pick and choose where they can conduct those kinds of investigations.

Every year, about 100 firefighters die in the line of duty in America and about 87,000 are injured. This fund is an investigative fund that helps find ways in which we can protect firefighter lives. It’s not enough to just allocate funding for the FFFIPP; there has to be a certain level of equipment that might have made a difference or a certain procedure that might have made a difference. Obviously, for those fire stations, firehouses with the losses or those that face those fires risk, to know we are selectively choosing where we investigate and where we do not do not do the job. We need to investigate all of those fatalities, and we need to do everything possible to provide our firefighters the procedures and equipment necessary to save lives.

This funding will add an additional $2.5 million to that investigative fund and allow us to complete our responsibility to those courageous firefighters across the country.

I ask unanimous consent a letter from the International Association of Fire Fighters and the International Association of Fire Chiefs be printed in the RECORD.

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

Hon. JOHN F. KERRY
304 Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR KERRY: On behalf of the International Association of Fire Chiefs, representing nearly 13,000 chief fire and emergency officers, and the International Association of Fire Fighters, representing more than 280,000 professional firefighters and emergency medical personnel, we are writing to express our strong support for your amendment to the FY 2008 Labor, Health and Human Services, Education and Related Agencies Appropriations Act providing $5 million for the Fire Fighter Fatality Investigation and Prevention Program (FFFIPP) of the National Institute for Occupational Safety and Health (NIOSH).

Of the 1.1 million firefighters who selflessly serve their communities and their country, approximately 100 die on the job each year. The National Fire Protection Association estimates that 80,100 firefighter injuries occurred in the line of duty in 2005 alone. The FFFIPP is instrumental in discovering the primary factors and injuries among fire fighters.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

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

The PRESIDING OFFICER. In my capacity as a Senator from the State of Delaware, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

CALIFORNIA WILDFIRES

Mrs. FEINSTEIN. Mr. President, I wanted to take a few minutes to do what Senator BOXER did yesterday, which is essentially to update the Senate on the catastrophic fires in California. I offer those words on behalf of Senator BOXER and myself.

Today there are 14 fires, big fires, burning in California. The bulk of them are uncontained and out of control. The containment factor is very small. More than half a million people have been told to evacuate their homes. More than 309,000 acres have been destroyed by fire, over 400 miles, from north of Los Angeles, south to San Diego and across the Mexican border, and more, we fear, will be destroyed.

The deaths, fortunately, today are limited to one, with 34 injured throughout southern California, some of them firefighters. High wind and high temperatures persist. And we know that those things are in effect for the California coast from Monterey to the Mexican border. More than 1,000 homes have been destroyed; 11,500 are now threatened. Today more than 100 commercial buildings have been destroyed, and 2,000 are threatened; 52 outbuildings have been destroyed and 550 are threatened.

Health warnings have been issued because of smoke and particulate matter. As you know, these fires are driven by hurricane and gale-force Santa Ana winds, which are warm and dry, and blow to the prevailing westerly flow, east to west. They are fueled by bone-dry brush from years of drought and virtually no humidity. Humidity is below 10 percent.

Fires are raging still in Malibu, at Lake Arrowhead in Irvine and Santa Clarita. The Arrowhead area is particularly dangerous because there are half a million acres of pine-beetle infested dead trees waiting to go up.

Of course, they are raging in San Diego County, which is bearing the brunt of two major fires which well could join. Already, the 300,000 people in San Diego County alone have been told to evacuate. More than 10,000 of them are now taking refuge in Qualcomm Stadium, home to the San Diego Chargers. They will be there for 48 to 72 more hours and possibly more.

Sanitary supplies are going to become a problem. It is going to be a real effort to get food and water to these evacuees and the hundreds of thousands of people displaced around southern California.

Both Senator BOXER and I spoke to the Governor, and he has declared a seven-county disaster area. Yesterday the President declared southern California a disaster area to be able to speed the Federal Emergency Management Agency’s relief, which is critical.

This is going to be a real test of FEMA. We are going to learn whether FEMA actually learned from the hurricane in New Orleans, a test of whether FEMA has gotten its act together post-Katrina.

FEMA must act quickly and urgently to get help to California. The State is going to need cots; it is going to need blankets; it is going to need water, food, and, most importantly, those sanitation facilities that are needed for the people who are camping out today, sleeping in cars, located in schools, or in Qualcomm Stadium.
Most importantly, this help has to be spread throughout the 14 different fire areas. It is not going to be enough to simply put it in one place.

Last night, the Secretary of the Interior informed me that the fires have crossed the border and are entering Baja California, Mexico, and urged Mexican authorities to begin to speak out.

These fires are fast moving. You see them at a distance on a hill, and you do not believe you will be affected because the winds are contrary to what you expect. Then, suddenly, within a short period of time, 2 hours, the fire is upon you.

So people must be alert, and they must evacuate these fire areas. The military is pitching in. Fifteen hundred National Guard personnel are actively engaged or directly supporting firefighting efforts. We have 550 Active Duty marines, 17,000 California National Guard personnel are available. I believe we have more than 5,300 State of California firefighters on the line, and help from local jurisdictions. Today, a combination of National Guard, Navy and Marine Corps aircraft, are either supporting firefighter efforts or are prepared to pitch in.

The problem is, with the wind and dense smoke, it is difficult for a plane or helicopter to know where they are going. Simply put, this is a disaster of huge proportions. It is catastrophic in terms of property loss and environmental damage.

Hopefully, it is not going to be a huge catastrophe in terms of loss of life. I do not think there is anything other than a catastrophic health incident that is more serious to a person or family than losing their home by flood or fire.

I know Californians will respond in their traditional stalwart and generous manner to help their neighbors. Both Senator BOXER’s and my heart go out to all Californians today.

I ask unanimous consent that the specific statistical roundup of these larger fires be printed in the Record:

- San Diego: Witch Fire (NE S.D. County, near Santa Ysabel, burning toward Ramona and Julian)—Acres burned: 145,000; containment: 0%; structures destroyed: 500 homes, 100 commercial properties; structures threatened: 2,000 homes, 400 commercial properties; firefighters: 650; injuries: none reported.
- San Diego: Harris Fire (NE S.D. County, 75 miles east of downtown San Diego near the Mexico border)—Acres burned: 22,000; containment: 5%; residents evacuated: 1,000; firefighters: 400; deaths—burned: 1 man killed, 5 firefighters and 20 civilians injured. Malibu Fire (Burning toward Pepperdine University and Pacific Ocean)—Acres burned: 3,800; containment: 10%; residents evacuated: 1,500; structures destroyed: 6 homes; structures threatened: 400; firefighters: 1,500; injuries: none.
- Agua Dulce—Santa Clarita: Buckweed Fire (Mix of Santa Clarita, Santa Monica and Wood Mountain)—Acres burned: 35,500; containment: 20%; residents evacuated: 15,000; structures destroyed: 15 homes, 17 outbuildings; structures threatened: 3,800; firefighters: 1,200; injuries: 1 firefighter and 3 residents.
- Orange County—Silverado Canyon, burning toward Portola Springs and Northwood Village of Irvine)—Acres burned: 15,000; containment: 30%; structures destroyed: 85 homes; structures threatened: 2,000; residents evacuated: unk.; firefighters: 492.
- Lake Arrowhead—Slide and Grass Valley Fires (Green Valley Lake and Lake Gregory)—Acres burned: 1,800; containment: 0%; structures lost: at least 450 homes; structures threatened: 1,000; firefighters: 82 engines, 7 hand crews.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

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

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

Mr. HARKIN. As the benefit of Senators, I understand a number of Republicans are at the White House for a White House meeting until 3:30, so there will not be any votes between now and 3:30. However, we want to get amendments in. Hopefully, at around 3:30 or shortly thereafter we can start a series of votes. Right now we have four amendments pending and three more amendments that are not pending but will be called up shortly. One of those is offered by the Senator from New Mexico. That is the lay of the land. It looks as if we are down to about seven votes, possibly, starting at or around 3:30 or shortly thereafter. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I understand there is still some checking to see if there is any objection to setting the agenda for the moment so I may offer an amendment. While we are waiting, I wish to describe the substance of the amendment I intend to offer.

This amendment is intended to reduce the Social Security backlog. Most of us who go back to our home States on weekends and during recesses know about the Social Security backlog. We hear from individuals in our States about how long they have to wait to find out whether their Social Security disability claims have been approved. We hear about elderly people waiting in long lines for service at Social Security offices when they call the 1-800 number that is provided for people trying to find out the status of their Social Security claim. But I am not sure most of us understand the extent of the backlog, the consequences of it, or the reasons for it.

For more than 70 years Social Security has provided millions of American workers and their families with a basic level of protection against poverty when a worker can no longer work due to old age. Of course, we are all aware of disability now being covered by Social Security. Social Security benefits are not only means of protection and survival for millions of individuals with severe disabilities. These individuals rely on the Social Security Administration to promptly and fairly adjudicate their applications for disability benefits. Unfortunately, we are often told that the trend where this is simply not happening.

According to the Social Security Administration, there are currently over 750,000 cases waiting for hearing. That is not waiting for a final determination, waiting for a hearing. The average time to get a hearing is 523 days. That is the longest it has been in the history of the Social Security Administration. The average processing time for a hearing is projected to increase next year, based on the numbers we have in the appropriations bill before us.

There is a problem for individuals with disabilities in my State of New Mexico.

Currently the average processing time per case in the Albuquerque hearing office is 528 days. Keep in mind, this is only the time it takes to get a hearing. This does not include the time it takes for an initial determination or for a final determination. This past May the Finance Committee, on which I am privileged to serve, received testimony indicating there are thousands of individuals with disabilities who currently have cases pending with the Social Security Administration and have had those cases pending for 3 years or more. The Finance Committee received testimony regarding the extreme hardships individuals with severe disabilities were unable to work and were forced to accept Social Security disability benefits, that they are the only means of survival for millions of Americans who are over 65.

According to the Social Security Administration, staffing levels are at their lowest since 1972. Thirty years ago, the Social Security Administration had more than 82,000 employees. In 2005 the Social Security Administration had 66,000 employees. In a few months, the expected employment at the Social Security Administration will drop below 60,000.

Thousands of employees are leaving the Social Security Administration’s field and hearing offices without being replaced. As many of us know, the field offices around the country are reducing their hours.

In Carlsbad, NM—which I visited 2 weeks ago—due to a reduction in hours of service, seniors and people with disabilities are forced to line up around
the building, often waiting hours to get served. Even worse, some field offices are shutting their doors permanently.

Meanwhile, since 1990, the number of disabled workers drawing disability benefits has more than doubled. That number was 3 million in 1990,扩 to 6.8 million today. Field offices are averaging over 500,000 visitors a week during this current year.

As we know from the press, the first baby boomer officially filed for Social Security last week. So the demands on Social Security are only going to increase. In addition, Congress has significantly increased the Social Security Administration’s responsibilities as part of the Medicare Part D legislation.

So the Social Security Administration finds itself in a very dire circumstance. The Social Security Administration has over 1,400 field offices in cities and towns across the country. Mandatory costs, such as energy, security, guards, postage, employees’ salaries, and benefits are continuing to rise.

Unfortunately, Congress appropriated on average each year for the last 7 years about $150 million less than the administration requested. The current budget situation has simply been compounded by years of sustained underfunding by the Congress.

According to the Social Security Administration, the present cost of processing a backlog of cases that are likely or certain to be submitted, the Commissioner recommended an increase of $430 million above the President’s request for the Social Security Administration’s administrative budget in order to reduce the backlog. The amendment I am intending to offer later today would get us to half of that amount by increasing the Social Security Administration’s administrative budget by an additional $160 million. The amendment would give the Social Security Administration the resources it needs to reduce the backlog to help get rid of these long lines.

The amendment is paid for. The amendment would shift excess Medicare funds to pay for this critical increase in funding to the Social Security Administration in this 1 year. These offsetting funds have been identified in close collaboration with Finance Committee staff and, of course, Senator Baucus is a cosponsor of the amendment.

Importantly, these funds would be immediately replaced at the beginning of fiscal year 2009 with generally available funding that was passed as part of the Transitional Medical Assistance extenders package.

Finally, the amendment would also permit the U.S. Treasury Department to invest its excess operating capital. So this represents responsible oversight of the Department. This policy has been recommended by the Government Accountability Office and others. It is estimated this policy will generate tens of millions of dollars for the Federal Government over the next 10 years.

The bottom line is billions of American workers and their families—people whom we represent—rely on Social Security to protect them against poverty in their retirement. This amendment is going to allow us to continue to fund the greatest social insurance program in our history.

I wish to say a few words about one particular program which is important to me, which is important to the people of Vermont, and which is vitally important to this whole country as we try to deal with the health care crisis our country is now facing, a crisis in which 47 million Americans have no health insurance, even more are underinsured, and the cost of health care is soaring every day. What this legislation deals with and I think deals with quite well is understanding that it is important for us to grow the number of community health centers in this country.

The community health center program is a wonderful success story, and it is widely recognized as one of the most cost-effective programs in the entire Federal Government. Community health centers are community-run. They are run by the people in the community themselves. They are run on a nonprofit basis. They provide not only affordable health care to their people but affordable dental care, which is a growing crisis in America and in the State of Vermont. They provide mental health counseling—another serious issue. They provide low-
In addition to this appropriations bill, we are also in the process of reauthorizing the community health center program in the Health, Education, Labor and Pensions Committee on which I serve, and I thank our chairman and our ranking member for putting forth the legislation that has the support of 68 Members from both sides of the aisle.

So I think this issue of community health centers is very much an issue and an area supported by people from different political perspectives. It is doing an enormous job in providing health care to millions of Americans. I am glad we are going to take a step forward when we pass this legislation.

