budget went from $34 to $45 million. Now they want to go to $50 million. Well, something is not right here. Something is not right. It sounds as if they are hiring more and more people, but I do not know what they are doing.

There is one other thing I want to respond to that Senator SESSIONS brought up. I think if I remember it right—I will have to check the RECORD, but I thought he said something about 26 percent of the reports were not standard, were not acceptable, did not meet standards of acceptability.

Well, you can go right to the White House, online, go to the Office of Labor Management Standards. It has got program performance measures. It says here: Measure. Increasing union transparency. Increase the percentage of union reports meeting standards of acceptability for public disclosure.

Here is what it says: Explanation. The principle objective of this performance goal is to increase the percentage of union reports meeting standards of acceptability for public disclosure.

Prior to implementation of electronic reporting formats, only 73 percent of union reports filed met standards of the acceptability. Expanded use of electronic report formats is significantly improving the sufficiency of reports for public disclosure.

Here it is. In 2003, 73 percent, that is what I mentioned. I think that is where Senator SESSIONS got the 26 percent that were not acceptable. Well, that was 2003. In 2004, it went to 94 percent. It is now at 93 percent, 93, 94 percent. So there are only about 6 to 7 percent that are not meeting the standards; again, not 26 percent. It is more like about—well, it is either 6 or 7 percent right now. The goal is 97 percent. Obviously they are getting there with this new electronic reporting.

Now the other thing has to do with financial integrity. I talked about fraud, and I saw the picture of somebody getting money and all of that kind of stuff. Well, again, on the same Web site—you can look it up yourself—the measure: increasing union financial integrity. The percentage of unions with fraud will decrease. That is the outcome. Right here it says that: OLMS conducts audits to monitor compliance, uncover embezzlement, and other criminal and civil violations of the law, using streamlined investigative audit procedures.

In fiscal year 2004, OLMS conducted a union audit study that identified fraud in 9 percent of the unions. That was in 2004. The last reporting period was 2006. It went down to 8 percent. What is the goal? Seven and one-half percent. So it is only half a percent of what the goal is as stated by OLMS. Again, the indicators are there that the electronic reporting and other things are having their effect. So you wonder, why do they need so many personnel if, in fact, they have gone to electronic reporting and they are getting better results and better transparency from that? This sounds to me like a classic case of featherbedding, padding it with people and spending more money for not getting much for results; in fact, getting less results than we have gotten in the past with less money.

Again, I think we have met our obligation with $45.7 million for OLMS. By the way, that should be more than enough for them to do their audits and to do their indictments and convictions. I think this shows that more personnel and more money have not translated into more convictions and more indictments.

There is a balance that has got to be held here. I think our committee did a good job of balancing OLMS, which has a job to do. They should do it. They should investigate, they should audit, they should indict, and they should convict people who are absconding with union money. Absolutely. No one denies that. They should.

The question is, how do we balance that with making sure we have more inspections of workplace safety, or mine safety, the other things that the Department of Labor is supposed to be doing to protect our workers? That is the balance we have struck here in the bill. I think it is a good balance, something that was worked out in a bipartisan fashion with Senator SPECTER, myself, and other Republicans and Democrats on the committee. As I pointed out, this passed the committee 26 to 3. This was not even an issue. I think everyone figured there was a pretty good balance for what we set up. I hope we can maintain that balance.

I yield the floor and note 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. 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. 3349 TO AMENDMENT NO. 3325

Mr. HARKIN. Madam President, among the amendments that are pending, one is 3349. I ask unanimous consent to have it called up and ask for its immediate consideration.

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

Mr. HARKIN. Madam President, this was the amendment offered by Senator

BROWN earlier. It had to do with Upward Bound evaluations. It was cleared on both sides of the aisle. We are ready to vote on it.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3349) was agreed to.

Mr. HARKIN. Madam President, I say to Senators, we are working our way through the amendments. It is now 5:15. I know people do not want to work late tonight, but we are going to be in very late tonight unless Senators who have amendments pending come over and offer their amendments.

As people can tell, there is nothing happening here right now. We hope to get a couple more votes here very shortly. Right now, there is not an amendment pending for which we can have a vote except the Sessions amendment. We had a pretty good debate on that yesterday and just now. I think pretty much all of the debate regarding the amendment offered by Senator SESSIONS is over. We are prepared to vote on that, but we will hold off until we can get clearance on the other side to have a vote.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

Mr. SESSIONS. Madam President, I wish to share a few thoughts on some of the discussion we had earlier today. My colleagues shared some ideas about whether we are funding OSHA sufficiently, that sort of thing. The spending per business from OSHA is different from spending per union. OSHA has many businesses they serve, and so they go out to each one and make their visits and do their inspections and assess penalties. But unions serve many businesses, and one inspector would come there and spend some time and would cover their relationship with quite a number of businesses. All workplaces are not unionized so I don't think that was a fair comparison.

Also, the Department of Labor just reported that the indictment and conviction numbers continue to go up. They now have 798 convictions and 834 indictments. It seems every day they are out there making good progress, where they have the capability to do so, against fraud and corruption.

With regard to the full-time equivalent, the number of employees, in recent years we have seen an increase in the number of employees—that is true—but the truth is those increases have been modest. For example, in 1990, there were over 400 OLMS employees. Now that number dropped down below 300. Mostly during the period of the Clinton administration there was a sharp dropoff. Now it is back up to 331, but that is well below the amount it used to be.

I don't think there is anything that can be said except that Secretary Chao has begun to restore that office a bit, tried to get it on a stronger basis, have it do a better job of enforcing the law. She needs that. One can only interpret this budget cut—the only budget cut within this whole line item of appropriations to her enforcement agency, the agency that requires the unions to publish their expenditures, the enforcement agency that actually does audits—as an indication of something rather serious, especially when the audits are uncovering extraordinary amounts of problems. That is what we have. We have a situation in which we have had so little oversight that there is abuse of union members' money going on on a regular basis. That money is too often being abused. Not by everybody; overwhelmingly, the average union leader is honest and decent. The locals are run by good people elected by their members. But long-term tenures, lack of controls, no audits puts people in a position where their good discipline fails.

I have seen it in churches. People in church have access to large amounts of money. Nobody is monitoring it, and they take it, sometimes large amounts. So we need to understand that oversight, auditing, and financial disclosure is not punishment. It is not demeaning. It is serving the rank-and-file union members. It is serving their interests so they can know their leadership is functioning honestly and with integrity, and they can know what they are spending their money on. It may be an honest expenditure, but a union member might look at it and say: They paid too much for this copy machine because that is his brother-in-law. They might want to complain about that. Isn't that the way we want it to happen? That is what the whole system is about.

It is disappointing to me to see that we have a cut in this agency, of all agencies. I am disappointed in that. I know Secretary Chao would be concerned that people thought that somehow in doing these few audits—and we are so slow in what we are doing and doing so few it would take 33 years to audit all existing unions. But to suggest they were spending so much money on that, and they weren't protecting workers. There is actually some good news there. For example, since fiscal year 2001, the fatality rate among Hispanic workers has fallen by over 18 percent. Since 2002, the injury and illness incident rate has fallen from 5.3 per 100 workers to 4.6 per 100 workers, a drop of more than 13 percent in the injury and illness incident rate, which is a substantial improvement.

With regard to the number of resources, from 1992 to 2002, there were budget cuts and the FTEs dropped 34 percent. That is the number of workers during basically the period in which President Clinton was in office. The audits of unions, the local unions dropped by two-thirds in that decade. That is all we are saying. Secretary Chao has a statutory responsibility to do audits, a statutory and compelling responsibility to insist on these reports being filed on time. They are required by a law that was passed in 1959. Thirty-six percent of the unions are not submitting those reports on time so their members cannot access where their money is going. We had almost a million people in the last year access the Web site where these reports are required to be filed to see where the money is being spent. This is union members accessing these Web sites so they can find out where the money they are contributing to the local union is being spent. What is wrong with that? Why would we want to cut this agency when we still are not where we need to be? We are auditing only a very small fraction of the unions, and a substantial number, over a third, are failing to report as required by law—not a law I am asking us to pass, not a law that is part of this amendment—a law that was passed by then-Senator John F. Kennedy in 1959.

So I believe this is a good government issue. It is the right thing to do. It will not hurt unions. It will strengthen unions. It will make people feel better about their membership. It may be some bosses do not want to have to disclose where they spend their money, and they may be contacting Senators and telling them: Don't give in. Fight. Don't let them go back and make us do these audits. Don't do it. Cut their budget. Stop Elaine Chao from doing what she is required by law to do. Don't give her the money.

Maybe that is what is happening. I do not know. I hope not. I think we ought to keep this going. We ought to at least have this modest increase which is a little more than the inflation rate—a net $3 million increase on a $47 million budget from last year. That modest increase will allow her to keep the momentum, to keep these delinquency rates going down, moving in the right direction, with financial disclosure, sunshine. That is going to help eliminate fraud in itself. Then she will be able to also do a certain number of other audits. Maybe we can see not an increase in convictions, but we might see a decrease, if we know there is more accountability.

