

(Mr. SALAZAR) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2291

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2291, a bill to provide for the establishment of a biodefense injury compensation program and to provide indemnification for producers of countermeasures.

S. 2302

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2305

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2307

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2307, a bill to enhance fair and open competition in the production and sale of agricultural commodities.

S. 2320

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Florida (Mr. NELSON), the Senator from Hawaii (Mr. AKAKA) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

S. RES. 373

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 373, a resolution expressing the sense of the Senate that the Senate should continue to support the National Domestic Violence Hotline, a critical national resource that saves lives each day, and commemorate its 10th anniversary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mrs. BOXER):

S. 2334. A bill to ensure the security of United States ports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I am proud that I have introduced today along with Senators CLINTON, LAUTENBERG, NELSON, and BOXER legislation that would guarantee that foreign governments cannot control the operations of the ports of the United States. I thank Senator CLINTON for her leadership on this issue as we fight together, along with Senator SCHUMER and others, to keep the Port of New York/New Jersey safe.

I think we all know why public attention has been focused on this deal over the past 2 weeks. Our ports are the gateway to this country. They are the gateway for much that we eat, that we drink, that we wear, drive, and use on a daily basis. But just as they bring in goods we enjoy, the ports are also our Achilles' heel, the vulnerability that could be exploited in an attempt to bring us down if terrorists transport a nuclear, biological, or chemical weapon to our ports. That is why our legislation sets a new standard for the future control of our ports.

Our legislation would protect our national security by keeping our ports from falling into the hands of foreign governments. Our legislation bans foreign government-owned companies from operating in our ports and requires the President to report to Congress on how to manage national security risks arising from any existing port contracts. Our legislation would also end the secrecy associated with the Dubai deal by making the executive branch notify Congress as well as State and local officials of future deals. The legislation also includes a new public comment period.

Never again should the American public find out about a secret deal through the newspapers after the fact.

Never again should Congress learn about the sale of a key U.S. infrastructure asset to a foreign state-owned company only after the deal is done. And never again can we compromise national security by turning our port operations over to another country, whether friend or foe.

Our message with this legislation today is clear: Never again.

I think all Americans instinctively know we cannot simply turn over our critical national security infrastructure such as terminal operations at our ports to a foreign government. Foreign governments act very differently than even foreign companies. Foreign governments act in their own national interests and in their own national security interests. Privately held foreign companies are controlled by stockholders and answer to the needs of the market, not the needs of a government. One must only study the way in which Venezuelan President Hugo Chavez has used his state-owned oil company to pursue the interests of the Government of Venezuela to understand that state-owned companies often behave very differently than publicly traded ones.

That is why our legislation bans foreign governments from owning, leasing, or operating any facilities in our ports. We believe that just as we would not turn over the operations of our airport facilities to a foreign government, why should we turn the operations of our ports, which are the biggest hole in our national security blanket, over to a foreign government.

The opponents of this thought process, of this bill, like to argue this is the reality of global trade. But the people making this argument are the same ones who constantly remind us that the world has changed since September 11 and that we must adapt our security response accordingly. Whatever happened before September 11, the world has changed since then and we cannot rely on our old methods of looking at the world in a traditional way.

One of the things the September 11 Commission told us was to think outside of the box. A simple envelope became a weapon of great injury when it was filled with anthrax; an airplane used to travel commercially or for pleasure was turned into a weapon of mass destruction. Think outside the box. And if we cannot think outside the box in the context of understanding how the ports in the United States, in the hands of a foreign government in an operational capacity, can have a security consequence, we are in trouble in this post-September 11 world. This is an area in which security must take priority over commercial transactions.

Make no mistake about it; the legislation is urgently needed, and I am writing the President today expressing my concern that this new 45-day review leaves the President with no authority to act to stop Dubai Ports World from taking control of United States port operations. I am not sure that is clear with this 45-day review. This transaction was set to close on March 2, and

we want to stop the clock now and make sure that 45-day investigative review period is precedent to the fulfillment of that agreement.