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

Mr. CRAPO. Madam President, in September, the Finance Committee held a hearing on the efficacy, over the past year, of the Combat Methamphetamine Epidemic Act, or the Combat Meth Act, for short. The Combat Meth Act implemented restrictions on drugs that go into the production of methamphetamines. Methamphetamine abuse has devastated lives, families, and communities across our Nation, and across the world. The testimony given at this hearing by the U.S. Department of Homeland Security, the U.S. Department of State, and State agencies indicated that while the Combat Meth Act helped reduce the home production of methamphetamine across the U.S., it is now flowing at historic levels across our borders from countries where production controls are much less rigid.

A 2006 Substance Abuse and Mental Health Services Administration report found that my home State of Idaho had one of the highest rates of methamphetamine use in the preceding 12 months of those aged 12 and older. In rural Idaho, especially, the issue of methamphetamine abuse has almost become commonplace: I visit with local officials and community leaders to hear about problems affecting their community when I am home in Idaho. When I ask if it is still a problem, the response is, of course, yes, as if the very question was a little naive. This troubles me greatly.

Thomas Siebel, chairman and founder of the highly successful Montana Meth Project, also testified at the September Finance Committee hearing on the Combat Meth Act. The Montana Meth Project was established in 2005 as a nonprofit organization created to reduce first-time methamphetamine use through public-service messaging, public policy and community outreach. In 2006, there were 272 meth labs seized. In 2007, only six, and my hope is that we can add an additional three or four more centers in the next 3 years. These centers now serve over 86,000 Vermonters and provide quality health care, quality dental care, low-cost prescription drugs, and mental health counseling in some 23 different locations around the State of Vermont. The centers are the medical home for 24 percent of Vermont’s Medicaid beneficiaries and serve 19 percent of our uninsured.

Nationally, health centers are not only providing quality, efficient care in underserved communities, they are filling a major gap in our Nation’s health care system where primary care is being commoditized. It is no secret that in many parts of America, especially rural America, it is very, very hard for people to locate a primary health care physician. It is also imperative that these centers play a role, which is to go to the bedside rather than flooding emergency rooms in hospitals, which are much more expensive.
 opiates and cocaine, methamphetamine is relatively easy to manufacture, can be produced just about anywhere and has a very substantial profit margin. It is the State Department’s assessment that international mitigation and control efforts can only be maintained by strong U.S. leadership. We have seen some success in recent months and years. During the first 6 months of this year, Operation Crystal Flow, a joint operation between the U.S. government and authorities in North and South America and West Asia, saw the halting, suspension or seizure of 53 tons of chemicals that go into meth production—so-called precursor drugs.

This operation was the joint effort of the International Narcotics Control Board through its Project Prism Task Force which includes the U.S. Drug Enforcement Agency and authorities in 126 other nations. This is just one of a number of international efforts in which the U.S. government is participating.

With the crackdown here at home on methamphetamine production, the supply source has changed. Today, Mexico is the principal foreign supplier of methamphetamine to the United States. According to the State Department, 80 percent of drug addicts in Mexico and Tijuana are using meth. Mexico itself has a very serious methamphetamine addiction problem among its population and, because of the success of the Combat Meth Act and activities undertaken by individual States, U.S. demand for the drug has gone south, so to speak. Meth from so-called “superlabs” in Mexico is reaching beyond the already-established demand of my State and surrounding western and southwestern States to other areas in the United States: we’re seeing it in the Great Lakes, the Northeast, and Southeast.

Again, the lure of an enormous profit margin, coupled with the highly addictive nature of meth is a proven recipe for even greater disaster. The Mexican Government has been working over the past few years to exert more sweeping control of the movement of large amounts of methamphetamine precursor drugs. Our Government is working with the Mexican Government in ongoing border security and drug trafficking initiatives, but as supply lines are severed in one area, they reappear in other areas and other countries where controls and law enforcement are lacking. As I stated earlier, this is an international problem and efforts, led by the United States, must be global in scope.

According to the Department of Homeland Security and Immigration and Customs Enforcement, methamphetamine seizures have steadily increased. Although Immigrations and Customs Enforcement has increased its bilateral and multilateral drug interdiction efforts in recent years, and drug seizures are up, the supply is also increasing as it becomes the drug of choice for 15 to 16 million people worldwide.

Our work to combat meth is a multipronged process and, as I said earlier, rural areas and States have been hit particularly hard by this trend. In Montana, Wyoming, and other States remain under siege by the meth epidemic. These are not communities with substantial numbers of law enforcement personnel and resources, massive revenue bases, or specialized departments and offices to fight back.

Recently, an Idahoan with over 20 years’ experience working with drug-endangered children shared an idea with me on how to best fight the meth problem in rural communities. His recommendation was that the Federal Government should assist local communities in forming multi-organizational, school, parent, and agency task forces to educate children and adults about the perils of meth addiction. He reminded us that task forces exert community and peer pressure to report the presence of labs and those selling and using meth in the community. In Idaho, this approach has proven to be the most effective way to combat meth involved in the rural communities.

Educating people before they try meth like the Montana Meth Project has done, enabling and energizing local collaborative task forces to spread the word that their communities, maintaining a zero tolerance policy that includes severe penalties for breaking the law, will help reduce demand and dry up supply.

Integral to fighting methamphetamine in our communities is educating our children. To that end in Idaho, I have partnered with the Idaho State Department of Education Safe and Drug Free Schools program and issued a call for high schools across my State to create public service announcements that seek to educate other students about the dangers of methamphetamine abuse, on the model of the highly successful Montana Meth Project. Getting our youth involved directly in this outreach and education effort will reduce the potential for methamphetamine use.

Considering the growing international methamphetamine epidemic, it is in our Nation’s interest to remain very involved in this endeavor, such as those in which the State Department, the U.S. Drug Enforcement Agency, and the Department of Homeland Security are currently involved. These successful programs deserve continued funding in order to stop the supply of meth coming into our neighborhoods.

It is time for our Nation to mobilize to fight this deadly drug. It is time to let foreign drug traffickers know that the United States is closed to meth business. We have witnessed enough children with ruined bodies, minds, and lives. We have seen enough adults abandon their parental and societal responsibilities for the lie that is a meth high. We have seen the tragedy of new-born babies taken away from mothers unable to care for them, and the infants themselves suffering the same terrible addiction.

Consideration of drug-related violence—so-called “superlabs” in Mexico that seek to educate other students about the dangers of methamphetamine abuse, on the model of the highly successful Montana Meth Project. Getting our youth involved directly in this outreach and education effort will reduce the potential for methamphetamine use. Considering the growing international methamphetamine epidemic, it is in our Nation’s interest to remain very involved in this endeavor, such as those in which the State Department, the U.S. Drug Enforcement Agency, and the Department of Homeland Security are currently involved. These successful programs deserve continued funding in order to stop the supply of meth coming into our neighborhoods.

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Consideration of drug-related violence—so-called “superlabs” in Mexico that seek to educate other students about the dangers of methamphetamine abuse, on the model of the highly successful Montana Meth Project. Getting our youth involved directly in this outreach and education effort will reduce the potential for methamphetamine use.
The proposed totalization agreement with Mexico does not contain protections against fraud, and there are too many unanswered questions about its cost to American taxpayers. The Government Accountability Office has already warned us that the proposed totalization agreement with Mexico will likely increase the number of unauthorized workers and make their family members eligible for Social Security benefits.

Mexican workers, who ordinarily would not receive benefits because they lack the required 10 years of legally documented employment in the United States, could qualify for partial Social Security benefits with as little as 1½ years of work history.

More family members living in Mexico would also qualify for United States Social Security benefits, because the proposed agreement waives rules that prevent payments to non-citizens such as children and spouses living outside the United States.

Because the Mexican Government does not keep sufficient records of births, deaths, and marriages, it would be nearly impossible to determine whether someone died so that the Social Security Administration could discontinue sending benefits. The Social Security Administration estimates that 50,000 additional Mexican workers would qualify for these benefits in the first 5 years, for a total estimated cost of over $500 million. During that same time period, the agreement would save U.S. workers a little over $100 million. If you do the math, it appears the cost of the agreement could be almost four times the savings.

Before we send scarce Social Security dollars to a foreign country, Congress must first determine whether a totalization agreement is in the best interests of our country.

To protect Social Security benefits to U.S. citizens, and to preserve the program for future generations, I am offering this amendment today. My amendment would bar funding for the administration of benefit payments under a totalization agreement with Mexico.

AMENDMENT NO. 3352

I am also offering a second amendment. There have been many media reports recently about those who are here illegally stealing American Social Security numbers. Every year employers are advised that nearly 800,000 employees do not have valid matching Social Security numbers. In too many of those cases, the numbers that are used belong to someone else in America.

Today, I am going to take a few moments to share with my colleagues a few of the stories of victims of identity theft. I have shared some of these stories in the past. Last year I spoke about Audra, who had been a stay-at-home mom since 2000. Her Social Security number was supposedly used by at least 218 different illegal immigrants, mostly in Texas, to obtain jobs. The IRS accused her of owing back taxes of over $1 million on other people’s illegal work.

There was also Caleb, who lives in Nevada with his wife and two young children. In December of 2003 Caleb was unable to work and he applied for unemployment benefits. So he was able to receive benefits totaling $6,000 that were rightfully his and was told that it was because he was already working as a landscaper in Las Vegas. Las Vegas and Reno are about 500 miles apart. It would have been very difficult for this unemployed worker in Nevada.

Stories such as this are all too common. States have experienced a crime spree involving illegal immigrants using the stolen identities of children. In one case in Utah, a child apparently owns a cleaning company and works as a prep cook at two restaurants in Salt Lake City. That is a lot of responsibility, especially for a little 8-year-old boy.

A little boy in Salt Lake City supposedly works for an express air freight company; quite an important job for an 11-year-old.

These stories are quite shocking. Americans are being denied unemployment benefits and are being unfairly taxed for failure to pay taxes on money they did not earn. My amendment prohibits the Social Security Administration from using funds to process claims for work performed under a stolen or fraudulent Social Security number.

We should not reward individuals who have knowingly engaged in illegal behavior. My amendment will ensure that the 218 illegal immigrants who stole Audra’s Social Security number will not receive benefits from the Social Security trust fund. The landscaper who stole Caleb’s Social Security number will not get credit for his work using one of my constituent’s numbers, and the prep cook who stole an 8-year-old’s Social Security number will not get credit for victimizing a child either.

We should value hard work and reward those who play by the rules. Therefore, I urge my colleagues to support both of these important amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Madam President, it is never really easy. We have a lot of procedural steps that we have tried to be as patient as I can be. I have acknowledged publicly that the two managers have done everything within their power to move this bill; 12:30 has passed but the good faith is still here. We are going to work through this day and finish this bill. We have lost a few hours, but I think with this agreement we will accomplish everything we need to do, even if we had completed this bill earlier today.

Mr. President, I ask unanimous consent that the following be the only amendments or motions remaining in order to the bill; that there be 2 minutes of debate prior to each vote, equally divided and controlled in the usual form, and that there be 20 minutes of debate equally divided and controlled prior to a vote on the motion to commit; that no second-degree amendments be in order other than as specified in this agreement; that upon disposition of all amendments and motions, if the motion to commit is defeated, then the substitute amendment, as amended, be agreed to, the bill be read a third time, and the Senate proceed to vote on passage of the bill with the vote sequence as set forth below.

I will talk specifically about the listing of the amendments and the order in which they will be voted upon because this has been negotiated for the last several hours. After the first vote, the time for each vote is 12 minutes.

The following order: No. 1, Cardin, No. 3400; No. 2, Ensign, No. 3342; No. 3, Ensign, No. 3352; No. 4, Vitter, No. 3328; and that it be in order for the amendment to be modified if agreed upon by the managers or the Senate. The Dorgan pending amendment, No. 3345, will be withdrawn—that will be done by either Senator Dorgan or the chairman, Senator...
HARKIN—No. 5, Bingaman, No. 3440, with 2 minutes each, Bingaman and KYL; No. 6, Kennedy, No. 3433, as modified; No. 7, Grassley-Sanders, No. 3396, and that the amendment be modified with the changes at the desk, and it is my understanding there will be a voice vote on that. Mr. SCHUMER, No. 3443, as amended by the Durbin amendment, No. 3449—voice vote; No. 9, DeMint amendment on first-class air travel to be offered and agreed to; No. 10, Chambless amendment No. 3391, as modified; No. 11, Republican motion to commit.

Further, I ask unanimous consent that upon the passage of H.R. 3043 the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, and that the Senate then proceed to executive session to consider the nomination of Leslie Southwick to be U.S. Circuit judge; that the Senate insist on its nomination be filed at that time; that there be 4 hours for debate on the motion with the time to be divided between Senators LEAHY and SPECTER or their designees, and that 2 hours of that time be used today with the remaining time to be used tomorrow; following the Senate’s convening at 9 a.m., that the Senate vote on cloture on the nomination to occur at 11 a.m. tomorrow; that if cloture is invoked, the Senate then vote immediately on confirmation of the nominee; if cloture is not invoked, the nomination be returned to the calendar and the Senate return to legislative session; if the nomination is confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate’s action, and the Senate return to legislative session; that regardless of the outcome, once the Senate returns to legislative session there be 20 minutes equally divided for debate between the two leaders or their designees prior to the cloture on the motion to proceed to S. 2205, the DREAM Act.

The PRESIDING OFFICER. Is there objection?

The minority leader is recognized.

Mr. MCCONNELLE, I regretfully reserving the right to object, after the majority leader began to read this agreement, I have one potential snag over here, and I think it will be cleared shortly. I would like to suggest we have a quick call briefly and let me check out one more thing. We should be able to go forward.

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

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

Mr. REID. It is my understanding there is a unanimous consent pending; is that right?