Again, there were 796 criminal convictions over the last 6 years, with court-ordered restitution of $101 million. Whose money is that? Whose money was being ordered to be paid back? It is union members' money—working Americans who have trusted their leaders. Maybe in the union hall there are 10 officers and leaders and only one of them found themselves in a position to steal. I am not saying we have this wholesale problem. What I am saying is there is a very real problem. There is no doubt about it. We are finding far too many criminal cases for each audit that is done.

As a result, it takes up time by the investigators. It takes up time by the auditors. It results oftentimes in a loss of money that no matter what the judge orders to be restored—no matter how much restitution they order—it may not actually ever be paid back if they do not have it. That is a true fact.

So I urge my colleagues to support this amendment. Once again, some of you may be concerned that the offset was to take money from the ILO, I believe it is, the U.N.-affiliated international labor group that is supposed to help labor conditions around the world. They certainly have high and good goals. I am not sure they have been very effective. But this money for my amendment is not coming from there anymore. I know a lot of people want to see that budget increased.

So this offset will be an offset from administrative expenses of Labor and HHS and Education. It will be a small impact on their overall budget.

I urge my colleagues to vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

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

AMENDMENT NO. 3395 TO AMENDMENT NO. 3325

(Purpose: To clarify the application of current law)

Mr. HARKIN. Madam President, I have an amendment I offer on behalf of Senator REID. I send it 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 Iowa [Mr. HARKIN], for Mr. REID, proposes an amendment numbered 3395 to amendment No. 3325:

At the appropriate place in title II, insert the following:

SEC. ____. Nothing in this Act shall be construed to effect or otherwise modify provisions of current Federal law with respect to the funding of abortion.

Mr. HARKIN. Madam President, I am going to propound a unanimous consent request. I ask the Senator's attention to this request so we get it right.

Madam President, I ask unanimous consent to set this pending amendment aside, then to turn to an amendment to be offered by the Senator from Louisiana, at which time we will have a time agreement of 10 minutes for Senator VITTER and 10 minutes for Senator BOXER on the Vitter amendment, at the end of which time the Senate will proceed to a vote on or in relation to, first, the Reid amendment; upon disposal of the Reid amendment, the Senate will then proceed to vote on or in relation to the amendment offered by the Senator from Louisiana; at the conclusion of that vote, that the Senate then proceed to a vote on the amendment offered by the Senator from Alabama, Mr. SESSIONS; and that no other amendments or intervening matter occur prior to these votes.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered.

There is 20 minutes equally divided.

The Senator from Louisiana is recognized.

Mr. VITTER. First of all, Madam President, I thank the chairman of the subcommittee for all his courtesies.

AMENDMENT NO. 3330 TO AMENDMENT NO. 3325

Under that unanimous consent request which has been granted, I now call up amendment No. 3330, the Vitter amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3330 to amendment No. 3325.

Mr. VITTER. Madam 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 prohibit the provision of funds to grantees who perform abortions)

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.

Mr. VITTER. Madam President, this is a very simple and straightforward but, I believe, important amendment. It says in clear terms that none of the funds in this appropriations bill will go to entities that provide abortions.

I think that is the right policy we should set in this body because whatever side of the abortion debate you are on, we can all agree on one thing: Abortion is a very divisive topic. Abortion divides our Nation—many folks would say down the middle—and it causes understandable passions and feelings on both sides. To a substantial number of Americans—myself included—but millions upon millions of Americans, the procedure of abortion is deeply troubling and deeply offensive. In that context, I think it is the right policy and a very reasonable mainstream policy to say we are not going to send taxpayer dollars to support groups that perform abortions. It seems to me that is the right policy when you talk about taxpayer dollars.

Now, the other side will immediately jump up and say: Well, we have current Federal law that says we are not going to use taxpayer dollars to fund abortions. But, quite frankly, that is not good enough in my mind and in the minds of millions upon millions of other abortion opponents.

Because the way it works now, we send Federal dollars to abortion providers and money is fungible and it is a big shell game and it supports their overhead and it supports their organizations and, in many cases, that funding is a huge percentage of their overall revenue. So it does, in a very significant, meaningful way, support abortions. That is wrong in my mind.

Now, let me make clear what this amendment does and what it does not do.

It says we are not going to send taxpayer dollars to abortion providers under the title X program. The title X program is a family planning program, and many of those entities which get millions of dollars from the Federal Government perform abortions. This amendment says we are not going to send taxpayer dollars to those entities.

Now, what does the amendment not do? It does not affect hospitals. There is specific language, a specific exemption for hospitals. So hospitals are another category. It does not cut one penny from family planning. This amendment is not about family planning. It is clearly about abortion. We do not cut one penny of family planning funding.

This amendment does not deny one family, one individual, family planning services, because in every locality where a private abortion provider is receiving title X funds, there are alternative sources for family planning services—in every area, in every locality. So we are not taking family planning services away from any American, from any individual in any part of the country.

Finally, this amendment does not affect free speech. The amendment contains no language regarding counseling, advocacy, information or expression. It simply says: Let's be fair. Abortion is a very divisive topic. At least half the American people have deep concerns about it. In that context, we should not be sending those folks' money to abortion providers to take care of their overhead, to allow them to use it as a shell game and, essentially, indirectly fund abortions and support abortion services.

Now, there are a lot of examples of these sorts of entities that we could use. But, obviously, the biggest nationwide is Planned Parenthood. Planned

Parenthood performs and accounts for hundreds of thousands of abortions every year. According to the last figures we could locate from 2005–2006, Planned Parenthood has about a $1 billion budget and source of revenue. About a third of that—$305.3 million—comes from Government subsidies of one sort or another. So $1 billion in revenue, and a third of that comes from the taxpayers—whether it is $120 million or more from the Federal Government kicking in directly and at least $59 million coming from this very title X program, which is the subject of my amendment.

Meanwhile, Planned Parenthood, in the last year we could get figures for, performed over 264,000 abortions. The best estimate for abortions nationwide in a year is 1.29 million. So Planned Parenthood alone accounts for over 20 percent of that.

You cannot tell me, given all those numbers, given 265,000 abortions performed, that we are not sending Federal taxpayer dollars that is supporting all of that activity, that is indirectly paying for those abortions—clearly, enormously important to keep Planned Parenthood going, to provide for its overhead—a third of all of its revenue.

Pure and simple, that is wrong when so many Americans find performing abortions so deeply troubling in a fundamental, gut, moral way. So this would set the policy right and simply say, if you are a title X recipient, if you are a recipient of those sorts of Federal dollars, you need to decide. You cannot perform abortions if you want that taxpayer support when half or more of U.S. taxpayers have fundamental, moral reservations, and problems with the procedure.

This amendment is strongly supported by the Family Research Council, and they are going to score the amendment. In addition, it is strongly supported by Concerned Women for America—they also will score the amendment—and, finally, by National Right to Life, which will also score the amendment.

I have letters from two of those three organizations. The third is on the way. I ask unanimous consent that these letters be printed in the RECORD.

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

FAMILY RESEARCH COUNCIL,
Washington, DC, October 18, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATORS: On behalf of Family Research Council and the families we represent, I want to urge you to vote for the Amendment #3330 offered by Senator David Vitter (R–LA) to the Substitute Amendment to the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (H.R. 3043) which would prevent Title X family planning funds from supporting abortion providers. We strongly support this amendment.

Title X family planning funds are distributed to organizations that perform a broad array of family planning services. Though Title X funds may not be used to perform abortions, some Title X recipients co-locate their family planning services with their abortion facilities. Indeed, Planned Parenthood clinics receive Title X funding.

Title X family planning funding should not go to abortion providers such as Planned Parenthood, which performed nearly 265,000 abortions in 2005. Recent reports indicate that Planned Parenthood generated over $900 million in income in fiscal year 2005–2006, of which over $300 million came from government grants and contracts. In addition, it has recently been reported that Planned Parenthood clinics that receive Title X funding have not complied with state statutory rape reporting laws. We should not be sending taxpayer money to an organization such as Planned Parenthood that performs abortions or violates state laws designed to protect young women. The Vitter amendment would not alter the $300 million contained in the LHHS bill for Title X family planning services.

Your support for the Vitter amendment will uphold the principle that the United States taxpayer should not have to subsidize the abortion industry. FRC reserves the right to score votes surrounding this amendment in our scorecard for the First Session of the 110th Congress to be published this fall.

Sincerely.

THOMAS MCCLUSKY,
Vice President for Government Affairs.

OCTOBER 18, 2007.

Hon. DAVID VITTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR VITTER, On behalf of the 500,000 members of Concerned Women for America (CWA), I would like to thank you for your continued commitment to support of the sanctity of life. We appreciate your offering an amendment to prohibit federal Title X funding from going to any group which performs elective abortions or whose subgrantees perform elective abortions.

CWA will score the vote on your pro-life amendment to the Department of Labor, Health and Human Services Appropriations Bill (S. 1710).