We also believe it is time to end the secrecy surrounding these deals. This secrecy apparently allowed the executive branch to ignore our own laws. These laws require a 45-day investigation of deals involving government-owned companies which could affect national security. Clearly a deal to turn over part of our port operations to a foreign government-owned company would impact national security. We know the Coast Guard warned the administration that there were intelligence gaps that made it impossible to determine the threats raised by the deal. Yet it is only now, after enormous external pressure, that this 45-day review period may be carried out. But starting an investigation that should have already been carried out under the law is not enough, and that is why, from my position on the Banking Committee, during hearings later this week, I plan to seek to discover why the law wasn't followed. I am looking forward to working with both the chairman and ranking member to come up with comprehensive solutions to these problems that emanated under the Committee on Foreign Investment in the United States.

As I said before, I am also concerned about the secrecy in this process. Many New Jersey residents have written or called me asking why the process in approving the deal was so secretive and why Congress was kept in the dark. It is clear to me, to the people of New Jersey, using their common sense, and to the American public that we must have transparency and openness as we address these national security issues.

Without our legislation, the committee that reviews this process doesn't even have to tell Congress about the deal until after it has made a decision. And even after they make a decision, they have no obligation to inform the American public. In the particular case of the Dubai Ports deal, the committee sent out no information and the press only learned about it when Dubai Ports World decided to put out its own press release. That is why our legislation would require the notification of Congress, State, and local authorities where appropriate, as well as a public comment period to allow the public impacted by any future deals to share their concerns with the Federal Government.

These are basic reforms which I think most Americans would agree seem necessary, almost obvious when it comes to protecting our ports. The fight to secure our ports cannot and will not end with this legislation.

Let me be clear: Our ports are not secure. I have been arguing on this for quite a long time as a former Member of the House of Representatives representing the Port of Elizabeth and Newark, the third largest port, the Port of New York/New Jersey and other

ports on the eastern seaboard. For all the money the Nation has poured into improving our security, several critical links in the chain have been ignored, and this week the spotlight has shone brightly on one aspect of the problem: our ports, the port of entry for thousands of containers every day, holding everything from clothing to electronics. But these containers could also contain much more dangerous cargo such as a nuclear, chemical, or biological weapon.

The bottom line is we don't know what is in the vast majority of containers entering this country because despite repeated warnings from security experts from both within and without our Government, only 1 out of every 20 containers that passes through our ports is screened, and 95 percent receive no screening whatsoever other than a cursory glance at a cargo manifest.

It is crucial that we also develop a national transportation plan that includes a comprehensive strategy for protecting our ports. A weapon of mass destruction detonated in a shipping container at the Port of New York/New Jersey or any other seaport could cause tens of thousands of casualties and economic losses approaching a trillion dollars. According to the U.S. Coast Guard, \$5.4 billion will be needed over the next 10 years for port security. Yet since the 9/11 attacks, Congress has provided less than \$800 million.

This is not a new problem, and it should not be surprising that the administration has let this problem fester. They have continuously focused on the security of only one aspect of our critical infrastructure to the detriment of the rest. That is something we can no longer continue to accept.

In New Jersey we face the reality of failures in our national security every day when we look across the river at Ground Zero and mourn the loss of over 700 fellow New Jerseyans who died on September 11, 2001. The problem of port security is not in some distant future or some distant issue but an everyday reality, as we look at our own port which brings in hundreds of thousands of containers from around the world every day: 145 million tons last year from over 5,000 ships. This is a port that generates over 200,000 jobs and \$25 billion of economic activity. It is a great economic engine. It is also a great risk.

In today's reality, a foreign government, if it were to be operating the facilities at one of those ports and simply wanted to do something as benign maybe as shutting it down at a critical moment, such as when we are sending supplies to our troops in the field—we use our commercial ports increasingly to send military equipment and supplies to back our troops in the field—imagine if it were shut down at a critical moment when we needed those supplies to be generated across the sea.

That is why we have to face these realities together. We must stand to-

gether across party lines and across States to fight for the safety and security of our families. Our ports are on the front lines in our fight against terrorism, and with this legislation, we say we will never again allow a deal which would compromise the national security of our ports, the safety of New Jersey, or the security of the United States.

I urge my fellow Senators on both sides of the aisle to join with us in this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2334

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Port Security Act of 2006".

#### SEC. 2. PROHIBITION ON LEASES OF REAL PROPERTY AND FACILITIES AT UNITED STATES PORTS BY FOREIGN GOVERNMENT-OWNED ENTITIES.