The PRESIDING OFFICER. The majority leader is correct. Without objection, it is so ordered.

AMENDMENT NO. 336 WITHDRAWN

Under the previous order, the Dorgan amendment No. 3345 is withdrawn.

The Senator from IOWA.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. HATCH, proposes an amendment numbered 3443, as modified.

Mr. HARKIN. Mr. President, before we start, I send a modification to the desk and ask for its immediate consideration on amendment No. 3443 for Senator HATCH.

The PRESIDING OFFICER. The amendment (No. 3443), as modified, was agreed to, as follows:

AMENDMENT NO. 3443, AS MODIFIED

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

SEC. 4. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on the results of the studies utilized to assess students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments.

(b) The report required under subsection (a) shall include data collected from a representative sample of schools across the Nation to determine the strategies utilized by schools to prepare students to meet State academic achievement standards and achieve proficiency on State academic assessments, including the following categories of strategies:

(1) Adjusting the structure of the school day, which may include the expansion of the school day, or modifications in the time spent on instruction in core academic subjects.

(2) The professional development provided to teachers or additional school personnel to assist low-performing students.

(3) Changes in the provision of instruction to students, including targeting low-performing students for specialized instruction or tutoring.

(4) Utilizing types of instructional materials to prepare students.

(5) Instituting other State or local assessments.

(6) Using other strategies to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments.

(c) The data collected pursuant to this section shall be disaggregated by—

(1) Schools identified as in need of improvement;

(2) Schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) Schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(4) Schools with a student enrollment consisting of a majority of racial and ethnic minority students;

(5) Schools with a student enrollment consisting of a majority of non-minority students;

(6) Urban schools;

(7) Rural schools; and

(8) Schools identified as in need of improvement under section 1116 of the Elementary School Improvement Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment 3430, as modified, is agreed to.

The amendment (No. 3430), as modified, was agreed to, as follows:

AMENDMENT NO. 3430, AS MODIFIED

At the end of title II, add the following:

SEC. 4. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on the results of the studies utilized to assess students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments.

(b) The report required under subsection (a) shall include data collected from a representative sample of schools across the Nation to determine the strategies utilized by schools to prepare students to meet State academic achievement standards and achieve proficiency on State academic assessments, including the following categories of strategies:

(1) Adjusting the structure of the school day, which may include the expansion of the school day, or modifications in the time spent on instruction in core academic subjects.

(2) The professional development provided to teachers or additional school personnel to assist low-performing students.

(3) Changes in the provision of instruction to students, including targeting low-performing students for specialized instruction or tutoring.

(4) Utilizing types of instructional materials to prepare students.

(5) Instituting other State or local assessments.

(6) Using other strategies to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments.

(c) The data collected pursuant to this section shall be disaggregated by—

(1) Schools identified as in need of improvement;

(2) Schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) Schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(4) Schools with a student enrollment consisting of a majority of racial and ethnic minority students;

(5) Schools with a student enrollment consisting of a majority of non-minority students;

(6) Urban schools;

(7) Rural schools; and

(8) Schools identified as in need of improvement under section 1116 of the Elementary School Improvement Act of 2002.
Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3439, AS MODIFIED, TO AMENDMENT NO. 3320

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. The amendment (No. 3439) was agreed to, as follows:

AMENDMENT NO. 3439

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3342

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3320

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3320

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3342

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3320

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3342

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:

AMENDMENT NO. 3320

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3439, and I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. KENNEDY, proposes an amendment numbered 3439, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3439) as modified, was agreed to, as follows:
I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "aye."

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 92, nays 2, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—92

YEAS—91

YEAS—92

NAYS—6

NAYS—3

NOT VOTING—6

NOT VOTING—6

The amendment (No. 3342) was agreed to.

Mr. HARKIN. Mr. 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. HARKIN. Mr. President, it is my understanding we don’t need any time. All time is yielded back.

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

The amendment (No. 3352) was agreed to. AMENDMENT NO. 3352

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Ensign amendment No. 3352.

Who yields time?

Mr. HARKIN. Mr. President, it is my understanding we don’t need any time. All time is yielded back.

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

Mr. REID. Mr. President, 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. URIBURU. 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 "no."

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 91, nays 3, as follows:

[Rollcall Vote No. 387 Leg.]

YEAS—91

SENATE.
preventing individuals from bringing back a prescribed medication for themselves from Canada. I have agreed to make two modifications to my amendment. My amendment, as modified, would add explicit restrictions on controlled substances and biological products from my amendment.

Therefore, as modified, my amendment prohibits funds from preventing individuals, not wholesalers, from importing prescriptions for themselves, and there is no restriction in my language as to how they may import these prescriptions, it is understood that mail order and Internet importation is not prohibited along with carrying on the person over the border. All controlled substances and biological products are prohibited.

It is my understanding that my amendment will be accepted by voice vote today on the agreement that the chairman and ranking member of the subcommittee, Senator HARKIN and Senator SPECTER, will work hard for its inclusion in the final conference report for the final legislative vehicle for this bill.

Mr. HARKIN. Mr. President, I appreciate the sentiments by the Senator from Louisiana and accept this proposal on this modified amendment and will ask that it be adopted by unanimous consent. I agree to work hard for inclusion of this amendment in the conference report of the final legislation.

Mr. SPECTER. Mr. President, I confer with my colleague and confirm this agreement with my colleague from Louisiana, Mr. Vitter.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 3328), as modified, was agreed to.

Mr. HARKIN. Mr. 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.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is to be recognized.

AMENDMENT NO. 3409, AS MODIFIED, TO AMENDMENT NO. 329

Mr. BINGAMAN. Mr. President, this is an amendment to add $50 million to the Social Security Administration account so that they can deal with the enormous backlog of cases that are pending there in people applying for disability benefits. The average wait is 529 days now. If a person filed today for a hearing in Social Security, they would expect to get that hearing in June of 2009. That is unacceptable. We need to do better. This amendment will help us do that.

I yield the remainder of my time to Senator DOMENICI.

Mr. DOMENICI. Mr. President, I suggest that this is absolutely imperative.

For citizens who are on disability to have to wait 2 years on an appeal, as the Senator said, is unacceptable. The money this is providing will take care of that. He asked the administrator, and that is what is needed, and we ought to fund it. We have Social Security and disability, and then they make them wait 2 years, and all of the offices are being cut back because they don’t have enough operating money. We should pass this amendment.

Mr. BINGAMAN. Mr. President, I call up amendment No. 3440, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3440, as modified.

The amendment is as follows:

At the appropriate place, insert the following:

GENERAL PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading ‘‘LIMITATION ON ADMINISTRATIVE EXPENSES’’ under the heading ‘‘SOCIAL SECURITY ADMINISTRATION’’ shall be increased by $150,000,000.

(b) Section 1486(1)(2)(A) of the Social Security Act (42 U.S.C. 1395w-1(1)(2)(A)), as amended by section 309 of the TMA, Abstinence Education, and IQ Programs Extension Act of 2007 (Public Law 110-117), is amended by striking ‘‘$1,200,000,000’’ and inserting ‘‘$1,350,000,000’’

(c) Section 422 of title 31, United States Code, is amended to read as follows:

Mr. GRASSLEY. Mr. President, do we have an opportunity to address it?

The PRESIDING OFFICER. There is 2 minutes on each side.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise with my colleague and confirm this agreement with my colleague from New Mexico, Mr. Vitter.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

Mr. SPECTER. Mr. President, I concur with my colleague and confirm this agreement with my colleague from Louisiana, Mr. Vitter.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 3328), as modified, was agreed to.

Mr. HARKIN. Mr. 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.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is to be recognized.

AMENDMENT NO. 3409, AS MODIFIED, TO AMENDMENT NO. 329

Mr. BINGAMAN. Mr. President, this is an amendment to add $50 million to the Social Security Administration account so that they can deal with the enormous backlog of cases that are pending there in people applying for disability benefits. The average wait is 529 days now. If a person filed today for a hearing in Social Security, they would expect to get that hearing in June of 2009. That is unacceptable. We need to do better. This amendment will help us do that.

I yield the remainder of my time to Senator DOMENICI.

Mr. DOMENICI. Mr. President, I suggest that this is absolutely imperative.

For citizens who are on disability to have to wait 2 years on an appeal, as the Senator said, is unacceptable. The money this is providing will take care of that. He asked the administrator, and that is what is needed, and we ought to fund it. We have Social Security and disability, and then they make them wait 2 years, and all of the offices are being cut back because they don’t have enough operating money. We should pass this amendment.

Mr. BINGAMAN. Mr. President, I call up amendment No. 3440, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3440, as modified.

The amendment is as follows:

At the appropriate place, insert the following:

GENERAL PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading ‘‘LIMITATION ON ADMINISTRATIVE EXPENSES’’ under the heading ‘‘SOCIAL SECURITY ADMINISTRATION’’ shall be increased by $150,000,000.

(b) Section 1486(1)(2)(A) of the Social Security Act (42 U.S.C. 1395w-1(1)(2)(A)), as amended by section 309 of the TMA, Abstinence Education, and IQ Programs Extension Act of 2007 (Public Law 110-117), is amended by striking ‘‘$1,200,000,000’’ and inserting ‘‘$1,350,000,000’’

(c) Section 422 of title 31, United States Code, is amended to read as follows:

Mr. GRASSLEY. Mr. President, do we have an opportunity to address it?

The PRESIDING OFFICER. There is 2 minutes on each side.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise with my colleague and confirm this agreement with my colleague from New Mexico, Mr. Vitter.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

Mr. SPECTER. Mr. President, I concur with my colleague and confirm this agreement with my colleague from Louisiana, Mr. Vitter.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 3328), as modified, was agreed to.

Mr. HARKIN. Mr. 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.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa, Mr. GRASSLEY, is recognized to offer an amendment.

Mr. GRASSLEY. Senator SANDERS should go first.

Mr. SANDERS. I call up my amendment.

Mr. HARKIN. Mr. President, I understand that under the unanimous consent agreement, the next amendment will be No. 3396, the Grassley-Sanders amendment. It has been modified.
The PRESIDING OFFICER. The Senator is correct. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. Grassley), for himself and Mr. Sanders, proposes an amendment numbered 3396, as modified, to amendment No. 3325.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) Short Title.—This section may be cited as the "American Competitiveness Scholarship Act of 2007".

(b) Establishment.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(c) Eligibility.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 101(a)), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1152), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants are determined by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(d) Amount of Scholarship; Renewal.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $3,500 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of highest education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for up to 4 years.

(e) Funding.—The Director shall carry out this section only with funds made available under section 286(w) of the Immigration and Nationality Act, as added by subsection (g).

(f) Federal Register.—Not later than 60 days after the date of the enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

(c) Supplemental H-1B Nonimmigrant Petitioner Account; Gifted and Talented Students Education Account.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w) Supplemental H-1B Nonimmigrant Petitioner Account.—

'(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H-1B Nonimmigrant Petitioner Account'. Notwithstanding any other provision of this Act, there shall be deposited as offsetting receipts into the account $5.75 percent of the fees collected under section 214(c)(15)(B).

'(2) Use of Fees for American Competitiveness Scholarship Program.—The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in the American Competitiveness Scholarship Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.

"(x) Gifted and Talented Students Education Account.—

'(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'.

'(2) Use of Fees.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education for educational programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.)."

(b) Supplemental and Deficit Reduction Fees.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1356(c)) is amended by adding at the end the following:

"(15)(A) Except as provided under subparagraph (D), if the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall assess an initial fee and a deficit reduction fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amounts determined under subparagraph (B)."'

'(B) The supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

'(C) Of the amounts collected under subparagraph (B)—

'(1) $5.75 percent shall be deposited in the Treasury in accordance with section 286(w); and

'(2) 14.25 percent shall be deposited in the Treasury in accordance with section 286(x).

'(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fees imposed under this paragraph.'

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I will say a few words about this amendment. I thank the Senator from Vermont for working with me on this amendment. We modified the original amendment. This amendment is substantially similar to the amendment Senator Grassley and I offered last May on the immigration reform bill which passed the Senate with a bipartisan vote of 59 to 35.

This amendment is motivated by one major concern. We want to make sure that our young Americans receive the educational opportunities they need in order to obtain the professional, good-paying jobs that are coming about in this country. To do that, we need to make sure they have the college education they need in math, science, engineering, health care, and other professional fields.

This amendment also expands the Jacob Javits Gifted and Talented Educational Program, long supported by Senator Grassley.

This amendment will accomplish these goals by adding a $3,500 surcharge on companies that utilize the H-1B program, the same surcharge that 59 Senators supported last May.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I wish to speak to what this bill does or does not do for our most promising students.

In his best selling book, "The World Is Flat," Thomas Friedman discusses the challenges of globalization using the metaphor of the world getting flatter. What he means is that international barriers to the movement of goods, services, people, and ideas are breaking down. That means that American businesses are facing competition from different sources, and the competition will only get fiercer.

If Americans want us to remain an economic leader and keep high paying jobs, we will need to stay one step ahead of others around the world in coming up with new ideas and innovative products and services.

Thomas Friedman likens this moment in American history to the height of the Cold War when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite.

In response to Sputnik, Congress passed the National Defense Education Act, which really started the Federal involvement in education.

According to Thomas Friedman, to meet the challenges of what he calls "flatism" will require, "as comprehensive, energetic, and focused a response as did meeting the challenge of communism."

I have heard a lot of talk in Congress about the need to do something about American competitiveness.

In fact, earlier this year we passed the America COMPETES bill, authorizing a series of new programs designed to stimulate advanced learning by young Americans. But are we serious about that?

The bill before us today is a $3.35 billion increase over the previous year. That is not small potatoes. That is enough to give a boost to a lot of programs.