Federal taxpayers must not be forced to pay for cruel and immoral abortion procedures to which they rightly object. There is no way around this fundamental principle of fairness and common decency.

Senator, thank you again for your amendment and working to promote life in the Senate. Our members appreciate your strong stance and CWA lends its support to this pro-life amendment. Our little ones cannot speak for themselves, so we must speak for them and make a statement that our nation should not subsidize this destruction of life.

Sincerely,

BEVERLY LAHAYE,
Founder and Chairman,
Concerned Women for America.

Mr. VITTER. I reserve the remainder of my time.

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

Mrs. BOXER. Mr. President, how much time does the Senator from Louisiana have left, Mr. VITTER, and how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes 46 seconds, and the Senator from California has 10 minutes.

Mrs. BOXER. All right. Mr. President, I yield myself 7 minutes.

The Vitter amendment is ''big brother'' at its very worst. It tells non-governmental entities how they should spend their own private funds. I wonder what the Senator has in mind next? Is he going to tell America's families what they can spend their private funds on? This is a dangerous amendment which will lead to more abortions.

The Senator takes to the floor and he attacks an a private organization by name—an organization that over many years has had leading Republicans and Democrats on its board of directors. I think it is a very sad day when we have an amendment such as this. This amendment punishes the very organizations that work hard every day using their own funds to provide family planning services and reproductive health care, including legal abortion services.

If Senator VITTER wants to deny these funds, he should work to outlaw all abortion. He should work to make women criminals who have abortions—throw everyone in jail. If he wants to go that way, that is an honest way. But to stand up here and say that a private organization that works so hard every day to give women the health care they need—to punish them because they use their own funds to provide a full array of reproductive health care is really, I think, a very sorry idea.

His amendment will do nothing to reduce abortions. It will make contraceptives harder to get, and that will increase the number of unintended pregnancies. It will increase the number of abortions, just as we have shown the global gag rule does. Make no mistake, he may not call it a gag rule, but in essence it is. When you tell a person or an organization how they can spend their own personal funds, that is interfering with their rights.

What is going to happen? We are going to have less funding for breast and pelvic examinations, breast and cervical cancer screening, sexually transmitted diseases, and HIV/AIDS. We are going to see less counseling, less testing, and less referrals.

This amendment is an attack on title X-supported health clinics. Title X was enacted in 1970 with strong bipartisan support to provide high-quality, comprehensive, and low-cost family planning and reproductive health care services to those in need but who cannot afford such services. Let's be clear. No title X dollars may be used for abortion care. We are going to have a vote that makes it very clear that nothing in this bill allows Federal funds to be used for abortion. No discretionary funding in this bill can ever pay for abortion. That has been illegal for quite some time.

So again, the Vitter amendment punishes effective organizations that are working every day to provide a full range of legal, important health care to women. The consequence of passing this—which I don't think we will because it is so radical—are that women would have less access to reproductive health care. They would get sick. They would be suffering, and they wouldn't

get access to contraception, which is so necessary.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I would like to use 1½ minutes of my remaining time to simply respond to some of the statements.

A statement was made that this amendment cuts health care services, family planning services that are not abortion and makes them less available. That is simply not true. This amendment doesn't cut a single penny of title X family planning money. That dollar amount is exactly the same. This amendment doesn't make those services unavailable to a single American because we checked every metropolitan area, every locality, and there are other opportunities—public, private, both—for Americans in every locality for true family planning entities that don't also perform abortions. So it is not true that we are lessening that opportunity.

It is not about those true health or family planning services. It is about abortion and whether the American taxpayer is going to be forced to indirectly subsidize abortion in this country as we do right now. When abortion is so divisive an issue, when it is so troubling and fundamentally offensive to so many millions of Americans—at least half the country, in my guesstimate—I don't think it is right or fair to be spending taxpayer dollars. Who can deny that is effectively what we are doing? Just look at the biggest example.

The PRESIDING OFFICER. The Senator has consumed a minute and a half.

Mr. VITTER. I will consume the remainder of my time.

I talk about Planned Parenthood simply because it is the biggest and most obvious example of billions of dollars of revenue—fully a third comes from Government. Meanwhile, they perform 265,000 abortions—20 percent of the entirety of abortions performed in the United States. That is not right.

I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 5 minutes 45 seconds.

Mrs. BOXER. Mr. President, I wish to point out that George Bush's grandparents founded the Planned Parenthood affiliate in Connecticut. I wish to point out again that the issue of choice is only divisive when we have amendments such as this one, even though we already know there isn't a penny of funding in this bill that can be used for abortion. So, this is punishing the people who are living by the law, who are using their own private funds, and who are using Federal funds for contraceptive services, for health care services, and the rest.

This amendment shouldn't even be on this bill. The reason it is controversial is because Senator VITTER decided to bring up this very divisive amendment, which I hope we will defeat.

I yield 3 minutes to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, let's be very clear. The amendment that has been offered by Senator VITTER is an attack on the health and well-being of all Americans, purely and simply. When you look at the depth and breadth of this amendment which has been offered, it could withhold critical Federal dollars from virtually any health care entity or provider across the country that is in any way tied to abortion services, directly or indirectly.

I wish to remind my colleagues that in some of our rural communities, there is only one health care provider. That clinic may provide flu shots for children, for the elderly, and it may also provide family planning services. This amendment which has been offered would tie that clinic's hands and prevent it from receiving any Federal funds whatsoever. That is just plain wrong.

Our Nation's core health care providers rely on millions of dollars from Medicaid, from family planning, from community health centers, child health, and numerous programs which provide, as we all know, vital health care services to some of our Nation's most vulnerable women, men, and children. But because of the way this amendment is worded, it would put millions of men and women—primarily, of course, those who are low income who can't advocate for themselves, who don't have health insurance—at risk of losing access to family planning and other preventive health care services.

We have all said many times we all want to reduce the number of abortions. It is something on which we all agree. But this amendment, in fact, goes directly against that goal. This amendment is counterintuitive. Eliminating a community's only source of birth control will not reduce the number of abortions. Denying women access to their trusted doctors and nurses won't do it either.

Let's be clear. This amendment is not necessary to prevent family planning funds provided through title X from paying for abortions. As the Senator from California has said, Federal law prohibits that.

Over the past 7 years, we have seen this administration and conservatives in this Congress systematically work to erode reproductive freedoms for women, both in the United States and overseas. In fact, just this week we learned that the President's nominee for Deputy Assistant Secretary for Population Affairs has supported dropping a requirement that Federal health insurance plans cover birth control.

I ask for 1 additional minute.

Mrs. BOXER. I yield the Senator 1 additional minute.

Mrs. MURRAY. She called Plan B—the medically safe birth control pill that I and others worked to approve—a ''grave threat to women.''

We all want to reduce the number of unintended pregnancies in this country, but limiting health care and education options will only produce the opposite effect. We have to make sure women have access to safe and affordable family planning alternatives. Cutting them off, as this amendment would do, is the wrong way to go.

I stand with my colleague from California in saying that the Senate needs to stand on record to protect women's rights in this country. This is the time when we need to do it. We are not out here to provide a divisive debate; we are out to defend the rights of women in this country, for which they have worked long and hard. Let's not affect and impact hundreds and hundreds of men and women who are trying to get health care today by an amendment that is divisive and is not needed.

As the Senator from California said today, the funds in this bill that are federally provided do not go for abortions today. We do not need this amendment. We should not take this dangerous step that will impact the lives and health of many women in this country.

I yield the floor.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty seconds remains.

Mrs. BOXER. Mr. President, let me just say that Senator MURRAY said it all. This is an unnecessary amendment by Senator VITTER. I urge an ''aye'' vote on the Reid amendment and a ''no'' vote on the Vitter amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

AMENDMENT NO. 3395

The PRESIDING OFFICER. The question is on agreeing to the Harkin for Reid amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) would each vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—68

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Dole
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—25

Allard
Barrasso
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Inhofe
Isakson
Kyl
Lott
McConnell
Sessions
Shelby
Vitter
Voinovich

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
Mikulski
Obama
Warner

The amendment (No. 3395) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent that the remaining two votes in the sequence be limited to 10 minutes each.

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

AMENDMENT NO. 3330

The PRESIDING OFFICER. The question is on agreeing to the Vitter amendment No. 3330.

Mr. ALLARD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) would each vote ''nay.''

Mr. LOTT. The following Senator was necessarily absent: the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—41

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Smith
Sununu
Thune
Vitter
Voinovich

NAYS—52

Akaka
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
Mikulski
Obama
Warner

The amendment (No. 3330) was rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3373

The PRESIDING OFFICER. The question is on agreeing to the Sessions amendment. Are the yeas and nays requested on the Sessions amendment?

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA), are necessary absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) would each vote ''nay.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 46, nays 47, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—46

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Sununu
Thune
Vitter
Voinovich

NAYS—47

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Kennedy
Mikulski
Obama
Warner

The amendment (No. 3373) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I had a long conversation with the Republican leader to determine how we are going to get done what we have to get done. I have discussed with the two managers the conversation the Republican leader and I had. The first thing we are going to do is get consent at the appropriate time, which will be in a few minutes, that all first-degree amendments be filed tomorrow at 1 p.m. I am not asking that consent now.