(a) IN GENERAL.—Section 271(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended—

(1) by striking "Subject to subsection (d)" and inserting the following:

"(1) IN GENERAL.—Subject to subsection (e)"; and

(2) by adding at the end the following new paragraph:

"(2) PROHIBITION ON LEASES OF REAL PROPERTY AND FACILITIES AT UNITED STATES PORTS BY FOREIGN GOVERNMENT-OWNED ENTITIES.—The President shall prohibit any merger, acquisition, or takeover described in subsection (a)(1) that will result in any entity that is owned or controlled by a foreign government leasing, operating, managing, or owning real property or facilities at a United States port."

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the leasing, operating, managing, or owning real property or facilities at United States ports by entities that are owned or controlled by foreign governments.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a list of all entities that are owned or controlled by foreign governments that are leasing, operating, managing, or owning real property or facilities at United States ports;

(B) an assessment of the national security threat posed by such activities; and

(C) recommendations for any legislation in response to such threat.

#### SEC. 3. INCREASED TRANSPARENCY OF MANDATORY INVESTIGATIONS.

Section 271(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(3) by adding at the end the following new paragraphs:

"(2) NOTIFICATION TO CONGRESS.—Not later than one day after commencing an investigation under paragraph (1), the President shall provide notice of the investigation and relevant information regarding the proposed

merger, acquisition, or takeover, including relevant ownership records to—

“(A) the Majority Leader and Minority Leader of the Senate;

“(B) the Speaker and Minority Leader of the House of Representatives;

“(C) the Chairmen and Ranking Members of the Committee on Finance, the Committee on Homeland Security and Government Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate;

“(D) the Chairmen and Ranking Members of the Committee on Ways and Means, the Committee on Homeland Security, the Committee on Financial Services, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(E) the Members of Congress representing the States and districts affected by the proposed transaction.

“(3) NOTIFICATION TO PUBLIC OFFICIALS OF INVESTIGATIONS OF PROPOSED TRANSACTIONS AFFECTING UNITED STATES PORTS.—In the case of an investigation under paragraph (1) of a proposed merger, acquisition, or takeover that will result in any entity that is owned or controlled by a foreign government leasing, operating, managing, or owning real property or facilities at a United States port, the President shall, not later than one day after commencing an investigation under paragraph (1), notify the Governors and heads of relevant government agencies of the States in which such ports are located and provide to such Governors and relevant agency heads information regarding the proposed merger, acquisition, or takeover, including relevant ownership records.

“(4) PUBLIC COMMENTS.—

“(A) SOLICITATION OF PUBLIC COMMENTS.—Not later than 7 days after commencing an investigation under paragraph (1), the President shall publish in the Federal Register a description of the proposed merger, acquisition, or takeover, including a solicitation for public comments on such proposed merger, acquisition, or takeover.

“(B) SUMMARY OF PUBLIC COMMENTS.—Not later than 10 days prior to the completion of an investigation under paragraph (1), the President shall publish in the Federal Register a summary of the public comments received pursuant to subparagraph (A).”

#### SEC. 4. TECHNICAL CORRECTION.

Section 271(e) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(e)) is amended by striking “subsection (c)” and inserting “subsection (d)”.

#### SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to any merger, acquisition, or takeover considered on or after October 1, 2005 under section 271 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

Mr. CORNYN. Mr. President, I am glad to hear our new colleague from New Jersey talking about our national security, and certainly this is one subject which always concerns us. It is the primary role of our National Government to provide for the security of the American people. I hope that in the debate, though, about the control of our ports, we don't operate on the basis of looking for political advantage but, rather, we take a calm and deliberate review of the facts.

I heard this morning, in the Armed Services Committee, from the Director of National Intelligence, who said that after a review of this transaction, it was his opinion, as the lead Govern-

ment official for the intelligence community in our Nation, that any risk in this transaction was low. Certainly, that was useful information to have, and I anticipate that we will continue to hear more as the Homeland Security and Governmental Affairs Subcommittee continues to look into this transaction, and I trust we will do our due diligence during this 45-day review period.