But one program that is not seeing a boost is the only source of Federal
funds currently focused on helping meet the unique learning needs of gifted and talented students.

The Javits Gifted and Talented Students Education Act has suffered a series of cuts in recent years due to across-the-board rescissions.

For the current fiscal year, Congress passed an unusual type of modified continuing resolution. While the continuing resolution contained no specific language further cutting funding for gifted education, the program mysteriously suffered a significant 21 percent cut.

In total, gifted and talented education has taken a 33 percent cut since 2002, and that is not adjusted for inflation. The current bill retains that cut.

We need these talented young people to get advanced degrees and make the technological innovations that drive our economy.

Make no mistake, that will not happen by itself. Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. As a result, it takes a great deal more to keep them challenged and stimulated.

If gifted students are not sufficiently stimulated, they often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

The book “Genius Denied,” by Jan and Bob Davidson from the majority leader’s home, the State of Nevada, chronicles how we are letting gifted students throughout the Nation fall through the cracks, wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, “A Nation Deceived: How Schools Hold Back America’s Brightest Students.”

We must do a better job of developing American talent if America is to remain competitive in the global economy.

Twice now, on the competitiveness bill and the immigration bill, I have proposed an amendment to provide an appropriate funding source for gifted and talented education.

My proposal would increase the fee employers pay for H-1B visas for highly skilled foreign workers to come to the United States and use that additional funding for the Jacob Javits Gifted and Talented Students Education Act.

H-1B visas are temporary visas. Highly skilled foreign workers come to the United States, often working for less than Americans, and garner useful experience with American companies.

Then, by the nature of the H-1B program, they go home to use their talent in their native country.

That is hardly a permanent solution to our need for talented workers. Doesn’t it make sense to charge a fee to those investing in temporary talent from abroad and use it to invest in permanent talent for the future here at home?

The modified amendment at the desk is a compromise that I worked out with the Senator from Vermont, Mr. SANDERS.

The modification includes language that was agreed to during the immigration debate.

In fact, a similar amendment passed the Senate with a 59-vote majority. It would increase the fee for H-1B visas and use the revenue to support gifted and talented education as well as an American Competitiveness Scholarship Program that the Senator from Vermont has authored.

I support his goal of creating a scholarship program for students pursuing a degree in math, engineering, health care, or computer science.

I appreciate Senator SANDERS’S willingness to help me and to provide needed funding for gifted and talented students.

We cannot continue to shortchange our best and brightest students and still expect excellence from them. Gifted students are the innovators of tomorrow that will keep our economic pump primed.

For their sake and ours, we cannot afford to squander this vital national resource.

I urge the adoption of my amendment.

Mr. HARKIN. If there is no one else to speak, I yield back the remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 3396), as modified, was agreed to.

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

AMENDMENT NO. 3449 TO AMENDMENT NO. 3396

Mr. HARKIN. Mr. President, I understand the next amendment is the Schumer amendment No. 3404.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. As amended by the Durbin amendment No. 3449.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SCHUMER, for himself and Mrs. HUTCHISON, proposes an amendment numbered 3404 to amendment No. 3325.

The amendment is as follows:

(Purpose: To increase the domestic supply of nurses and physical therapists, and for other purposes)

On page 126, between lines 7 and 8, add the following:

S. 521. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting “1996, 1997,” after “available in fiscal year”; and

(B) by inserting “group I,” after “schedule A”;

(2) in paragraph (2)(A), by inserting “1996, 1997,” and after “available in fiscal years”; and

(3) by adding at the end the following:

“(4) Petitions.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.”.

AMENDMENT NO. 3449 TO AMENDMENT NO. 3396

(Purpose: To increase the number of nursing faculty and students in the United States, to encourage global health care cooperation, and for other purposes)

Mr. HARKIN. Mr. President, I call up the Durbin amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DURBIN, proposes an amendment numbered 3449 to amendment No. 3396.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

Mr. DURBIN. Mr. President, my second degree amendment reflects my belief that we cannot continue to import thousands of foreign nurses without also taking steps to step up capacity for training nurses here in the U.S. We all know that the United States faces a serious shortage of qualified nurses. Projections show that by the year 2020, our country will fall short of the nurses we need by one million nurses.

Why do we have this looming shortage? Certainly it is due in part to our growing and aging population. But there are also structural problems with the domestic nursing system that limit the number of nurses we educate and train in this country. The main structural problems are an insufficient number of nurse educators and a shortage of clinical space for training. An American Association of Colleges of Nursing survey showed that nursing colleges denied admission to nearly 43,000 qualified applicants in 2006 academic year. The top reasons these applications were not accepted were insufficient faculty and not enough admissions slots. The solution is a bottleneck that is stifling the supply of nurses in this country. And we need to fix it.

We need to devote resources to training and hiring new nursing faculty and expanding clinical space for nursing schools so they can accept more qualified students. These investments will exponentially increase the number of trained American nurses. The Schumer-Hutchison amendment’s approach to fixing our nursing shortage is to allow up to 61,000 foreign nurses to work in the country with temporary visas. Importing these thousands of foreign nurses is only a band-aid solution to our projected nursing shortage of 1
million. But it is also a step that de-
flates any momentum towards finding
real solutions for our domestic nursing
crisis. We have done these nursing visa
recaptures before. In fact, 2 years ago
in 2005, the President signed into law a
recapture of 50,000 nursing visas as part
of that year’s Emergency Sup-
mental Appropriations Act. Did this
2005 visa recapture stop the nursing
shortage? Of course not. It was a band-
aid solution. But it did undermine mo-
mentum for efforts to undertake the
real reform that we know we need. And
so here we are again, 2 years later,
with hospitals desperate for more
nurses.

My second degree amendment is a
reasonable compromise that will help
both the hospitals in the short term
and the domestic nursing supply in the
long term. My amendment would re-
quire employers who successfully peti-
tion for a recaptured nursing green
card to pay a $1,500 fee.

This fee would be used to fund a
grant program that would provide
grants to U.S. nursing schools for hire-
ing nurse faculty, expanding training
capacity, and recruiting more students.
$1,500 per nurse fee—hospitals can
spend many times that amount for the
services of foreign nurse recruiting
companies. However, under my amend-
ment, hospitals that are in dire finan-
cial straits, like Health Professional
Shortages Areas and Louisiana hospi-
tals still recovering from Hurri-
canes Katrina and Rita, would receive
a waiver from paying this fee. Neither
does my amendment also impose the
fee on the dependents of any nurses
who receive a recaptured green card.

Again, the Durbin 2nd degree amend-
ment is a reasonable compromise that
will help both the hospitals in the short
term and the domestic nursing supply in
the long term. It will allow for the
international nursing green card that
will address immediate needs, but it will
also take steps that will put the Ameri-
can nursing profession on a path to
sustainability. My amendment also
contains two measured steps to en-
hance global healthcare cooperation
and to safeguard against a crippling
brain drain of foreign healthcare work-
ers from countries where they are criti-
cally needed. The first provision would
allow a healthcare worker who is a
legal permanent resident in the U.S.
to temporarily leave for healthcare serv-
ices in a country that is under-
developed or that has suffered a dis-
aster or public health emergency—like
the 2004 tsunami—without jeopardizing
his or her immigration status in the
U.S. The second provision would re-
quire a foreigner who is petitioning to
work in the U.S. as a health care work-
er to attest that he or she has satisfied
any outstanding commitment to his or
her home country under which the for-
eigner received money for medical
training in return for a commitment to
work in that country for a period of
years. The goal of this second provision
is to ensure that foreign countries do
not invest money in healthcare work-
ers who then reneg on commitments
to work in their country without satis-
fying their commitment in some way,
such as by a new voluntary agreement.
There is a waiver available in case of
coercion by the home country govern-
ment, and my amendment is strongly sup-
ported by the American Nurses Asso-
ciation and the American Association
of Nursing Colleges.

I urge my colleagues to support the
domestic nursing profession and sup-
port global healthcare cooperation. I
urge passage of my amendment.

Mr. HARKIN. All time is yielded
back.

The PRESIDING OFFICER. If all
time is yielded back, without objection
the second-degree amendment is agreed
to.

The amendment (No. 3449) was agreed
to.

The PRESIDING OFFICER. Without
objection, the amendment, No. 3404, as
amended, is agreed to.

The amendment (No. 3404), as amend-
ed, was agreed to.

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

Mr. DURBIN. I move to lay that mo-
tion on the table.

The motion to lay on the table was
agreed to.

AMENDMENT NO. 3120 TO AMENDMENT NO. 3230

The PRESIDING OFFICER. Under
the previous order, the Senator from
South Carolina, Mr. DEMINT, is recog-
nized to offer an amendment.

Mr. HARKIN. Mr. President, I have
an amendment for Mr. DEMINT, which I
send to the desk.

The PRESIDING OFFICER. The clerk
will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN),
for Mr. DEMINT, proposes an amend-
ment numbered 3450 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To prevent Federal employees
from purchasing unnecessary first class or
premium class airline tickets at taxpayers' expense,
and for other purposes)

At the appropriate place, insert the fol-
lowing:

Such... .None of the funds made avail-
able under this Act may be used to purchase
first class or premium class airline travel
that would not be consistent with sections
301-10.123 and 301-10.124 of title 41 of the Code
of Federal Regulations.

Mr. HARKIN. Mr. President, the
amendment has been agreed to on both
sides.

The PRESIDING OFFICER. All time
is yielded back. Without objection, the
amendment is agreed to.

The amendment (No. 3450) was agreed
to.

AMENDMENT NO. 3391 WITHDRAWN

Mr. HARKIN. Mr. President, I am in-
formed that amendment No. 3391 by
Senator Chambliss can be withdrawn,
so I ask unanimous consent that amend-
ment No. 3391 be withdrawn.

The PRESIDING OFFICER. Is there
objection? The Chair hears none, and it is
so ordered.

South Carolina, Mr. DEMINT, is recog-
nized to offer an amendment.

The amendment (No. 3450) was agreed
on by unanimous consent.

The amendment (No. 3449) was agreed
to.

The amendment (No. 3404), as amend-
ed, was agreed to.

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

Mr. DURBIN. I move to lay that mo-
tion on the table.

The motion to lay on the table was
agreed to.

Mr. HARKIN. Mr. President, I have
an amendment for Mr. DEMINT, which I
send to the desk.

The PRESIDING OFFICER. The clerk
will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN),
for Mr. DEMINT, proposes an amend-
ment numbered 3450 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To prevent Federal employees
from purchasing unnecessary first class or
premium class airline tickets at taxpayers' expense,
and for other purposes)

At the appropriate place, insert the fol-
lowing:

Such... .None of the funds made avail-
able under this Act may be used to purchase
first class or premium class airline travel
that would not be consistent with sections
301-10.123 and 301-10.124 of title 41 of the Code
of Federal Regulations.

Mr. HARKIN. Mr. President, the
amendment has been agreed to on both
sides.

The PRESIDING OFFICER. All time
is yielded back. Without objection, the
amendment is agreed to.

The amendment (No. 3450) was agreed
to.

AMENDMENT NO. 3391 WITHDRAWN

Mr. HARKIN. Mr. President, I am in-
formed that amendment No. 3391 by
Senator Chambliss can be withdrawn,
so I ask unanimous consent that amend-
ment No. 3391 be withdrawn.

The PRESIDING OFFICER. Is there
objection? The Chair hears none, and it is
so ordered.

The Republican leader.

Mr. McCONNELL. Mr. President, we
are now in the fourth week of the new
fiscal year, and Congress still hasn’t
sent a single 1 of the 12 appropriations
bills to the President. Those who made
a lot of noise about Republican spend-
ing habits before last year’s elections
are now making the same mistakes
themselves.

There is a difference. This year, our
Democratic friends are delaying the
most essential business of Congress on
a political gambit. They have stuffed
this bill with so much extra spending it
does not even merit a veto. Once again,
they are setting up the kind of circus
that has become common this year.
Instead of having a de-
bate about the issues, about spending,
we will have a no debate played out in
front of cameras, complete with props
and outrage. A story in Monday’s “Roll
Call” laid out the strategy. It said our
Democratic friends think a Presi-
dential veto of the Labor-HHS bill will
allow them to paint the administration
and Capitol Hill Republicans as “out of
touch” with average Americans, just
like the effort that is underway on
SCHIP.

Well, it is time to stop painting and
to start legislating. The fact is, the
Labor-HHS bill is simply too expen-
sive. It is $9 billion over the President’s
request, and we all know what that
means. Next year, Democrats will use
that figure as their baseline, and on
and on in perpetuity. They expect tax-
payers to forget how much they in-
crease spending this year so they can
say it isn’t that much when they do it
tagain next year.

Our friends on the other side of the
aisle like to downplay the spending
hikes, but let’s stop for a second and
look at what some of their proposed in-
creases this year would actually look
down the line. The spending hike
they are asking for in this bill, if al-
lowed to continue at the same rate,
will cost the American taxpayer $120
billion over the next 10 years. Let me
say that again. This spending increase
that the President has requested, if
allowed to stand year after year,
which is the way this always works,
will cost the American taxpayers
$120 billion over the next 10 years. That
is equivalent to the entire budget of
the State of New York just in discre-
tionary increases, just on this one ap-
propriations bill. So this increase on
this bill, compounded out, $120 billion
over the next 10 years, is the equiva-
lent of the entire budget of the State of
New York.

So what we are telling taxpayers is
this proposed $23 billion increase over
the President’s request for this year’s
appropriations bills isn’t all that
much. How many times have we heard that: this isn’t all that much money? But let’s look at the 10-year totals. The $23 billion this year, at the same rate of growth, will end up costing taxpayers $232 billion over 10 years.