The managers should know, though, the amendments we will need to deal with. We will have a finite list of amendments.

The commitment that the Republican leader, I think, is going to be willing to make is that we finish this bill by the time of our caucus luncheons on Tuesday; that is, by noon on Tuesday, October 23. That being the case, we have a lot of work to do. Everyone should understand we may have a number of votes Monday night. This is not going to be come in Monday night and go out to some event you have. Everyone should have Monday night free because we could have a lot of votes Monday night. Everyone should understand that.

The following week we have a lot to do. I have made a commitment to the chairman of the Agriculture Committee—that bill needs to be marked

up next week and he has scheduled that for next Wednesday. We have to finish this matter next Tuesday. This avoids a lot of trouble.

I could file cloture on it, and the Republican leader knows this better than I, and we could have a vote on Saturday. We have people not here today. To get everybody here on Saturday is no easy thing to do.

I think what I have suggested here would be very appropriate. As I said, I talked to the Republican leader about this. We would have votes Monday night. We are going to have whatever votes are necessary Tuesday morning to complete this legislation and then go on about the week's business that we would have, which should be a significant week. After next week we only have 3 weeks left here until Thanksgiving. We have already scheduled a break at that time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Let me confirm for our colleagues my concurrence with what the majority leader has indicated. We can finish the bill Tuesday before the policy luncheons. I have consulted with Members on my side and we are confident that is an ending that can be achieved, which would free up our friend from Iowa and the members of the Agriculture Committee for their markup.

I want to concur in what the majority leader has indicated. I think that is a goal we can achieve.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I ask unanimous consent, then, that all first-degree amendments be filed on this bill by 1 o'clock tomorrow.

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

Mr. REID. I would say, the managers have already acknowledged they are going to process more amendments tonight. There will be no more rollcall votes tonight. They will process what amendments they can work out tomorrow also. So I think this is good.

It is no secret we are doing our very best to get this bill finished so we can get it to the President. There has been a lot of preconferencing. I talked to the Senator from Pennsylvania and the Senator from Iowa. They have done a lot of work.

The reason I want to try to get this bill to the President is the concern the President has involves about $22 billion. More than half of that is in this bill we have here, so that would be a good place to start to see if we can work something out on this bill with the President. If we cannot, it certainly points to where we need to work something out to finish our work on the appropriations matters for the rest of the year.

There will be no votes tomorrow. The first vote will be Monday; 5:30, probably.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, parliamentary inquiry: Is there a pending amendment?

The PRESIDING OFFICER. There is a pending amendment.

Mr. REED. Mr. President, I ask unanimous consent to set aside that amendment and then call up an amendment that has already been filed.

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

Mr. REED. Mr. President, I yield to the Senator from Iowa.

Mr. HARKIN. Just briefly. The Senator has called up an amendment. I wish to get a consent for Senator ALLARD and for Senator LANDRIEU. How much time is the Senator intending to take?

Mr. REED. No more than 10 minutes, and I will try to be less than that.

Mr. HARKIN. Does the Senator from New Jersey also have an amendment?

Mr. MENENDEZ. I have been waiting on the floor to speak for about 10 minutes, so at some point I wish to be recognized.

Mr. HARKIN. On the bill?

Mr. MENENDEZ. In part on the bill, yes.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator REED be recognized to offer his amendment, and then Senator ALLARD, and upon the disposition of that amendment, that Senator LANDRIEU be recognized, in that sequence, and then after Senator LANDRIEU, Senator MENENDEZ be recognized.

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

Mr. REED. Mr. President, we are currently debating the Health and Human Services and Education Appropriations Act for fiscal year 2008. Let me commend Chairman HARKIN and Ranking Member Specter for their great work on this legislation.

As Chairman HARKIN said, this bill truly defines America. It defines our Nation's commitment to our children's future through education, it defines our Nation's compassion to seniors and working families, and it defines our hopes in many different areas, particularly in the area of helping to cure disease and improve the public health. This is an extraordinarily important piece of legislation. Both Senator HARKIN and Senator SPECTER have done a remarkable job bringing it to the floor.

Let me highlight a few of the important points that I believe should be emphasized.

First of all, the bill increases Head Start funding, whereas the President's budget would decrease it. The legislation before us will provide sufficient resources to continue Head Start, which is an important aspect of giving children a chance to succeed earlier in their lives. It also provides resources for higher education: Pell grants, the Leveraging Educational Assistance Partnership Program—LEAP Program—TRIO, and GEAR UP. All of those are vital to ensuring that our citizens can seize the opportunity of America, and the greatest opportunity is education.

This legislation also provides an important safety net for many of our low-income families and our seniors; that is, the Low Income Home Energy Assistance Program. We could see a very severe winter in the Northeast, in the Northwest, and in the Central Plains of America. We are also seeing incredibly expensive prices for oil. Without this LIHEAP money, we will not be able to deal with the issue, and countless families will make difficult choices between literally eating or heating their homes. This legislation, in contradistinction to the White House's proposal, would maintain, not decrease, LIHEAP funding.

The legislation provides additional resources—about a billion dollars more—for the National Institutes of Health. This is vital to our ability to do research and to provide new diagnoses and new cures for disease. But it is something else that is important: It provides the infrastructure for research in this country. It gives those young Ph.D.s and M.D.s who are doing research incentives to stay in the field. Without it, we will not only miss out on the cures, but we will also miss out on the physicians and researchers who can give us, over the next 20, 30, 40 years, insight into the problems with disease in human beings.

We also are supporting in this bill the vaccination program. The 317 vaccination program, immunization program, has been essential to improving the public health, particularly the public health of children. This bill supports those commitments.

It also provides for training and employment resources. In a world of globalization, where jobs are going overseas, we just cannot tell people: Tough luck. We have to give them an opportunity to change their training, change their workplace, to go ahead and seize new opportunities. The President's budget diminishes these programs; this legislation increases the programs. I think that is the right direction.

The Job Corps Program—very successful since the 1960s. We have in Rhode Island what I think is the best Job Corps center in the country. I just had the director in a few days ago talking about how they are being evaluated higher and higher in each evaluation across the country in terms of other Job Corps centers, providing not only training but jobs. All of their students are walking out into good jobs. These are young men and women who, frankly, we haven't been able to reach before this stage. Either they have dropped out of high school or they have had a long process to get their GED and to get into this program. Some are just getting their GEDs in this program. This program deserves our support.

But there is one area in which we have not committed resources; that is, the Trauma Care Systems Planning

and Development Act of 2007. Trauma—injuries, accidents, falls, automobile wrecks, recreational mishaps—is actually the leading killer of young Americans up to the age of 44. It claims more than 140,000 lives and permanently disables about 80,000 each year. But only one in four Americans lives in an area served by coordinated systems that will transfer patients to designated trauma centers from less-equipped hospitals. This is particularly a problem in rural areas. It affects urban and rural communities but particularly the rural areas. At the highest risk are those people in rural areas. Sixty percent of the trauma deaths occur, even though there is only 20 percent of our population, in rural areas—60 percent of the trauma deaths, 20 percent of the population. This is a program which is desperately needed in rural parts of America.

The Trauma Care Systems Planning and Development Act is an important building block to an improved national network of care across the country. This program would allow for planning, infrastructure development, and standards development to determine the procedures that are most appropriate to do this. It would also require coordination with Federal agencies. It is a sensible investment in a systemic approach to trauma care. I believe it is very important.

AMENDMENT NO. 3360 TO AMENDMENT NO. 3325

As a result, I ask unanimous consent to call up amendment No. 3360.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3360 to amendment No. 3325.

The amendment is as follows:

(Purpose: To provide funding for the trauma and emergency medical services programs administered through the Health Resources and Services Administration)

On page 59, line 22, insert before the colon the following: ", of which $6,000,000 shall be made available to the Administrator of the Health Resources and Services Administration to carry out trauma and emergency medical services programs".

Mr. REED. This amendment would provide $6 million for the program. It is fully offset. It is a small amount of funding to improve and expand the availability of trauma care across the country, particularly in rural areas, to ensure all areas are equipped with appropriate emergency and medical services, thus improving the survival rate and recovery rate for injured patients.

Trauma care is not only critical to providing timely access to lifesaving interventions, it is central to our national security and disaster preparedness. It is an essential component of our overall health care system and something I believe we have to do.

I hope that at the appropriate time my colleagues will be able to support this very worthy measure. Let me thank Senator HARKIN and Senator SPECTER and particularly their staffs for a bill that I think does speak to the best of America, and does, in fact, define, in a very positive way, our most important priorities.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

AMENDMENT NO. 3369 TO AMENDMENT NO. 3325

Mr. ALLARD. Mr. President, I ask unanimous consent to lay aside the pending amendments and call up amendment No. 3369 and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3369 to amendment No. 3325.