But I hope we don't make this a political football. I hope we don't paint this with such a broad brush that we consider any Arab nation our enemy when, in fact, this Nation has been an ally in the global war on terror. I hope we will make our judgments based on behavior and not where someone comes from or their ethnicity or other origins because, of course, fanning the flames of prejudice based upon those sorts of considerations would be inappropriate entirely.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN):

S. 2337. A bill to increase access to postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators SNOWE, AKAKA, KERRY, DURBIN, and DEWINE, the College Pathway Act of 2006. The intent of this bill is to provide a means of addressing the critical issue of college access and postsecondary academic success. College access for all will continue to be a struggle until the predictors of successful college performance are assimilated into high school curricula. The degree to which high school students are successfully prepared for college continues to be at the forefront of educational concerns. Reports abound repeating the same message: our high school students, particularly students from low-income and minority populations, are not being adequately prepared for the challenges of postsecondary education. The College Pathway Act seeks to foster alliances among the interested and integral stakeholders in the educational arena to create consistency in content and assessment standards between P-12 and higher education. We do this by encouraging the establishment of P-16 Commissions. We must rise to the challenge and forge a pathway to enhance both college access and academic success.

Postsecondary education is an important aspiration for most students and the future strength of our economy and workforce will largely depend on the postsecondary educational attainments of students across the country regardless of ethnicity or economic status. High school preparation is a major part of the problem. Published reports on the status of this topic stress the lack of preparedness of high school graduates for postsecondary education. Most will need remedial help in col-

lege. More than 70 percent of high school graduates enter two and four year colleges, but at least 28 percent immediately take remedial English or math courses. At some point during their college years, 53 percent of students will take one remedial English or math class if not more. For low-income and minority students, the percentage is higher. States require a certain number of English and math courses to be completed prior to graduation, however, the certainty of course content reflecting the knowledge and skills important for college success is not ensured.

Students find themselves taking high school courses lacking in rigor and challenging content, particularly in the areas of math and science. If asked, 39 percent of students who have gone on to a postsecondary institution will admit they were not adequately prepared for college and there were gaps in their overall preparation. College instructors estimate that 42 percent of their students are not adequately prepared. The quality and intensity of the secondary school curriculum are the most significant predictors of college success; and are more significant than race, socioeconomic status, secondary school grade point average, or ACT and SAT scores. These findings are particularly significant for minority groups enrolling in college. Students who engage in challenging secondary coursework will attend and persist in pursuing higher education at a greater rate than those who follow programs of study that are not rigorous in content. All states have English and mathematics standards and assessments at the high school level, yet assessment standards and tests often do not reflect the demands put on students in postsecondary education and in the workplace. High school curricula must be aligned with college entry requirements. The American Diploma Project states that the challenge ahead is to create a system of assessments and graduation requirements that considered together signify readiness for college and work. We, as Federal policymakers, have an essential role to play in making this a reality and creating college access for all.

In part, the misalignment between postsecondary institutions and high school stems from current governance systems in place for P-12 educational systems and higher education. Both systems are generally governed, financed and operated differently. This gap must be bridged between the two systems. Creating a pipeline of shared information between the two entities and the business community will promote an exchange of necessary and useful information. Working to align standards from the early grades through grade 12 recognizes that skill acquisition and content assimilation build one upon the other and acknowledges that high-school graduation and college success is a culmination of preparation originating in the beginning years of school. Aligning curricula

across school levels creates a more seamless education and ensures that students are prepared for each subsequent grade with particular attention to math, science, and engineering. Aligning P-12 and postsecondary education would reduce the number of students who arrive at college needing remedial coursework.

The need to develop high-quality data systems is also critical to improving high school student outcomes. Accountability for high school graduation numbers and drop-out rates is critical to addressing education reform in our high schools. Currently reports have indicated that the quality of high school graduation and drop-out data is often not reliable and does not reflect the actual numbers.

Tracking student growth over time using longitudinal student-unit databases will provide the most accurate information for policy decisions and assessments. Furthermore, information provided about student achievement over time can be linked to teachers, programs and schools serving those students. The National Governor's Association (NGA) recently convened a Task Force on State High School Graduation Data—which included representatives from the American Federation of Teachers, the Business Roundtable, the Council of Chief State School Officers, the Education Commission of the States, the Educational Testing Service, the Education Trust, the National Association of State Boards of Education, the National Conference of State Legislatures, the National Education Association, Standard and Poor's and the State Higher Education Executive Officers—to make recommendations about how States can develop a high-quality, comparable high school graduation measure, as well as complementary indicators of student progress and outcomes and data systems capable of collecting, analyzing, and reporting the data States need. The task force members concurred as a group on their mission and devised a compact to implement efforts to guide States in developing high quality data-systems ideally using a longitudinal student unit record data system. This compact was signed by 51 governors in all States and Puerto Rico. The ultimate goal is better outcomes for students. Better information can lead to better policies and program implementation. Our bill therefore includes incentives for States to develop or enhance such data systems.