What cut would cost $232 billion? We could fund this year’s discretionary appropriations for the Department of Transportation, the Department of Housing and Urban Development, the Department of Justice, the Department of Commerce, the Department of Agriculture, the Department of Interior, Energy, and still have more left over than the entire 2005 Massachusetts State budget. So our friends are saying that is not a lot of money. Only in Washington, DC, could this kind of spending be not much. We need to get serious about how we spend other people’s money, and if we don’t start on this bill, which represents the largest increase among all the appropriations bills, we won’t cut anywhere.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is responsible and which will secure a Presidential signature. We cannot continue to use the Government charge card knowing our children and their children will have to pay the bill.

On behalf of Senator LOTT and myself, I move to commit H.R. 3043 to the Committee on Appropriations with instructions to report back with total amounts not to exceed $140.92 billion, and I urge my colleagues to vote with us to get us out of the business of political theater and back to the business of governing in a responsible way.

Mr. BYRD. Mr. President, first, I commend Senator HARKIN for his skillful management of this bill. The Labor, HHS, and Education bill requires tough—did you hear me say that word, tough?—tradeoffs between critical programs that serve our Nation well. I thank Senator SPECTER for his many contributions to this legislation, which is bipartisan, and I urge Senators to vote no on the motion to commit the bill to the committee for the purpose of reducing the bill to the President’s request.

Hear me now. Hear me now. Listen. I am going to pose a question. You will have an opportunity to answer it. If such a motion to commit were approved, the bill would need to be reduced by $9 billion. To any Senator who intends to vote for the motion to commit and reduce the bill by $9 billion, I ask: What programs would you cut? What programs would you cut?

The President proposes to cut National Institutes of Health funding by $270 million for studying cancer, diabetes, and heart disease. Under the President’s budget, the National Institutes of Health would have to eliminate 717 research grants that could lead to cures or treatments for cancer, diabetes, Alzheimer’s, and other diseases. Should we reduce funding for the National Institutes of Health? How about it? Do I hear a response? Ask yourself before you vote: Where would you cut? What would you cut?

The President proposes over $3 billion in cuts for education programs, including special education, safe and drug-free schools, and improving teacher quality. Should we reduce funding for educating our children? Should we? Which educational programs shall we cut? Step up to the plate.

The President proposes cuts of nearly $1 billion in health programs such as rural health, preventive health, nurse training, and mental health grants. Should we reduce funding for programs that improve the health of our Nation? Should we? Ask yourself, which program—which program—should be cut? Silence. The record will note silence in answer to the question.

Mr. DURBIN. I announce that the time remains?

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. DURBIN. I announce that the time to answer the question. By how much should we slash low-income home energy assistance? By how much? Those who want to cut now the time to answer the question. By how much should we slash low-income home energy assistance?

Mr. President, it is easy to demand cuts until one has to say just what will be cut. Whose ox—whose ox, yours or mine—whose ox will be gored? Who will be left out in the cold?

To all Senators listening, I urge a “no” vote on the motion to commit.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 15 seconds.

Mr. HARKIN. I yield—how much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 15 seconds; the Republican leader has 5 minutes.

Mr. HARKIN. I will split it, 1 1/2 minutes to Senator SPECTER, and I will take the last 1 1/4 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the motion to commit because the President’s budget is $3.5 billion under the current expenditures, and figuring an inflation rate it would be $3.5 billion less.

If we accept the President’s figure, then we are abdicating our constitutional responsibility of the appropriations process. The Constitution gives to the Congress the appropriations power. If we automatically defer to the President on the total figure, all we do is fill in the blanks, and that would be an abdication of our constitutional responsibility. In fact, I think it would be unconstitutional for us to delegate that authority to the President. There is case law to the effect that Congress may not delegate its constitutional authority.

I discussed an alternative motion to commit, and that is to arrive at a figure which would be acceptable to the President. On SCHIP the President has stated his willingness to negotiate. The Senate has its figure; the President has his figure. I would be prepared to commit this bill to committee to arrive at that figure. I certainly not to abdicate our constitutional authority and responsibility.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first I think Senator Specter and I have helped through all this debate and developing this bill. I thank Senator BYRD for his usual eloquence tonight. I think he encapsulated what this is all about.

This is a bipartisan bill. I opposed the committee by a vote of 26 to 3. Frankly, I think at least two, maybe all three of those were opposed to the stem cell portion we had in there, which is no longer in the bill. Nonetheless, this passed 26 to 3.

To echo a little bit what Senator BYRD said, if you vote to commit, you are voting to cut community services block grants, to zero it out, and your social services block grants that go to your States will be cut by 30 percent. You would cut NIH, as Senator BYRD said, by $270 million. How about special education? That would be cut by $748 million. How about community health centers? That would be cut by $250 million.

A “yea” vote means you agree with the President that we do not need any more community health centers, you agree with the President we don’t need any more money to go to the States for special education, you agree with the President that we can cut funding for NIH, you agree with the President we can zero out the community services block grants and cut the social services block grants to the States by 30 percent. That is what a “yea” vote means.

Frankly, I hope we have an overwhelming vote to reject this motion to commit and keep this a strong bipartisan bill with which we can go to conference.

The PRESIDING OFFICER. The President.

Mr. MCCONNELL. Mr. President, I yield the remainder of my time 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 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 "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 40, nays 54, as follows:

[Rollcall Vote No. 390 Leg.]

YEAS—40

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burris
Burton
Chambliss
Colburn
Cook
Cooper
Corzine
Craig
Isakson

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burris
Burton
Chambliss
Colburn
Cook
Cooper
Corzine
Craig
Isakson

NAYS—54

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cleaver
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Gingrich
Mikulski
McCaskill
Menendez
McCaskill
Mikulski
Menendez

The motion was rejected.

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

The motion to lay on the table was agreed to.

STUDY ON FOLIC ACID

Mr. SALAZAR. The distinguished ranking member, Senator SPECTER, and I wish to engage in a colloquy about an important public health matter.

Folic acid is an essential "B vitamin" that plays a critical role in the body’s natural processes for making new cells throughout the body. As the Labor/HHS appropriations committee has indicated in its committee report, folate or folic acid fortification can play a critical role in reducing the incidences of serious birth defects, such as spina bifida. In that regard, according to research conducted by the Centers for Disease Control, since the implementation of the FDA’s policies governing folic acid fortification in enriched cereal grain products, the prevalence of spina bifida and other neural tube defects has declined approximately 20 to 30 percent.

While this represents significant progress in the prevention of birth defects, the decline falls short of the national policy objective to achieve a 50 percent reduction by 2010. It also falls short of the 50 percent to 70 percent reduction in birth defects that the Public Health Service has estimated would result if all U.S. women of childbearing age consumed the recommended amount of folic acid daily.

Mr. HARKIN. Senator SALAZAR, I commend you for bringing this critical issue to my attention and to my colleagues’ attention. I agree with you that we must do all that we can to reduce serious birth defects.

Mr. SALAZAR. Thank you, Senator HARKIN. Of great concern to me is that the scientific evidence indicates that the progress that has been made since the current fortification policy was adopted four years ago has been uneven, and public health efforts have not been successful in reaching some of the population groups that are at highest risk of having a child affected by NTD birth defects. For example, research analyzing the government’s 2001-2002 National Health Examination Survey data found that approximately 60 percent of non-Hispanic white women, and nearly 80 percent of Hispanic women and nearly 80 percent African American women consumed less than the recommended amount of folic acid daily.

CDC research suggests that current fortification policy is a barrier to fortifying the types of food consumed by diverse groups and may help explain the disparate results that have been achieved in diverse U.S. populations. In view of the inadequacy of folic acid intake that persists among U.S. women who are most at risk of having a child affected by NTD birth defects, there is a need for further study to evaluate whether greater improvements in the nutritional status of women and the prevention of NTDs can be achieved through the expansion of food and beverage fortification with folic acid.

Senator SPECTER, the statistics show that our current fortification policy is not reaching all populations. Do you agree that we need the CDC to study this issue further, so that we can take appropriate action based on those results?

Mr. SPECTER. As a longstanding advocate of prevention and education programs, Senator SALAZAR, I believe that the CDC should conduct critical public health research regarding our current folic acid fortification policies, so that we have a chance to meet our public health objectives of significantly reducing the occurrences of spina bifida and other birth defects.

Mr. SALAZAR. I am familiar with the distinguished Senator’s long history of supporting public health prevention and education programs, and I ask that you work with me when we get to conference to add report language to the Labor, HHS and Education Appropriations bill that would direct the CDC to conduct a study of the additional disease prevention benefits to the U.S. population that would be gained from expanded folic acid fortification of the food and beverage products currently consumed by populations currently at risk for inadequate folic acid intake. It is also my opinion that CDC should use public-private partnerships to facilitate that study.

Mr. HARKIN. Senator SALAZAR, I will work with you to expand folic acid fortification of foods and beverages.

Mr. SALAZAR. Thank you, Senator HARKIN and SPECTER. I appreciate your interest in and dedication to addressing this critical public health matter.

Mr. SPECTER. I commend my colleague for working on this important issue and concur with Chairman HARKIN.

COMMUNITY-BASED DOULA INITIATIVE

Mr. DURBIN. Mr. President, I rise to enter into a colloquy with the Senator from Iowa, chairman of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, Mr. HARKIN. I am pleased that the subcommittee has designated funding for a community-based doula initiative within the Maternal and Child Health Bureau. In particular, I am eager to see that this funding be used in part to support technical assistance and evaluation activities. Fourteen of the residents make up 38 percent of all women ages 15 to 19, yet they account for 73 percent of all pregnancies in that age group. Teenage mothers are much less likely than older women to receive timely prenatal care and are more likely to smoke during pregnancy. Because of these and other factors, babies born to teenagers are more likely to arrive too early and at a lower birth weight, which puts them at greater risk for serious and long-term illness and developmental delays.

In Chicago, we have seen how the community-doula model can improve the odds for those young moms and their babies. The Chicago Health Connection, a non-profit pregnancy counseling service, has trained mentors from the community to work with at-risk moms, many of whom had few ideas of where else to turn. These mentors spend time in the neighborhood, finding and befriending pregnant women in need help. With the guidance of the doula, the Chicago Health Connection found that more young mothers were going to their prenatal care appointments, making better lifestyle choices, and not surprisingly delivering healthier babies. The doulas stay with the moms through the early months, encouraging breastfeeding, cuddling, interactive play, and other critically important developmental activities. The key to success in this model is the doula, who connects with them in the places they serve. The doula provides culturally sensitive pregnancy and childbirth education and helps ensure that
pregnant women know how to access prenatal care and social services.

Mr. HARKIN. I thank my friend from Illinois for his leadership on this issue. I have worked hard in this bill to make prevention a priority. Doula programs provide an important support that families need to create a safe environment for new infants, particularly when mothers have nutritional challenges. Everything we learn from the National Institutes of Health reminds us that this early stage of development is so key to our health and well-being.

And I want to applaud my friend Senator DURBIN for bringing this proven model to me last year. We worked hard to include funding and I agree with him that expert technical assistance will be an important component to this initiative. I look forward to working with Senator DURBIN and Senator SPECTER to monitor the implementation of this program and the outcomes it provides.

Mr. ENZI. Mr. President, I wish to engage in a colloquy with the distinguished Senator from Oklahoma, Mr. INHOFE, and the chairman and ranking member of the Labor-HHS Appropriations Subcommittee, Senators HARKIN and SPECTER.

Mr. President, I am concerned about a provision in the fiscal year 2008 LIHHS appropriations bill that would change the National Institutes of Health national public access policy to a mandate requiring that private sector commercial and nonprofit journal articles be made freely available for worldwide access on an online NIH Web site. As ranking member of the Health, Education, Labor, and Pensions, HELP, Committee, I am concerned that this matter has not been reviewed by our committee, the committee of primary jurisdiction over the NIH. This issue has been handled through the appropriation process, and I believe that the HELP Committee should study this issue and determine the best and most appropriate manner to implement and improve the current voluntary policy.

In the Statement of Administration Policy, SAP, issued last week, the administration echoed this sentiment and called on Congress to review the policy and balance the need for public access against the impact it could have on scientific publishing, peer review and intellectual property. I am respectfully asking when this bill is considered that section of the Labor-HHS appropriations bill mandating the NIH public access policy be modified so it may receive further study by the committees of jurisdiction to ensure that it achieves its goals without unintended negative consequences.

Mr. INHOFE. I would like to add my voice to Senator Eny’s concern regarding the NIH public access mandate that would force commercial and nonprofit publishers to make their articles freely available on an NIH Web site. I am concerned that this proposal will harm the businesses, hurt scientific communications, and impose a severe regulatory tax on the scientific publishers. I also believe that this change in policy could have a negative impact on the intellectual property protections for scientific journal articles. I believe this issue is different from making underlying scientific data available. The very funded scientific raw data should be available for other researchers to review. I would also ask that Senators HARKIN and SPECTER agree to work with me to revise this NIH provision when this bill is considered.

Mr. HARKIN. I remain committed to retaining the provision in conference as it is written in the Senate and House Labor-HHS appropriations bills. I will be happy to work with the Senators from Wyoming and Oklahoma to ensure that the policy is implemented as smoothly as possible for the NIH, researchers, and scientific publishers.

Mr. SPECTER. I thank the Senators from Wyoming and Oklahoma for their concerns about the NIH public access policy, which I share. I will work with the chairman to closely monitor the policy’s implementation.

Mr. ENZI. I thank the distinguished chairman and ranking member of the subcommittee.

Mr. INHOFE. I also thank the distinguished chairman and ranking member of the subcommittee for their willingness to work with Senator Eny and me on this important issue.