Mr. ALLARD. 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 reduce the total amount appropriated to any program that is rated ineffective by the Office of Management and Budget through the Program Assessment Rating Tool (PART)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for any program for which the most recent rating available on the date of enactment of this Act by the Office of Management and Budget through the Program Assessment Rating Tool (PART) is "ineffective" shall be reduced by 10 percent. Not later than 30 days after the date of enactment of this Act, an amount equal to the aggregate amount of any such reduction shall be deposited in the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

Mr. ALLARD. Mr. President, my amendment cuts 10 percent of the funding under this bill for programs labeled "ineffective" under the OMB—the Office of Management and Budget—PART Program and transfers the funding to an account previously established to pay down the national debt.

Now, I do not believe I am being presumptuous when I say that most of us in this body would like to reduce spending. Where to cut is the question we fight over. So that is where the fight exists. Now, given ballooning Federal spending and the Federal debt, this amendment lets us make an easy choice to cut spending. It has to start with programs that cannot even justify their mission or success internally.

In case you are unfamiliar with the PART Program in general, let me give you some background. When making funding decisions, Members of Congress should consider what they are buying for the taxpayer. Funded programs should be effective and efficient. So the Program Assessment Rating Tool—that is, PART—was put in place by the Congress more than a decade ago. Agencies have had time to work with this program under the Clinton administration as well as the Bush administration. The program directs the agencies to set up measurable goals and objectives, and then the Office of Management and Budget goes in later on and evaluates to see if the agency is actually meeting those goals and objectives.

These detailed program assessments and the evidence on which they are based are available to the public to view. All they have to do is go to www.expectmore.gov. That is the Web page you would go to. It is a very good reference for the public, for Members of Congress, or for any agency to know exactly where they stand as far as their performance standards are concerned.

These assessments represent the combined wisdom of career officials. This is not a political process. These are objective evaluations done by career officials at agencies and OMB, the Office of Management and Budget, and are based on evidence of that program's performance. Programs assessed with the PART receive an overall rating. The best rating they can get is "effective," then it goes to "moderately effective," "adequate," then it goes to "results not demonstrated," and finally to "ineffective," the lowest rating. This amendment tries to address the lowest rating, which is "ineffective."

While a program's overall rating should not be the sole determinant of funding, Congress should prioritize funding programs that perform well. Ineffective programs in particular should be scrutinized to determine whether the resources they use could be better spent elsewhere and whether their goals could be achieved through other means.

When determining where to invest resources, Members of Congress can look to the PART Program for important information:

No. 1, does the program address an existing problem, interest, or need? Those that do not should not be funded.

The other question to be asked: Does the program have performance goals that relate to the outcomes the American people want? Those that do not may not be worthwhile investments of taxpayer dollars.

Do independent, rigorous evaluations demonstrate that the program is effective? If not, Congress may want to reconsider whether to fund the program. If evaluations have not been conducted, Congress may want to consider investing some money in an evaluation to determine if the program is having its intended impact.

Is the program working to improve its performance is another question we ask. A program that does not have an improvement plan in place or is not working aggressively to improve may not be the best investment of resources.

Another question: If an increase in funding is requested for a program, has the program explained how the additional funding will affect its performance? Programs that cannot articulate how they will use their resources simply are not the best candidates for investment.

So that is what the PART Program is all about. It is a good program, and it is being implemented more and more throughout the agencies. Some of the PART findings are programs that have been ineffective. I would like to look at a few of those.

Take the Health Professions Program, for example. One study found that only 1.5 percent of the physicians trained by institutions receiving the program's family medicine training grant provided health care in areas with a physician shortage, compared to 1.1 percent of physicians trained by other institutions. So there is only a four-tenths of a percent performance difference. So the question comes up: What is the program accomplishing?

PART found no evidence that the Radiation and Exposure Screening and Education Program reaches the maximum number of beneficiaries or the beneficiaries who are at the greatest risk. There is not even an estimate of the number of people potentially affected by uranium and nuclear testing activities and where they might live.

These are only a few of the programs that have been looked at by the PART Program. They provide the information Members of Congress need to evaluate whether programs are ineffective. Some of these are programs I have supported. I am sure there are programs that are not doing well, and I think we need to take a close look at them. That is all we are asking with this amendment.

The amendment before us addresses a portion of discretionary spending. I ask Members to support this amendment as we deal with discretionary spending areas where the PART Program is being applied. The overall purpose of the amendment is to pay down the Federal debt, currently over $9 trillion, and eliminate Government waste by reducing spending on programs rated ineffective by the Office of Management and Budget PART Program. This is through the career professionals in the agencies. This is not driven by any kind of political agenda.

That is what my amendment is all about, saving taxpayer dollars in a responsible way. It is about forcing managers of these programs to put in effective goals and objectives so that they accomplish what the legislation intended when the Congress passed it. I ask my colleagues to join me in trying to bring forward more accountability in the programs we have passed. This is a wonderful tool we have for whatever administration is in control. This is a direct message to the agencies to get their act in order because we are concerned about how taxpayer dollars are being spent.

It is not an onerous amendment. It is trying to bring accountability to Government programs we have passed.

I yield the floor.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent to amend the previous unanimous consent agreement so I may speak next and the Senator from Louisiana, Ms. LANDRIEU, will speak after me.

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

Mr. MENENDEZ. Mr. President, yesterday I began to speak about what the failed war in Iraq is costing us at home to mark the fifth anniversary of Congress's capitulation to the war. As we debate the Labor-HHS appropriations bill, I can't think of a better moment to return to the cost of this war.

Let me begin by saying again we are aware of the human cost of the war: 3,816 Americans are dead; more than 28,000 have come back home wounded. Iraqis have died in even greater numbers. Millions have fled their homes. The United States has been involved in the war for longer than we fought World War II. We all know 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. We are paying for this war with borrowed money, burying ourselves in massive debt, severely threatening the future of our country.

We know we have spent more than $450 billion on this war so far, and we continue to spend about $10 billion every month. That doesn't add up to a stack of bills that could have been sitting in the Treasury. It is equipment at ports that scan 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 school, better training for jobs, energy that is clean and doesn't strengthen repressive regimes in the Middle East, payments of our debts so future generations will inherit a country that is financially viable.

The Bush administration likes to parrot the line: We are fighting them over there so we don't have to fight them here. But when we add it all up, the bottom line is clear: The administration's motto really is: We are spending all our money over there so we don't spend it here.

Yesterday I spoke about how much we could accomplish to safeguard our homeland against terrorists if we spent a fraction of the money we have dumped into the war that makes no sense. Today I would like to speak about what the failed war in Iraq has cost us in terms of our health; specifically, the health of our children. Today the House of Representatives considered whether to support a bill to provide health insurance for children. Every time we go to the doctor or fill a prescription at the pharmacy, we remember how expensive health care can be. There are families who work every day in some of the toughest jobs, but their jobs don't offer health care, and their paychecks would not let them afford private coverage. That is why the Federal Government and the States teamed up to start the State Children's Health Insurance Program or what is commonly referred to as SCHIP.

This year Democrats and Republicans came together to pass a bill that would continue to provide health care to the 6 million children already enrolled and will expand the program to include a total of 10 million children across America. We knew we had to because the children who fall into the wide abyss between Medicaid and private coverage are depending on us. But on October 3, millions of children got some terrible news. President Bush had vetoed the bill. He did it silently and secretly, with no cameras allowed to watch as he condemned millions of children to a lack of coverage with a single stroke of his pen.

Today families across America were waiting to see if Congress had the moral resolve to override that veto. Some of our colleagues who cast decisive votes against children's health raised the question of whether the bill was financially reasonable, whether 10 million uninsured American kids were worthy of funding. President Bush said they were not. Many of my colleagues who voted against children's health have repeatedly decided to vote for continuing the failed war in Iraq. Right now I wish to speak directly to all of them. If we are talking about what is financially reasonable, let's take a very close look at the stark contrast in cost between children's health and the failed war in Iraq.

The total cost of expanding children's health is $35 billion over 5 years for 10 million children. How many dollars per child does this cost us every day? Depending upon which State you live in, the answer is as little as $3.50 a day, about the cost of a latte at Starbuck's. Iraq costs us $10 billion per month. That means with 3½ months of Iraq funding, the total expansion in this bill would have been paid for. That is what the war costs—health care for 10 million children versus 3½ months of what we spend in Iraq.

The impact of this bill would have been enormous in many States, including my State of New Jersey, where families have to pay some of the highest health care costs in the Nation. It would have helped support the State in keeping 124,000 New Jersey children insured. It would have covered as many as 100,000 additional children in my State. In the bill, New Jersey would have received about $350 million next year alone to cover working families and children. This program has given New Jersey families that cannot afford private coverage the peace of mind to know that children have health care. President Bush has told those children: No, you don't deserve the Federal Government's strong support, even though

this country spends $330 million in Iraq every day. Again, every single day in Iraq, we spend roughly the amount of money it would take to get tens of thousands of New Jersey children coverage for a full year.