MENTORING CHILDREN OF PRISONERS GRANT PROGRAM

Mr. CORNYN. Mr. President, about 2 percent of all children under the age of 18 have at least one parent incarcerated in a State or Federal prison. According to the Bureau of Justice Statistics, in 1999 an estimated 721,500 State and Federal prison inmates were parents to 1,498,800 children under age 18. 22 percent of all minor

children with a parent in prison were under 5 years old. Prior to admission, less than half of the parents in State prison reported living with their children 44 percent of fathers, 64 percentage of mothers.

As a group, children of prisoners are less likely than their peers to succeed in school and more likely to become engaged in delinquent behavior. So, it is important that we support organizations that provide mentors to address the needs of these at-risk children—organizations like the Seeding Foundation in Austin, TX; and national organizations like Big Brothers and Big Sisters, and Amachi, both of which have chapters in most States.

Many of these organizations depend on grants from the Mentoring Children of Prisoners Program, authorized in 2001 under section 439 of the Social Security Act and administered by the U.S. Department of Health and Human Services. This program was designed to keep children connected to a parent in prison in order to increase the chances that the family will come together successfully when the inmate is released. Unfortunately, this program has been level-funded for the past few years.

The current allocation for the Mentoring Children of Prisoners Program is $357,000 below the President’s request and is at the fiscal year 2007 level. I would have preferred that the Senate adopt an amendment to a modest increase in fiscal year 2008 funding and restore this amount to the Senate bill. At the very least, I would encourage the conferees to maintain the existing funding for this program.

Mr. HARKIN. I agree with my colleague and will work during the conference process to ensure that funding for this program is not reduced by the U.S. Department of Health and Human Services.

Mr. SPECTER. I share my colleague’s strong and enthusiastic support for this important program. I will continue to support the existing funding levels for the Mentoring Children of Prisoners Program when we confer on this bill.

DEAFBLIND PROGRAMS

Mr. KERRY. Mr. President, I would like to engage the distinguished chairman of the Subcommittee on Labor, HHS, and Education, Mr. HARKIN, in a colloquy concerning funding for deafblind services and programs at the Department of Education. Would the chairman and manager of the bill entertain a question?

Mr. HARKIN. Mr. President, I would be happy to.

Mr. KERRY. As the Senator knows, tremendous progress has been made in addressing the needs of deafblind children and their families over the past two decades. Despite a doubling of the population of children who are deafblind over that same time period, the 46 State and regional project centers that support the deafblind community have not had a budget increase in over 20 years.

In fiscal year 2007, the national technical assistance and dissemination program at the Department of Education
received $48.9 million for all disability technical assistance, of which $12.8 million is designated for deafblind programs and services. At a time when remarkable advances in medicine and technology are enabling many more of these infants and children to survive and live longer, it is important for Congress to recognize the need for increased support.

While the President’s budget proposal for fiscal year 2008 in their Department of Education appropriations bill. The equivalent allocation in the Senate was, of course, lower than in the House. I know the chairman recognizes the urgent help our States need to improve their services for families, to support the activities of the national technical assistance and dissemination center on deafblindness, and to strengthen personnel preparation programs.

Mr. President, I would ask the chairman if he would be willing to continue to work during the conference process to include a $2 million increase for deafblind programs for fiscal year 2008 in their Department of Education appropriations bill. The equivalent allocation in the Senate was, of course, lower than in the House. I know the chairman recognizes the urgent help our States need to improve their services for families, to support the activities of the national technical assistance and dissemination center on deafblindness, and to strengthen personnel preparation programs.

Mr. HARKIN. Mr. President, I would like to make a point of order. The gentleman from Massachusetts (Mr. Welch) said that the Senate had not taken a position on allowing a small pool of programs overall does not allow for the study’s findings to be generalized to all of Even Start. However, the California Department of Education Even Start evaluation found that the percentage of parents who reported reading to their child on a more regular basis and involvement in activities such as parent-teacher conferences increased each year that they were served by the program.

Even Start families are the most in need. Eighty-four percent of Even Start’s families are at or below Federal poverty levels. Eighty-four percent of Even Start adults with high school diploma or GED, and 44 percent of the parents have not gone beyond the ninth grade. Nearly one-third of children and parents served by Even Start are limited English proficient.

Mr. HARKIN. Mr. President, I thank my colleagues, Senator CLINTON and Senator SNOWE, for bringing this critical issue to the floor of the U.S. Senate.

The Even Start Family Literacy Program is a valuable program, and I agree with my colleagues that Congress must do all that it can to ensure that the Even Start Program receives an adequate funding level to keep the program alive.

Mrs. CLINTON. Mr. President, I also want to thank Senators CLINTON and SNOWE for their hard work on this critical program, and I look forward to working with the chairman in providing the needed resources for the Even Start Family Literacy Program.

Mr. SANDERS. Mr. President, I first want to thank Chairman HARKIN and
Ranking Member SPECTER for their ter-

riﬁc work on the Labor–HHS appropri-
ations bill. I appreciate how well the
chairman and the ranking member
were able to address so many of the
important issues in this bill despite the
overwhelming needs of so many worthy
programs that have been terribly un-
derfunded during the Bush administra-
tion. With this in mind, I want to enter
into a colloquy to clarify a key issue
concerning this measure.

As a member of the HELP Committee
and its Retirement and Aging Sub-
committee, I am a strong supporter of
the Senior Community Service Em-
ployment Program, SCSEP, which
provides part-time community service
opportunities at minimum wage for un-
employed low-income seniors over the
age of 55 with poor employment pros-
tects. This year, approximately 100,000
seniors nationally will have access to
services. Last year, approximately 94,000
were served and 40 million hours of com-

munity services were provided at local
community-based organizations, and 33
percent of participants obtained em-

ployment as a result of participating in
this program.

Through SCSEP, low-income older
people beneﬁt from training, coun-
seling, and community service assign-
ments at nonproﬁt organizations and
give agencies by transitioning into
the workforce. Participants’ com-

munity service assignments beneﬁt
schools, health facilities, homeless
shelters and food banks, disaster relief
agencies, and public agencies. These
doses participants earn makes the difference
in their ability to care for basic neces-
sities of life such as food and medicine.

Many participants overcome homeless-
ness and other obstacles such as dis-
ability, language, or lack of self-esteem through their
participation, and are able to compete
for jobs in their local communities.

Each year thousands of participants
transition to employment, allowing addi-
tional older workers to beneﬁt from the
SCSEP.

The SCSEP program was reauthor-
ized last year as part of the Older
Americans Act with strong bipartisan
support as a result of the tremendous
difference the program makes in the
lives of our Nation’s low-income sen-

iors and our communities. As our pop-
ulation continues to grow grayer, the
need for SCSEP services is anticipated
to grow accordingly.

SCSEP rewards work and the impor-
tant contribution our Nation’s seniors
can make to our society. However, pro-
gram costs will rise this coming year
as the increase in the minimum wage
results in higher costs for the SCSEP
program due to the minimum wage
payments made to program partici-

pants. In order to continue current par-
ticipant service levels, the House bill
provided $331 million for SCSEP, which
provides adequate funds to cover the
2008 minimum wage increase.

I know that Senator HARKIN and
Ranking Member SPECTER are sup-
porters of the program but had a funding
allocation $2 billion lower than their counterparts in the House.

Can the chairman provide his com-
mitment of his intent to fund SCSEP
at the House-passed level when he

moves to conference with the House?

Mr. HARKIN. Thank you Senator
from Vermont for his support of this
important program and share his com-
mitment to our Nation’s low income

seniors. I want to assure him that I am
committed to funding the program at
the highest level possible and will work
with the House to do so within our ex-
isting budgetary constraints. I thank
the Senator from Vermont.

Mr. SPECTER. I agree with the
chairman.

Mr. SANDERS. I thank the chairman
and the ranking member for their work
on this critical issue.

NATIONAL HEALTH SERVICE CORPS

Mr. DORGAN. Mr. President, I com-
ment to the ranking member for reject-

ing the President’s pro-
posal to slash funding for rural health
programs by more than 90 percent. The
President proposed eliminating prac-
tically every rural health program ex-
cept for the Rural Health Career Corps
of rural health. If enacted, these cuts
would have a devastating effect on
communities in North Dakota and all
across rural America. Although one-
fifth of the Nation’s population lives in
rural areas, 70 percent of all under-

served areas are rural. I thank the
chairman and ranking member
for restoring funding for the rural
health programs in this bill.

One of the big problems in rural
areas is recruiting and retaining health
professionals. More than 80 percent of
North Dakota’s counties are designated
as Federal health professional shortage
areas. Although recruiting and retain-
ing health professionals is a major
challenge in rural communities, it is
also a global challenge. In fact, more
than one of every four counties in the
United States is designated as a health
professional shortage area. Residents who live in these
areas frequently have to drive long dis-

tances or wait to access the care they
need. One of the ways Congress has
sought to reduce the number of short-
age areas is by supporting a program
called the National Health Service
Corps, which provides full-cost scholar-
ship grants to medical and dental

students and to nurses. As the number of health
professionals is by supporting a program
to reduce the number of shortage areas
in rural America, it is critical that the

President proposed cutting funding for
health centers.

In fiscal year 2007, the National
Health Service Corps program was
funded at $126 million and the current level
approved by the Appropriations Com-
mittee for fiscal year 2008 would level-

fund the program. I thank the com-
mittee for rejecting the admin-
istration’s proposal which would
have actually reduced funding by $10
million for this vital resource in the
face of a dwindling supply of primary
care doctors and dentists. While I rec-

ognize the many competing needs of
important programs within the Labor,
Health and Human Services, and Edu-
cation appropriations bill, at the very
least, I would like to see the National
Health Service Corps program funding
increased by the $5.8 million approved
by the House of Representatives.

Mr. SANDERS. I would like to con-
gratulate the chairman and the ranking
member of the subcommittee for pro-
viding one of the largest increases in
funding for community health centers
which include migrant health centers,
health centers for the homeless, and
public housing health services. Com-

munity health centers particularly
impact medically underserved commu-
nities which can be in urban settings
like New York City or in the most remote areas like all States of
Alaska.

I am pleased that the bill before us
today recognizes the importance
to community health centers and provides
$2.26 billion in funding for the program.

But what about staffing these facili-
ties? While it is important that we pro-

vide money for building these centers,
we simply cannot ignore the fact that
many community health centers
throughout America are not fully

staffed. According to a report in Riv-

ington Health, which I introduced in
June of this year, many of these centers rely heavily on the

National Health Service Corps. Still,
this is not enough to fill the gap,
according to the National Association of Community Health Centers. For lack of funding, the Health Service Corps had to turn away about 50 percent of the 1,800 doctors who applied last year.

Whether in a large urban city like New York or a small rural community like Bethel, AK, the National Health Service Corps should be properly funded so that millions of uninsured and underinsured Americans have access to health care. I believe that with an increase to the appropriations for the National Health Service Corps we will be able to achieve that and encourage my colleagues to match the House-passed funding levels.

Mr. SCHUMER. Mr. President, I also would like to commend Chairman HARKIN and Ranking Member SPECTER for putting together a funding bill for the Departments of Labor, Health and Human Services, and Education that reflects of our Nation’s priorities and will do much to help the American people. Of particular importance to me and my State is the funding for the National Health Service Corps. I appreciate that the chairman and ranking member were able to restore funding to the fiscal year 2007 level for this program, but believe that we need to do more to combat the serious issue of physician shortage in the underserved areas of our States. In my State, hospitals and health centers are searching for physicians who will fill the numerous vacancies that physician retirement and retention problems have created. We need more specialists, surgeons, and general practitioners, dentists, nurse practitioners, and nurse-midwives. We need to do more to recruit and retain these essential providers—and that is exactly what the National Health Service Corps does.

Robust funding of this program, in addition to pursuing other strategies to assist areas experiencing health professions shortages, will make a significant difference to patients and the providers and will assist areas for the future. I thank the chair and ranking member and hope that the National Health Service Corps program funding is increased by the $5.8 million that was approved by the House of Representatives.

Mr. HARKIN. I share my colleagues’ support for the National Health Service Corps and agree that we must do more to reduce the number of health professional shortage areas. In my State, 14 of our counties are designated as shortage areas, so I know this issue firsthand. When this bill gets to conference, I will support as much funding as possible for this important program, and I look forward to continuing to work with my colleagues to ensure an expansion of the National Health Service Corps.

Mr. SPECTER. I will work with Senator HARKIN to provide as much funding as possible for this program when we get to conference with the House.

LIFESPAN RESPITE CARE APPROPRIATIONS

Mr. WARNER. Mr. President, I speak in regard to Senate amendment No. 3394, an amendment sponsored by Senator CLINTON and I, which provides $10 million in funding—fully offset—for the Lifespan Respite Care Act. Currently, the House of Representatives fiscal year 2008 Labor, Health and Human Services, Education appropriations bill contains $10 million for this important program. However, the Senate’s version contains no such funding.

As you know, the Lifespan Respite Care Act passed unanimously in the Senate last year and was signed into law by the President on December 21, 2006. This important program authorizes competitive grants to Aging and Disability Resource Centers in collaboration with a public or private non-profit State respite coalition to make quality respite available and accessible to family caregivers, regardless of age or disability.

I know that my good friends Senator HARKIN, the chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, and Senator SPECTER, the ranking member of the subcommittee, recognize the vitally important work that families do when a loved one is struck with illness or disability. I have long been a supporter of home and community-based services to keep people with disabilities in their homes and respite care is an important part of that effort. For that reason, I will work with my colleague, Senator SPECTER, to obtain funding for the Lifespan Respite Care Act in conference.

Mr. WARNER. Mr. President, I also ask the chairman and ranking member of the Labor, Health and Human Services Appropriations Subcommittee to try to provide $10 million in funding for the Lifespan Respite Care Act.

Mr. SPECTER. The Lifespan Respite Care Act is a worthwhile piece of legislation that will impact almost all American families. I will work with the chairman to provide funding for these activities.

Mr. HARKIN. Respite care programs recognize the vital importance of the care families do when a loved one is struck with illness or disability. I have long been a supporter of home and community-based services to keep people with disabilities in their homes and respite care is an important part of that effort. For that reason, I will work with my colleague, Senator SPECTER, to obtain funding for the Lifespan Respite Care Act in conference.
death within the State, yet there is a shortage of options available for those afflicted with cancer. The Georgia Cancer Coalition, in partnership with and as the parent organization of the Georgia Center for Oncology Research and Education, GACORE, is an independent, nonprofit organization working to improve cancer care and strengthen clinical research throughout Georgia by encouraging collaboration, sharing of information, and improving the clinical trials process. To that end, the Georgia Cancer Coalition has created a model that harnesses the combined talents of cancer researchers, physicians, and academia throughout the State to work to eradicate this destructive disease. The State of Georgia has already recognized the importance of this initiative by allocating funds from the State’s budget.

As I mentioned before, the Health Information Technology Development program will see a substantial increase in Federal dollars in fiscal year 2008, and I really believe that some of it should go to Georgia.

Mr. SPECTER. Mr. President, like my colleague from Georgia, I am supportive of the Health Information Technology Development program, and I was happy to support the chairman’s effort to increase funding for it. I believe that the goals of the Department of Health and Human Services through its Office of the National Coordinator of Health Information Technology may be well-served by the sort of program that Senator ISAKSON described a moment ago.

Mr. HARKIN. I appreciate the comments by the Senator from Georgia, as well as the ranking member. I agree with them that the Health Information Technology Development program is a step towards better dissemination of health information and better health care, and I will work with my colleagues in conference with the House to provide as much funding as possible.

(At the request of Mr. HARKIN, the following colloquy was ordered to be printed in the RECORD.)

HIV/AIDS PROGRAMS

Mr. DODD. First, I would like to thank and congratulate the distinguished chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee on putting together a vitally important appropriations bill that will restore and grow funding for so many of our Nation’s domestic health, education and labor programs. In particular, he should be commended for his leadership in support of funding for domestic HIV/AIDS programs.

As a senior member of the Health, Education, Labor and Pensions—HELP—Committee, I am deeply troubled by the impact Public Law 109–415, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, has had on the State of Connecticut. Is the distinguished chairman aware that the State of Connecticut lost a total of $3.3 million in Federal funding in the current fiscal year as a result of improper implementation of the reauthorization by the Bush administration?

Mr. HARKIN. I am aware of the cuts the State of Connecticut has sustained and am aware of these cuts directly impacting individuals living with HIV/AIDS in your State.

Mr. DODD. I am particularly concerned because these funding cuts so deeply impacted Connecticut’s two metropolitan areas formerly eligible metropolitan areas, Hartford, which lost nearly $1.5 million, and New Haven, which lost nearly $1.6 million. Urban areas in my State, like many urban areas throughout the U.S. with a long history of the presence of this disease, have systems of medical care and treatment that have been disrupted by the Ryan White CARE Act reauthorization bill. When I put my support behind the final reauthorization bill, it was with the understanding that this bill would not go into effect. In fact, an analysis of the reauthorization bill provided by the Government Accountability Office and others prior to its passage showed that the State of Connecticut and the cities of Hartford and New Haven would have lost over $2 million as a result of its passage. However, this has not been the case.

Mr. HARKIN. Section 102 of Public Law 109–415 lists States by name that have sufficiently reliable and accurate naming-based reporting of non-AIDS cases of HIV. The State of Connecticut is not listed among those States. However, it is my understanding that the Health Resources and Services Administration, HRSA, has administered the program as if Connecticut were on that list. Is that true?

Mr. DODD. Yes, it is. Connecticut is not listed among the States with sufficiently reliable and accurate naming-based reporting of non-AIDS cases of HIV. During negotiations on the reauthorization bill, I was told by officials in the Bush administration that Connecticut’s names-based reporting system could not yet be considered sufficiently reliable and accurate because it had not reported HIV cases by name for four consecutive years. Connecticut would not be in that position until 2009, at the earliest. The result has been that my State lost $3.3 million in Federal funding.

I am also deeply troubled by reports of how HRSA may be measuring urban areas’ demonstrated need for supplemental funding. Under Public Law 109–415, HRSA can consider the impact a decline in formula funding under title I has on individuals living with HIV/AIDS for purposes of supplemental grant funding. It is my understanding that this language targets urban areas whose decline in formula funding has meant a decline or disruption of services for people living with HIV/AIDS by giving them priority in the supplemental funding process. Mr. HARKIN, I see.

Mr. DODD. It is my hope that the impact of a decline in formula funding under title I will be measured based on the urban areas’ prior year formula award. This is because applicants for supplemental funding do not know their current year’s formula award at the time they file for supplemental funding and therefore neither the applicant nor HRSA can measure the current year’s decline or disruption of services for individuals living with HIV/AIDS. It is my hope that I can work with the distinguished chairman in conference to provide some clarification and guidance to HRSA on this critically important issue.

It has been stated that the Ryan White reauthorization bill better targeted funding so that infected persons would have better access to high quality health care. Residents in the State of Connecticut do not have better access to high quality health care as a result of the Ryan White reauthorization bill. However, there is funding in the Labor, Health and Human Services, and Education appropriations bill that is targeted to cities losing funding under title I. I strongly support this targeted funding and urge that it be maintained in the final conference report.

Mr. HARKIN. I appreciate knowing of the Senator’s support for this provision. I will certainly keep it in mind as we move into conference negotiations.

Mr. DODD. I thank the Senator for his consideration.

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

Mr. MCCAIN. Mr. President, here we go again, pushing through a bloated appropriations bill choked full of earmarks and far exceeding the President’s budget request. This is the seventeenth annual appropriations measure that has been considered by the Senate and it is by far the biggest budget buster of those considered. The first six bills exceeded the President’s request by $28 billion, alone exceeding the President’s budget request by almost $9 billion. At what point will Congress come to grips with the fact that we are mortgaging our children’s and our grandchildren’s futures by approving bills like this?

The Department of Labor, Health and Human Services, and Education, and Related Agencies appropriations bill for fiscal year 2008 provides over $605 billion, including $149.2 billion in total discretionary spending and, as I mentioned, exceeds the President’s budget by $8.95 billion. The Statement of Administration Policy begins with the following:

The Administration strongly opposes S. 1719, because, in combination with the other five FY 2008 appropriations bills, this辜负 irresponsible and excessive level of spending and includes other objectionable provisions. The statement goes on to say, The Administration has asked Congress to adopt a path to live within the President’s topline and cover the excess spending in this bill.
through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such logic, when appropriators presented to the President, he would veto the bill.

Well, it looks like he will have the opportunity to do just that.

There are over 1,000 earmarks in this bill. Examples include: $1 million for the Bethel Performing Arts Center in Liberty, NY, for the Woodstock Museum (which the Senate did strike by a vote 52-42); $500,000 for the New York Botanical Garden, Bronx, NY, for the virtual Herbarium; $200,000 for Dallas, TX, for the Women’s Museum; $200,000 for the Italian American Cultural Center of Iowa in Des Moines; $250,000 for the James K. Polk Association in Columbia, TN, for exhibit preparation; $100,000 for the Los Angeles Craft and Folk Art Museum; $500,000 for the Southwest Museum of the American Indian in Los Angeles, CA; $100,000 for the Warner Robbins Museum of Aviation in Georgia; $200,000 for the Texas Historical Commission; $600,000 for the Vermont Department of Labor for Job Training of Female Inmates — Vermont; $2.4 million for Maui Community College for the Remote Rural Hawai’i Job Training Project; $1.8 million for Maui Community College for training and educational opportunities; $750,000 for Minot State University to provide training and masters degrees to job corp center senior management personnel; $250,000 for the United Auto Workers Region 9 Training Initiative in New York; $900,000 for the Lyndon Baines Johnson Foundation in Austin, TX, for the Presidential Timeline Project; $1.1 million for the Billings Clinic, Billings, MT — interestingly, the Billings clinic only has 272 beds in its hospital, and received recently an endowment of over $1 million for its cancer center — $1 million for Marshall University, WV, including $1.575 million for the Virtual Colonoscopy Outreach Program; $3.6 million for Mountain State University, Beckley, WV, for the construction of the Allied Health Technology Tower; $3.150 million for West Virginia University, for the construction and equipping of medical simulation research and training centers; $4.050 million for West Virginia University, for the construction of a Multiple Sclerosis Center; $1.000 million for Wetzel County Hospital for expansion and remodeling of the Emergency Department; $2.000 million for the Iowa Department of Public Health to continue the Harkin Wellness Grant program; and $100,000 for Iowa Games, Ames, IA, to continue the Light of Up Iowa program...

I could go on and on calling out earmarks in this bill and its accompanying report. We are doing a disservice to the American taxpayers and ourselves by approving such wasteful spending. It doesn’t have to be this way. Of course, 2 fiscal years and the programs funded through the Labor-HHS bill were virtually pork-free. A fortunate disagreement resulted in almost no earmarks in the fiscal year 2006 bill, which had about 3,000 earmarks the prior year. And last year, we funded the programs with a continuing resolution that, for the tax-payers, turned out to have been about the most fiscally reasonable route that we could have taken.

I urge my colleagues to reject the excessive spending in the bill.***

(At the Request of Mr. Reid, the following was ordered to be printed in the RECORD)

Mrs. CLINTON. Mr. President, I rise today to express my support and gratitude for the $55 million included in this legislation to support our continued efforts to address the health impacts of 9/11. I would in particular like to thank Senator HARKIN, Senator BYRD, Senator SPECTER, and their colleagues on the Senate Appropriations Committee for their efforts to help the many responders, workers, and others who have been suffering from persistent adverse health effects resulting from exposure to the toxins released during the attacks on the World Trade Center.

When the towers collapsed, thousands of tons of coarse and fine particulate matter were released into the air — including cement dust, glass fibers, asbestos, lead, hydrochloric acid, and other toxic pollutants. The combustion of jet fuel after the attacks created a dense plume of black smoke, filled with other toxic substances like benzene and polycyclic aromatic hydrocarbons. Fires at Ground Zero continued to burn for several months after the attacks.

Thousands worked and lived by this Ground Zero site, amidst the dust, smoke, and toxic mix of debris. People also worked at Fresh Kills, the landfill in Staten Island, where workers sifted through the debris in an attempt to discover evidence and recover human remains. And in the first few months following the attacks, we began to hear reports of persistent coughing among responders, fire fighters, and police. These were among the first indications of the multiple physical and mental health impacts we have identified among workers, responders, and residents following 9/11 — chronic respiratory illness, anxiety, depression, and musculoskeletal injuries, among others. I believe we have a moral obligation to take care of those suffering from 9/11-related illnesses, and I would like to commend the Appropriations Committee for helping to meet that obligation.

I have been working with my colleagues on the Health, Education, Labor and Pensions Committee to develop programs to address these health care needs, and I am pleased to note the bipartisan support from my colleagues there. As we continue our efforts to develop this solution, the cooperation of the appropriators in maintaining funding for existing programs is greatly appreciated.

In the wake of the attacks, I have been proud to work again and again with Senators HARKIN, BYRD, SPECTER, and others to secure funding to establish necessary screening, monitoring and treatment programs to address the health care needs of those impacted by 9/11. Through our joint efforts, we have successfully funded centers of excellence at the Fire Department of New York and Mt. Sinai Medical Center, as well as its affiliated institutions. These institutions have been working on these issues as the early reports of illness and the need for comprehensive care and medical guidance to the responders and recovery workers who were at Ground Zero and Fresh Kills.

In partnership with the National Institute for Occupational Safety and Health, these Centers of Excellence have engaged in efforts to treat those suffering these attacks, as well as research and monitoring to allow us to understand more about the ways in which people are exposed. And in addition to these efforts, I also want to highlight the work of the City of New York, which has established another Center of Excellence at Bellevue Hospital with city funds to target the needs of residents, office workers and others who were exposed to these toxins.

The $55 million included in this legislation will go towards continuing these programs to carry out the screening, monitoring and treatment activities administered by NIOSH. It also includes language requiring the Department of Health and Human Services, again working through NIOSH, to expand its efforts to target the needs of residents, office and commercial workers, students, and other individuals who were exposed.

With this funding, we will ensure that those who responded in our hour of need, are exposed in their time of need. We will continue to expand our understanding of the ways in which exposure to environmental hazards adversely impact human health. We will be helping the previously healthy responders, firefighters, and construction workers — people in good physical shape before the attacks who now have difficulty breathing and who experience mental health concerns. For these individuals, their illnesses are a constant reminder of that terrible day, and evidence of the sacrifices made to assist our country after a terrorist attack.

Again, I would like to thank Senator HARKIN, Senator BYRD, Senator SPECTER, and others on the Appropriations Committee for helping to support these programs.

Mr. CARDIN. Mr. President, I rise today in support of H.R. 3043, the fiscal year 2008 Department of Labor, Health and Human Services, and Related Agencies appropriations bill. Some call this legislation the most significant appropriations bill we will consider as it touches the lives of every single American. Each American citizen has the right to basic education, adequate healthcare, and access to employment opportunities. In providing funding across three major
agencies, we are ensuring that our citizens have every opportunity to reach their maximum potential. I appreciate the opportunity to highlight a few of the bill’s major provisions.

American workers deserve every opportunity for their families. Investment in training, education, and employment services leads to good jobs that provide self-sustainability for workers and their families. This was the purpose of the Workforce Investment Act and is what the funding provided for in this bill accomplishes through various job training programs. This bill acknowledges the value of training and employment services by continuing to fund adult employment and training, youth training and dislocated worker assistance programs.