I wish he had to look every child in the eye to tell them that. But that is what the war costs: Health insurance for New Jersey children versus one day in Iraq. In fact, for the amount Congress has spent on the failed war in Iraq, we could provide 2 years of health coverage for all of the 47 million Americans who don't have health insurance, who play Russian roulette every day with their lives and their wallets, and still have $30 billion left over. We could have provided health care coverage for all of the 47 million Americans who don't have health coverage today. That is what the war costs: Health care coverage for every single American family versus the failed war in Iraq.

Here is the question we have to ask ourselves as legislators, as Americans, as human beings: Is a child to get more benefit from a dollar spent keeping our military in Iraq to referee a civil war or a dollar spent on their health insurance? Is she going to be better served by oil injected in an Abrams tank or by a vaccine a nurse injects in her arm to save her from measles? Is her life going to be improved by missiles in the desert or antibiotics in her medicine cabinet; more troops on the streets of Baghdad or more doctors in the hospital down the block; multimillion dollar bombs that rain down on Iraqi neighborhoods with surgical precision or orthopedic surgery for a disease such as cerebral palsy that would mean the difference between a debilitated life in a wheelchair and being able to walk and run and play with other children at school?

How dare we take money from her family and borrow money from foreign countries to spend it on a war that makes no sense, while leaving her on her own to fight diseases and injuries that might very well claim her life.

It is hard to think of a more grievous act on the part of this Government than abandoning those children in order to prolong a war. The vote to override President Bush's veto was not only about political responsibility. It was not only about constitutional responsibility. It was a question of right and wrong. Let's remember the administration motto: Spend all our money over there so we don't have to spend it here. In my mind, that is as wrong as it gets.

I will continue to speak out on what else this war is costing us here at home in terms of education and jobs and green energy, helping the middle class make ends meet and the financial stability of our Nation that our children will inherit. America deserves to know what we could have achieved had this horrible war never happened. The administration has spent down our finances, mortgaged the future. Republicans in the House have voted down health care coverage for our children. But one thing they have not yet emptied out is our vast treasury of hope. It is tragic to think what might have been, but it is not too late to believe in what we can become.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 3402 TO AMENDMENT NO. 3325

Ms. LANDRIEU. Mr. President, in a few minutes I am going to offer an amendment and ask for its consideration. It is an important amendment, although it is quite small and has virtually no impact on the underlying cost of this bill, which is why I believe I can bring it with good faith to the Members for their consideration. It does not add a penny to the underlying bill, but it does send some directive language to SAMHSA, which is the agency that funds mental health and substance abuse programs for our country. Because of the good work of Senator HARKIN and Senator SPECTER, there is an increase in funding for this important program. This money is given out in grants through competitive bids and has been ongoing for some time. I don't know exactly the year the program was authorized and commenced, but it has been a fairly longstanding program and usually gets good marks.

This particular amendment would direct the Agency to give consideration to programs providing mental health services to children and families in the gulf coast area. It seems, for some reason, a very effective program that had received some funding in the past few years—that is the only program operating in the gulf coast region that is giving support and counseling and clinical services to a population of children and adults, but this is for children literally traumatized by the catastrophic disaster, not only in my State but Mississippi, somewhat in Texas, and Alabama—was not considered to be a priority.

So my amendment will basically direct the agency to consider programs operating in the gulf coast area that are serving children who have very good records, to provide a priority for them.

If I could, I would like to send the amendment to the desk now. It simply, as I said, establishes a priority for these programs, and it adds no money to the bottom line of this bill.

I send the amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3402 to amendment No. 3325.

Ms. LANDRIEU. 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:

On page 49; line 1: strike the colon and insert ''*Provided further*, that, of the funds provided to the Child Trauma Stress Network Initiative, priority shall be given to those centers, that previously received grants, that provide mental health services to children affected by Hurricane Katrina and/or Rita.''

Ms. LANDRIEU. Mr. President, I understand the managers have cleared it. I ask for it to be accepted now.

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

The Republican leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 2128

Mr. MCCONNELL. Mr. President, in just 13 days the Internet tax moratorium will expire. If Congress has not acted by then, State and local governments will be free to impose new taxes on Internet access—and trust me, they will.

We need to be straight with the American people about what is happening. The majority wants to preserve at least the possibility of taxing access to the Internet.

The Internet has literally transformed this country. It has cleared new pathways to learning for rich and poor. It has brought a level of efficiency and innovation to the shop floor, the home, and the corner office that were unimaginable just a decade ago. Just think of the millions of middle-class Americans who have lifted their fortunes through online auction sites or made their first stock purchases over online trading sites.

The Internet has been at the heart of America's economic growth over the past decade—all because Government has not gotten in the way. But those days are over if the people on the other side of the aisle in the Senate open the Internet to new taxes.

We cannot let that happen. For the sake of our economy, for the sake of our competitiveness, for the sake of consumers who don't want to see new taxes on their bills, we need to ban taxes on Internet access permanently.

The House of Representatives has sent us a bill that would extend the moratorium for 4 years. Frankly, I do not think that is nearly long enough. If we all agree that taxing Internet access hurts consumers, hurts innovation, hurts broadband development, why should we stop at 4 years? Why not keep the Internet tax free forever?

So I say to my friends on the other side, the clock is ticking. If you object to considering the Sununu bill to make the moratorium permanent, let's take up the House-passed bill with a couple of relevant amendments in order. One would make the moratorium permanent and, failing that, one would extend it for substantially longer than a mere 4 years.

We can debate these amendments quickly and vote—to see where the

Senate stands on this very important question of keeping the Internet free of onerous taxes.

We could do it this week or next week—but the Senate must act before the moratorium expires in 13 days. And it is my intention to have a vote on the question of whether the moratorium should be extended permanently or merely for another 4 years.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 401, S. 2128, the permanent moratorium on the Internet tax bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. Yes, Mr. President, there is objection. On behalf of Senator CARPER, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

AMENDMENT NO. 3402

Ms. LANDRIEU. Now, Mr. President, I understand the previous amendment has been cleared. I ask for its adoption.

The ACTING PRESIDENT pro tempore. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3402) was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. 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. HARKIN. 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.

AMENDMENTS NOS. 3323, 3337, 3355, AND 3375 TO AMENDMENT NO. 3325, EN BLOC

Mr. HARKIN. Mr. President, we have four amendments that have been agreed to on both sides, cleared. I ask unanimous consent that they be considered and agreed to en bloc. They are amendments Nos. 3323, 3337, 3355, and 3375.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 3323

(Purpose: To provide an annual report card for the Department of Education)

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—

(1) the total number of Department of Education employees, including employees who salaries are paid by the Department but are employed by contractors or grantees of the Department;

(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;

(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;

(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—

(A) in the classroom;

(B) on student tuition assistance;

(C) on overhead and administrative costs and expenses; and

(D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and

(5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.

AMENDMENT NO. 3337

(Purpose: To express the sense of the Senate regarding science teaching and assessment)

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.

AMENDMENT NO. 3355

(Purpose: To allocate funds to the Traumatic Brain Injury (TBI) Model Systems of Care Program)

On page 88, line 16, strike the period and insert "': *Provided further*, That $8,400,000 shall be used to carry out the Traumatic Brain Injury (TBI) Model Systems of Care Program and to sustain at least 16 TBI Model Systems Centers.''.

AMENDMENT NO. 3375

(Purpose: To provide funds for partnership grants for teacher preparation under title II of the Higher Education Act of 1965)

At the end of title III, insert the following:

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $6,000,000 to carry out the programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification under section 6113 of the America COMPETES Act (Public Law 110–69); and

(2) $4,000,000 to carry out the programs for master's degrees in science, technology, engineering, and mathematics, or critical foreign language education under section 6114 of the America COMPETES Act (Public Law 110–69).

(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Education, shall be reduced by $10,000,000.

Mr. HARKIN. Thank you, Mr. President.

We just disposed of four more amendments. Obviously, there will be no more business tonight. The leader already said there would be no more votes. Our staffs and I will continue to work through these amendments. But we will be in tomorrow, and we will be disposing of amendments tomorrow. So if Senators have amendments to this bill, and they want them offered, I suggest that tomorrow would be a good time to do it.

We will not be in Monday until about 5:30. And then we will have votes on Monday night on pending amendments. So if amendments are offered tomorrow, and votes are needed, we can stack those votes for Monday night.

I will just say the door will start closing after tomorrow because Monday night we will be voting. We will be in Tuesday morning probably at the usual hour—that is up to the leadership to decide—but then the final passage of this bill will be at noon on Tuesday. So I say to Senators, if they have amendments they want to have considered, I would say tomorrow would be an excellent time; otherwise, the door is going to close very rapidly, and they will not be able to offer those amendments and to get any debate or a vote on them prior to noon on Tuesday.

So with that, Mr. President, again, I yield the floor.

ADVANCED PLACEMENT

Mr. BINGAMAN. I would like to thank the chairman and ranking member for putting together an excellent bill and bringing this critical legislation to the floor. This bill is a major step forward in strengthening education, health care, and job training in this country. As the chairman knows, this Congress recently passed the America Competes Act—comprehensive legislation designed to ensure the United States remains competitive in the 21st century economy. I believe the cornerstone of this legislation is its effort to strengthen math and science education in this country.

Mr. HARKIN. I agree. Strong math and science education is critical if we, as a nation, are going to continue to have a skilled and educated workforce that can compete in the global economy.

Mr. BINGAMAN. As the chairman knows, the National Academy of Sciences reported that students in the United States are simply not keeping up with their international peers in the areas of math and science. The National Academy recommended training an additional 150,000 advanced placement, AP, and pre-AP instructors, and to quadruple the number of students who take AP math or science courses to 4.5 million by 2010. Is the chairman aware that America Competes makes a downpayment on this recommendation and authorizes a program to increase the number of students in high-need schools taking AP and international baccalaureate, IB, classes in math, science, and critical foreign languages?

Mr. HARKIN. I am aware of that provision, and point out that America Competes also recognizes that other highly rigorous, evidence-based, post-secondary preparatory programs can also qualify for funding under this authorization.

Mr. BINGAMAN. Yes, and the chairman's support for this provision was critical to its passage. I'd also like to thank the Chairman and Ranking Member for increasing funding for Advanced Placement programs in this mark to $42 million. As the Chairman knows, the House FY 08 Labor HHS Education Appropriations bill increases funding for AP to $50 million. I ask the Chairman if he thinks it's a good idea to increase AP to at least $50 million in the final bill that emerges from Conference, and use this additional increase to fund the provisions in America Competes.

Mr. HARKIN. I think that is a good idea, and will work with the ranking member and my colleagues in the House to try to achieve that goal.

Mr. SPECTER. I agree and will work with the chairman.

Mr. BINGAMAN. I thank the chairman and ranking member for their support of this critical program.

WORKFORCE INVESTMENT ACT

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chairman and ranking member of the Labor-HHS Appropriations Subcommittee. As this body debates this spending bill, I would like to start by thanking Senator HARKIN, Senator SPECTER and the other members of the Senate Committee on Appropriations for supporting the Workforce Investment Act in this bill. The Workforce Investment Act is a critical program for workers across the country in need of training and education benefits.

WIA brings essential resources to my home State of Michigan, where hundreds of workers are ready and willing to begin job-training programs that make them more employable for high wage, quality jobs. The House-passed Labor-HHS spending bill includes a $335 million rescission of WIA funds as proposed by the administration. This potential cut would devastate the various efforts in place to reinvigorate Michigan's economy and workforce right at the time when our Governor is making great strides towards the goal of doubling the number of workers trained for high-demand jobs in the State.

In Michigan, we are using WIA dollars to create scholarships for workers who want to attend State colleges, we are counseling workers on skill development and the importance of furthering their education, and we are performing skill assessments that help workers decide what level of training they should pursue. All of these services need to be available to workers in my State.

Michigan workers have been hit hard by layoffs and I am proud that the committee has decided to support workers in my State and in all States with the resources and benefits that they need so that they can continue to support their families. I hope to see this body continue to work towards full restitution of these funds in a final bill. It is the right thing to do for our Nation's workforce system.

Mr. LEVIN. Mr. President, I also want to thank the chairman and ranking member for their leadership and cooperation in ensuring that the Senate continues its commitment to training workers through the Workforce Investment Act. I ask for their continued support on this important issue in conference. I, too, am pleased to see that my colleagues have rejected efforts to pull these critical funds away from States that are attempting to plan and use them for their own specific workforce development needs.

The Workforce Investment Act provides many opportunities to workers in my home State of Michigan who have been laid off and are seeking a new start. The cuts proposed by President Bush could have cost my State close to $11 million; that is 7,500 workers who would not receive training and several local workforce agencies that could potentially close their doors and no longer serve Michigan communities. This cut would have cost workers in all of our States. The loss of benefits and services during hardship is too great a burden for us to place on our citizens' backs.

I want to thank the comittee for rejecting efforts to drain this program of needed dollars. The Governors will thank us, the State and local workforce agencies will thank us, and most importantly, the worker who is trying to better himself or herself and gain employment will be able to do so because of our actions here.

Mr. HARKIN. I thank both of my colleagues from Michigan for their concern and support of WIA. I agree that the Workforce Investment Act should be provided the adequate level of funding needed to ensure that workers can get the training and services they need to compete for 21st century jobs.

The Workforce Investment Act statutorily provides States 3 years to spend the funds allocated to them. This flexibility allows States to assess their unique needs, the needs of their unemployed workers, and to adequately plan innovative initiatives, training programs, and services for the workforce. I believe the rescission of funds proposed by the House of Representatives would be unfair to those programs that have appropriately obligated funds at the State and local levels to serve workers in need.

The committee expects to provide sufficient funds for this program and will work towards securing the funding in the final bill. I thank the distinguished Senators from Michigan, and I will be happy to work with them in conference on this important matter.

Mr. SPECTER. I agree with Senator HARKIN. WIA was passed in 1998 to unify this country's fragmented employment and training system. Since then it has impacted the lives of millions. Our subcommittee seeks to continue the Senate's commitment to our nation's workers; they are the heart and soul of our economy.

Ms. STABENOW. I thank the distinguished chairman and ranking member of the subcommittee.

Mr. LEVIN. I thank the Senators as well.

COMMUNITY INNOVATIONS FOR AGING IN PLACE

Ms. MIKULSKI. Mr. President, I would like to first thank the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies for doing a wonderful job drafting a spending bill for fiscal year 2008 that makes a true commitment to the priorities of so many Americans across the country, especially our older Americans. Close to 90 percent of all seniors in this country want to or, by necessity, will remain living in their homes, even as they grow frail. That is why I created a new, innovative program in the Older Americans Act Amendments of 2006 called the Community Innovations for Aging in Place. Are the chairman and ranking member aware of this program?

Mr. HARKIN. Yes. I think this is a great program. Because the vast majority of our seniors are aging in place, the Community Innovations for Aging in Place program will help leverage new, human, financial, and neighborhood resources for the benefit of our seniors' health, independence, and quality of life.

Mr. SPECTER. I agree with the chairman and senator from Maryland. This program is important because it promotes independence and healthy aging by engaging seniors before a crisis and responding to their changing needs over time.

Ms. MIKULSKI. The chairman and ranking member are right. The Community Innovations for Aging in Place

program provides community-based services by supporting partnerships between government and health and human services providers in caring for the nation's elderly. The federal government needs to be able to fund programs that work not only through government but through nonprofit organizations. That is why I would like to ask the chairman and ranking member if they support implementation of the Community Innovations for Aging in Place program?

Mr. HARKIN. I do support implementation of this innovative program. I assure the senator from Maryland that I will do my best to find funding for the Community Innovations for Aging in Place program during the conference process.

Mr. SPECTER. I agree and will support these efforts, as well.

Ms. MIKULSKI. I sincerely thank my colleagues from Iowa and Pennsylvania for addressing this issue that touches so many older Americans.

Mr. KERRY. Mr. President, today I filed an amendment which may provide up to $2.5 million in additional funds for the Fire Fighter Fatality Investigation and Prevention Program, contained within the National Institute for Occupational Safety and Health. The account for this funding is Other Occupational Safety and Health Research. The funding, which can be used across the United States, will be used to allow the agency to more effectively and comprehensibly investigate fire fighter fatalities, so that the cause of fatalities may be identified and future fatalities may be avoided. The inspector general for the Department of Health and Human Services found that flat funding for the program since 1998 has resulted in a reduced number of investigations over time. As a result, NIOSH has to prioritize certain types of investigations. The inspector general concludes that limited resources are a significant constraint which limits the program's effectiveness.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, I rise today to respond to amendment No. 3322 offered by my good friend the junior Senator from Oklahoma. As you know, the amendment of the Senator from Oklahoma would, among other things, strike $150,000 in Federal funds that I helped provide for a worthy initiative in the Commonwealth of Virginia called the Virginia Aquarium and Marine Science Center's Beyond the Aquarium Program.

The Beyond the Aquarium Program is a hands-on, educational outreach program that brings science directly into K–12 classrooms. As we know, school field trips have declined and teachers are struggling to motivate students to study the sciences. Our ability to remain ahead of the curve in scientific advancements is a key component to ensuring America's homeland security in the post-9/11 world of global terrorism. Yet alarmingly, the bottom line is that America faces a huge shortage of homegrown, highly trained scientific minds. The Beyond the Aquarium Program will inspire children to take an interest in science.

I applaud the Senator from Oklahoma in his efforts to obtain additional funding for IDEA. There is no Senator who is more supportive of fully funding IDEA than myself. Over the years, I have worked with Senators HAGEL, DODD, ROBERTS, and HARKIN to ensure that Congress provide the highest possible funding for part B of IDEA. Unfortunately, Congress has never come close to meeting the 40-percent commitment to fund the cost associated with this legislation, although progress has been made the last several years. I encourage the good Senator from Oklahoma to join me and others as a cosponsor of S. 1159, the IDEA Full Funding Act.

I am proud to stand up in support of this worthy project.