This bill also provides critical funding for the National Institutes of Health, or NIH. NIH funds significant health research at over 3,000 institutions throughout the U.S. and around the world. While increased funding provided in this bill is a good start, we can, and must, do more. NIH funding supports research to develop and find cures for a myriad of health issues, including cancer, diabetes, stroke, and mental illness. These are significant health concerns facing Americans today.

As you are aware, NIH is headquartered in Bethesda, MD, where more than 18,000 are employed. So it is especially important to me, a Senator from Maryland, that we give all of these individuals the resources they need to improve and save lives through health research. I commend the Appropriations Committee for supporting this agency with a 3.3 percent increase over the overall NIH budget. However, if we expect America to remain a leader in medical advancements and technologies, we must be committed to providing researchers the resources they need to succeed. I am committed to that goal and urge my colleagues to remain vigilant, as well.

This bill provides a $125 million increase above the administration’s budget request for the Social Security Administration’s, SSA, administrative expenses and for that I am grateful. However, that increase does not adequately address SSA’s serious backlog issue. It is no secret that the Social Security Administration’s resources are stretched thin, providing disability claims arising at an alarming rate. Currently, over three-quarters of a million individuals are waiting for a hearing decision as pending hearings have increased to a record 752,103. Further, the time that an SSA applicant must wait for a hearing continues to rise, currently averaging 523 days. Compounding the crisis, Medicare reform legislation passed by Congress has increased SSA’s responsibilities. Field offices average over 650,000 visitors a week. Meanwhile, SSA can only hire 21 administrative judge.”
needed additional funding to improve access to dental health in rural and underserved areas. Our amendment successfully doubled the funding for the Dental Health Improvement Act, bringing funding from $2 million to $4 million. The Feingold-Collins Dental Health Improvement Act authorized a new State grant program that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund or create programs tailored to State needs. For example, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. In Wisconsin, funds were used to provide children with better access to sealants. This helps prevent further and more expensive dental work later in life.

The Collins-Feingold amendment to increase funding for this important program will help fund additional State programs so that more people in our country will have access to essential oral health care. I thank Senator Coakley for her work on this, and also thank Chairman HARKIN and Senator SPECTER for their assistance in passing this.

Another adopted amendment will increase public access to automatic external defibrillators, or AEDs, in schools. In my home State of Wisconsin, as in many other States, heart disease is the No. 1 killer. Cardiac arrest can strike anyone. Cardiac victims are at a race against time, and unfortunately, for too many of them, emergency medical services are unable to reach people in need, and time runs out for victims of cardiac arrest.

Fortunately, AEDs are inexpensive and simple to operate. Because of advancements in AED technology, it is practical to train and equip police officers, teachers, and members of other community organizations on how to use these devices.

Over the past 6 years, I have worked with Senator SUSAN COLLINS on a number of initiatives to empower community organizations to improve cardiac arrest survival rates. We have pushed Congress to support first responders—local police and fire and rescue services—in their efforts to provide emergency defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices Act authorizes partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. Every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim’s survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

If we give people in rural communities the chance, they may be able to reverse a cardiac arrest before it takes another life. Unfortunately, the President zeroed out the funding for the Rural AED program after the program was cut by 83 percent in fiscal year 2006 and kept at that funding level in fiscal year 2007. I am very disappointed that the program was eliminated in the President’s budget. Our rural communities deserve better, and I am pleased that the Senate Appropriations Committee restored this funding. I am voting in favor of this bill, which includes at least that much in funding.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly tragic. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. This story helps to underscore some important issues. First, although cardiac arrest can occur among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives.

After Adam’s death, his father, Mike Lemel, joined forces with Children’s Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillators to schools, educate communities about preventing sudden cardiac deaths and save lives.

The ADAM Act was passed into law in 2003, but has yet to be funded. The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow’s pediatric cardiac arrest victims a chance at life.

The Feingold-Collins amendment provides modest funding for this act in 2008, and while not much in the grand scheme of the Federal budget, will help jump start this valuable program. This amendment as drafted would be funded through the Rural AED line; however, I am pleased that the managers have not taken away any of the already limited Rural AED funding and are looking for additional ways to fund the ADAM Act. I am pleased that our amendment passed the Senate by unanimous consent and I urge the committee to maintain this small but important program.

My third amendment that passed requires GAO to conduct an assessment of current State health care reforms and comment on the potential role that Congress could take in assisting States with their efforts. I offered this amendment along with Senators GRAHAM, BINGAMAN, and VINOICH. The Feingold-Specter amendment to reform the broken health care system. This study would provide an overview of what is working in the States and the effect of Federal laws on State health care initiatives. In addition, the study would provide a comprehensive and detailed look on how the Federal Government could better work with States to further efforts.

While Congress may not be able to reach consensus on how to ensure all Americans access to health services, a State-based model allows consideration of politically diverse solutions that could eventually be widely applied. Gathering data on what works at the State level will assist Congress in looking at broader reforms, which is why I joined with Senator GRAHAM and other Senators to provide制度改革 legislation, with the backing of the Brookings Institute and the Heritage Foundation, to encourage and expand State efforts to extend health care coverage.

The fourth amendment directs GAO to examine the different techniques schools are using to prepare students to achieve on State standardized exams as well as meet State academic standards. Schools in Wisconsin and around the country are struggling to prepare students who are tested under No Child Left Behind. NCLB, the centerpiece of President Bush’s domestic agenda, and I continue to hear grave concerns throughout Wisconsin about the Federal testing mandates contained in NCLB and the ongoing implementation problems with the law.

Wisconsin teachers and parents are concerned about many of the unintended consequences of NCLB, including the narrowing of the curriculum to focus on the subjects that are tested under NCLB—reading and math. As a consequence of more narrowed curriculums, some students are experiencing reduced class time on other important subjects including social studies, civics, geography, science, art, music, and physical education. I have also heard numerous concerns that students are being drilled in reading and math in order to boost performance on these standardized tests, which may not be the best measure of a student’s higher order thinking skills. Many Wisconsinites are concerned that rote drill exercises in reading and math take the joy out of learning for students and have called for a reexamination of NCLB policies to ensure that a diverse and high-quality curriculum is taught in all of our Nation’s schools.

I voted against NCLB in large part because of its Federal testing mandate and the potential ramifications of the primary focus on test scores in order to determine adequate yearly progress in our schools. I also remain deeply concerned that NCLB’s testing and sanctions approach has forced some
schools, particularly those in our inner cities and rural areas, to become places where students are not taught, but are drilled with workbooks and test taking strategies, while in wealthy suburban schools, these tests do not greatly impact curriculums rich in social studies, civics, arts, music, and other important subjects.

I do not necessarily oppose the use of standardized testing in our Nation’s schools. I agree that some tests are needed to ensure that our children are keeping pace and that schools, districts, and States are held accountable for closing the persistent achievement gap that continues to exist among different groups of students, including among students in Wisconsin. But the Federal one-size-fits-all testing and punishment approach that NCLB takes fosters the Federal Government one-size-fits-all testing and punishment approach that NCLB takes is not providing an equal education for all, eradicating the achievement gap that exists in our country or ensuring that each student reaches his or her full potential.

My amendment calls on GAO to examine how the use of different preparation techniques varies based on the demographic characteristics of schools, including the concentration of poverty in a school, whether schools are located in a rural, suburban, or urban environment, and whether schools have been identified for improvement under NCLB. It is my hope that Congress will receive the GAO data on how the student preparation varies among different types of schools so that we can get a better sense of how NCLB is impacting our Nation’s schools. The disaggregation element of this GAO study should better help us determine whether various preparation techniques, including commercial test preparation programs and narrowing of the curriculum, are correlated with certain school demographics.

I was also pleased to cosponsor an amendment in 2006, by Senator Brown of Ohio, to prohibit the Department of Education from continuing its problematic evaluation of the Upward Bound program until Congress has a chance to examine this policy as part of the Higher Education Act, HEA, reauthorization. I have been a strong supporter of the TRIO Upward Bound program for many years and continuously hear about the benefits it provides to Wisconsin students entering college, particularly first-generation college students.

Because of my strong support for Upward Bound, I continue to be concerned about the Department of Education’s evaluation of Upward Bound, including the mandate that colleges had to recruit more students than they can serve under the Upward Bound program. I agree that Upward Bound, like other Federal programs, needs to be evaluated to ensure Federal dollars are being spent effectively and efficiently. But the Federal Government has a duty to design responsible evaluations of Federal programs, and I do not think the Department fulfilled that obligation with the design of this Upward Bound evaluation. I am pleased the Senate recognized that the ongoing evaluation is troublesome and agreed to prohibit funding for it until Congress can re-examine the Upward Bound evaluation as part of the ongoing HEA reauthorization.

I am pleased that my colleagues supported all of my amendments and accepted them. I thank Chairman HARKIN and Senator SPECTER for their assistance and support with these amendments.

I would also like to comment briefly on an amendment that the Senator from Colorado, Mr. WAYNE ALLARD, brought to a vote. This amendment would have redirected funds from programs deemed ineffective by the Program Assessment Rating Tool, or PART. This program was enacted into law as part of the Government Performance Results Act and is intended to better target Government dollars to the most efficient programs. Senator ALLARD’s amendment would have cut the programs considered ineffective by PART by 10 percent, and then sent these dollars to literacy programs.

I share Senator ALLARD’s goals of efficient Government spending and reducing the deficit; however, I have some concerns about the standards for evaluating Government programs in PART. There are several programs that are making a big, positive difference in communities, that score poorly on the assessment. Some of these programs I have supported for years, such as rural health programs, and various higher education programs. I think it is important to examine this tool more closely and see if there is a way to improve the assessment before cutting these programs. For this reason, I opposed this amendment, which would have had far-reaching implications.

I was pleased to support final passage of this bill which provides essential funding for education, health care, and job training programs. Many of these programs have operated over the past 6 years and I am happy that we have been able to more adequately fund these programs in this bill. I am disappointed that the President continues to say that he will veto this bill and I hope that he will reconsider in the coming days. Too many Americans are depending on the employment, health care, and education services provided in this legislation and they are the ones who will be negatively impacted if the President pushes through on his veto threat. Much more remains to be done to correct the inadequate funding for these programs in recent years, but this bill is a step in the right direction.

The PRESIDING OFFICER. Under the previous order, the substitute, as amended, is agreed to. The amendment (No. 3325), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HARKIN. Mr. President, we have had a very productive day debating the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies. I would like to again thank the ranking member, Senator ARLEN SPECTER, for his leadership and help in helping to shape this bipartisan bill.

I would also like to take this opportunity to thank the subcommittee staff for the long hours and hard work they put into it. On the Democratic side, I thank Ellen Murray, Lisa Bernhardt, Teri Curtin, Erik Tatem, Adrienne Hallet, and Mark Laisch. On the Republican side, I thank Bettillou Taylor, Sudip Parikh, and Jeff Kratz. These staff members set a very high standard of professionalism, excellence, and integrity, and we are very fortunate to have people of this caliber in public service.

Mr. President, we are just minutes away from voting on the final passage of the bill. I want to emphasize one thing: this is an overwhelmingly bipartisan bill that meets the priorities of members on both sides of the aisle. Senator ARLEN SPECTER and I produced a bill that passed in conference with the support of 14 of 15 Democrats and 12 of 14 Republicans. This bill funds the most essential, life-supporting and lifesaving services for millions of people in this country. It reflects the values and priorities of the American people.

As I have said before, it is regrettable that, even before we brought this bill to the floor last week, President Bush threatened to veto it because it included a provision to expand embryonic stem cell research, and because it includes $11 billion in funding above what he requested.

We have done our very best to accommodate the President, and to produce a bill that he can sign. To that end, we revamped the President’s proposal from the bill before bringing it to the floor. This is a core priority for me, for Senator SPECTER, and for many other Senators. But we took it out of the bill in order to meet the President halfway. I remain hopeful that, in turn, he will meet us halfway, and join us in this spirit of bipartisan compromise.

I am an optimist, and I hold out hope that, if the President examines the substance of this bill, he will see that the additional funding above his budget request goes to essential programs and services that have been shortchanged in recent years.

President Kennedy said that “to govern is to choose.” The President has made his choices. But, under the Constitution, Congress also gets to choose. And, in this bill, we have made the right choices. Let me cite just a few examples:

The President is requesting that we cut the National Institutes of Health—research into cancer, diabetes, Alzheimer’s and other diseases—by $279...
In this bill, we increase funding for NIH by $1 billion. The President requests that we reduce the Head Start program by $100 million, which would cut tens of thousands of children from the Head Start roles. This bill increases funding for Head Start by a modest $200 million.

Despite predictions of record energy prices this winter, Mr. Bush requests that we cut the Low Income Home Energy Assistance Program for poor people by $790 million. In this bill, we maintain LIHEAP funding at last year's level.

Mr. Bush requests that we eliminate the community services block grant, the safety net that includes job training, housing, and emergency food assistance. In this bill, we increase the community service block grant by a modest $40 million.

In each of these program areas, the bill increases funding, reasonable increases in order to keep pace with inflation or to prevent significant cuts in essential services. This remains a bare-bones, no-frills bill that conforms to a very conservative budget allocation.

For 5 years, Congress has appropriated countless billions of U.S. taxpayer dollars for schools, job programs, hospitals, and human services in Iraq. Democrats and Republicans on the committee agree that it's time to look after those same needs in this country. And that is exactly what we do in this bill.

As I said, we tried hard to accommodate the President's concerns. There has been so much that includes job training, housing, and emergency food assistance. In this bill, we increase the community service block grant by a modest $40 million.

In each of these program areas, the bill increases funding, reasonable increases in order to keep pace with inflation or to prevent significant cuts in essential services. This remains a bare-bones, no-frills bill that conforms to a very conservative budget allocation.

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