Mr. ENZI. Mr. President, I rise today to address the pending legislation, the Labor, Health and Human Services, and Education Fiscal Year 2008 appropriations legislation. While this legislation is very well intentioned, regretfully, I oppose the bill as it is currently drafted.

The legislation we are currently debating totals approximately $149 billion in discretionary spending for fiscal year 2008. This is roughly $9 billion above the level requested by President Bush. Mr. President, $149 billion sounds like a lot of money, but total spending in the legislation is actually much higher—about $605 billion when the mandatory spending is accounted for.

This legislation funds the Departments of Labor, Health and Human Services, Education, as well as a host of smaller agencies. I know that all of my colleagues want to ensure these agencies are properly funded and staffed, so that Federal programs have the resources they need to properly function. But the level of spending in this legislation is excessive, and will add to the huge financial burden we are leaving for our children and grandchildren. So while this legislation is well intentioned, I can not support it as it is currently drafted.

My understanding is that, for a variety of reasons, the President will veto the legislation. The administration has been vocal about their concerns since the fiscal year 2008 budget resolution was considered earlier this year, so this veto threat should not come as a surprise to my colleagues. The Senate has been on notice. We need to move past the political theatrics associated with this bill and other appropriations legislation, and get to work on the real challenge of writing a balanced proposal the President is willing to sign. As U.S. Senators, one of our primary duties is to fund the Government. Our Founding Fathers designed checks and balances for a purpose, one being to force compromise on key, and sometimes contentious, legislative products. We ought to be thinking about—and debating—the type of legislation that will pass muster on both ends of Pennsylvania Avenue. We owe that to our constituents and to the American people.

I would also like to address other concerns I have with the legislation. The committee-reported bill contains stem cell language that overturns Presidential order, making more embryonic stem cell lines available for Government research funding. Currently, only embryonic lines created before July 9, 2001, are eligible for Federal funding. This legislation would extend that date until June 15, 2007. I do not support this provision as part of this vehicle. Earlier this year, we had a larger debate on the stem cell issue. I believe that we owe it to the American public to work on real solutions to this situation and not just keep moving a potential date. For these reasons, I was pleased to hear yesterday that the bill manager decided to remove this provision from the underlying committee-reported legislation.

The committee-reported bill also addresses funding for September 11 workers. Specifically, this legislation provides an additional $55 million for treatment, screening and monitoring for 9/11 related health issues. This is in addition to the approximately $45 million that was included in the emergency war supplemental earlier this year. In addition, this legislation for the first time expands funding to cover all city residents. The HELP Committee has been looking into this issue for well over a year. We should agree on the facts regarding worker health before we broadly expand current spending to cover residents. In addition, there are substantial unspent funds already available: out of a total of $92 million in fiscal years 2006 and 2007, and currently proposed under the President's 2008 budget, grantees have actually drawn down just $2 million in payments on fiscal year 2006 funds.

This legislation also cuts funding for the Office of Labor and Management Standards—known as OLMS—by $2 million, from $47.7 million to $45.7 million, while the President's request is $56.8 million. OLMS is responsible for overseeing union disclosure and corruption. This may seem like a small amount of money considering the scope of the overall legislation, but cutting funds targeted for policing corruption as a ''cost saving'' measure isn't a good way to build credibility with the American people. We must do better. With Sarbanes-Oxley, we made big business more transparent. We need to do the same thing with big unions. The Office of Labor and Management Standards can and must do exactly that. OLMS must be allowed and funded to do what we have told them to do. The transparency and accountability is for the benefit of the union members. Of course, this might be just like the card check bill where labor union management was trying to take away the right

for potential members to have a secret ballot. Unions are for the members, not for the union bosses. Members have a right to know. That is what the law passed in 1959 was and is all about. Enforce the law. Be sure union members have a right to know.

I would also like to point out that the legislation does not contain funding for the National All Schedules Prescription Reporting Act—NASPER. Known as NASPER, this law was designed to assist States in setting up prescription drug monitoring programs—to make sure people can't get multiple refills of their restricted prescriptions merely by crossing State lines. Instead, this legislation funds an unauthorized similar program through the Justice Department. Congress should first fund the programs that are authorized by committees that have jurisdiction over the measures. As the lead Republican on the HELP Committee, I know the value of the authorization process—Federal programs are reviewed by Senators and staff to ensure there is value for program beneficiaries and taxpayers alike. Funding unauthorized programs usurps the entire authorizing committee process.

All that being said, there are many provisions in this legislation that are not objectionable, and some of which I support. Like previous years, the bill contains language that prohibits the Labor Secretary from issuing regulations related to the Workforce Investment Act, known as WIA, until the Congress has reauthorized the program. Reauthorizing WIA is a bipartisan priority for the HELP Committee, and a top personal goal of mine that I have been working toward for many years. Congress should first act to reauthorize the law before the administration moves forward with regulations. This reauthorization is long overdue. Modernizing job training programs will result in better, higher paying jobs. Under my chairmanship, we passed this reauthorization—but it was held by Democrats who would not allow the appointment of conferees because of concerns they would not be included in the process. That argument no longer holds true. They control a majority in each legislative body, and a majority on conference committees. Congress needs to pass this legislation to provide training for current and future jobs so Americans have the skills they need to get the best jobs—instead of sending them overseas because we don't have trained workers at home.

This legislation also restores the authority of the Railroad Retirement Board Office of the Inspector General to conduct Railroad Medicare audits and investigations. Similar language was included in previous years, but was dropped in the conference with the House. My hope is that this year we will be successful in restoring that authority. In September, Senator KENNEDY and I, together with Senators BAUCUS and GRASSLEY, weighed in on this issue with the Appropriations Committee, thanking them for including this language in their bill, and urging them to fight for this provision in conference. Restoring the ability to audit is fiscally responsible, and is the right thing to do.

In closing, while there are valuable provisions in the Labor-HHS spending bill that ought to be enacted, I will be voting against this legislation because of the excessive total spending level, as well as some objectionable policy language that I have discussed today.

I stand ready to work with all of my colleagues on a compromise product that can garner support from both the legislative as well as the executive branch of our Government.

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. HARKIN. 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.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. HARKIN. 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. DURBIN. 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.

ONGOING TRAGEDY IN BURMA

Mr. DURBIN. Mr. President, over the past few weeks, I have joined many of my fellow Senators from both sides of the aisle in speaking about the recent events in Burma.

A few weeks ago, the world watched in admiration and support as thousands of Buddhist monks peacefully marched through Burma's largest cities calling for an end to that country's brutal military dictatorship. Amidst tens of thousands of clapping and cheering supporters, the monks chanted ''democracy, democracy.''

All the while, Nobel laureate Aung San Suu Kyi remained locked under house arrest—an appalling situation that has continued for most of the last 18 years of her life. Despite the shameful detention, the Burmese people have not forgotten it was her political party that won a landslide victory in the 1990 election.

During the recent protests, the monks reportedly reached Suu Kyi's heavily guarded home, where witnesses said she greeted them at her gate in tears.

This scene is moving in its dignity and simplicity—a population peacefully saying: Enough.

What happened next was tragic. The military in Burma used violence, murder, and arbitrary detention to try to halt the calls for change. The military did what all dictatorships do: it used fear to suppress its own people. Yet it is the military that is truly afraid—afraid of the people of Burma, afraid of change, afraid of releasing Aung San Suu Kyi.

This Reuters photograph is so graphic. It shows Burmese military violently attacking peaceful protesters. It also shows a Japanese photographer, Kenji Nagai, being shot at close range. You see his body lying on the street. Mr. Nagai died shortly after this photo was taken. The military's mouthpiece newspaper brazenly said his death was his own fault as he was ''inviting danger'' by being among the protesters.

Sadly, reports from the past few days are even more tragic. Instead of reaching out to Aung San Suu Kyi and the international community to work toward peace, the military has only furthered its brutal crackdown, hunting down and detaining leaders of the peaceful movement.

Amnesty International has expressed concern that the arrested dissidents will be tortured—a real concern in a country with an abhorrent record of torturing political prisoners. For example, the 2006 State Department Human Rights Report on Burma cites a recent study by the Assistance Association for Political Prisoners that meticulously documents the regular use of electric shocks, beating until unconscious, forced crawling on glass, and threats of rape. The Government is reportedly even hunting down simple participants and bystanders from the rallies, including groups of ''those who watched,'' ''those who clapped,'' and ''those who joined in.''

Mr. President, this is madness. The United States and international community must not allow this to continue. This is a government with a long and well-documented history of brutality and indifference to its people. For example, in eastern Burma, the military has destroyed 3,000 villages over the past 10 years. It has widely used forced labor and has recruited up to 70,000 child soldiers—70,000 child soldiers—far more than any other country in the world. Today, Burma has an estimated 1.5 million refugees.

Global condemnation of Burma's brutal actions has been loud and swift. European Union foreign ministers have just approved new sanctions against the military junta, including an embargo on the export of wood, gems, and metals, and threatened further penalties. President Bush and First Lady Laura Bush have similarly called for