The College Pathway Act supplies a remedy to the critical issue of the disconnect existing between high school outcomes and college expectations. Through the formation of partnerships between P-12 and higher education systems in the States, academic success in postsecondary education becomes the priority agenda item for reform. We anticipate that P-16 Commissions will bring about an increase in the percentage of academically prepared students, particularly low-income and minority

students, and a decrease in the percentage of college students requiring remedial coursework, particularly with respect to math, science, and engineering.

The College Pathway Act of 2006 awards grants to States to establish P-16 Commissions in order to align P-12 outcomes with postsecondary institutions' expectations. The Commissions under the leadership of the governor or governor's designee, will convene stakeholders of the statewide P-12 education and higher education community, and may include parent groups, State legislative representatives, and particularly members of the business community. The commissions' goal to create a mission addressing college preparation will be the first and critical step of this process.

Many States across our country have already seen the wisdom of a P-16 commission and have been working on goals and implementation. The results, although preliminary for many States, are vastly encouraging. Our bill will provide support both to States with existing P-16 bodies, or States seeking to establish such commissions. It will give priority to the States also seeking to establish or enhance data systems.

The College Pathway Act of 2006 can offer States an opportunity to craft a vision that will reach all students over time so that their educational pathway of access to and success in college will be ensured.

I urge my colleagues to act favorably on this measure. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "College Pathway Act of 2006".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Postsecondary education is an important aspiration for most students and the future strength of the United States economy and workforce will largely depend on the postsecondary educational attainments of all people of the United States, regardless of sex, race, or ethnic background.

(2) Parents and students recognize the value of postsecondary education. Ninety-seven percent of secondary school students expect to attend college, and more than 75 percent of secondary school graduates enroll in some postsecondary education within 2 years of secondary school graduation.

(3) Notwithstanding those expectations, only 32 percent of students graduate from secondary school adequately prepared to enter a 4-year institution of higher education. Students living in poverty and students of color are roughly half as likely to be college-ready.

(4) Despite the reality that most students will enter college after secondary school, secondary school graduation requirements are not aligned with the expectations of postsecondary education.

(5) Rather than beginning college-level work upon entering postsecondary edu-

cation, many students (nearly 1 in 3) enroll in developmental coursework, and more than half will take at least 1 class of developmental coursework before leaving postsecondary education. Students who need to take a class of developmental coursework in college have less than a 40 percent chance of completing their course of study, and students who take 3 or more classes of developmental coursework face reducing their prospects of completing their course of study to less than 1 in 5.

(6) The quality and intensity of the secondary school curriculum—

(A) are the most significant predictors of college success; and

(B) are more significant than race, socioeconomic status, secondary school grade point average, or ACT and SAT scores.

(7) States around the Nation have developed secondary school academic standards, but there is often no relationship between those standards and institutional expectations for college-level study. Students, families, and school personnel need information to address the gap that exists between satisfying various kindergarten through grade 12 standards and meeting the standards that indicate success in higher education. The lack of clear information affects all students, but the effect is particularly grave for students living in poverty who are more reliant on schools and public sources of information to gauge their preparedness for college-level work.

(8) Numerous reports have cited the need to improve mathematics and science achievement in prekindergarten through grade 12.

(9) Current data systems are not designed to measure the efficacy of State actions intended to prepare students to enter and succeed in postsecondary education. State-level data systems usually contain only data related to kindergarten through grade 12, and often are not compatible with postsecondary education data systems.

#### SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To broaden the focus of Federal, State, and local higher education programs to promote academic success in postsecondary education, particularly with respect to mathematics, science, and engineering.

(2) To increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework.

(3) To decrease the percentage of students requiring developmental coursework through grants that enable States to coordinate the public prekindergarten through grade 12 education system and the postsecondary education system—

(A) to ensure that covered institutions articulate and publicize the prerequisite skills and knowledge expected of incoming postsecondary students attending covered institutions, in order to provide students and other interested parties with accurate information pertaining to the students' necessary preparations for postsecondary education;

(B) to establish and implement middle school and secondary school course enrollment guidelines—

(i) to ensure that public secondary school students, in all major racial and ethnic groups, and income levels, complete academic courses linked with academic success at the postsecondary level; and

(ii) to increase the percentage of students in each major racial group, ethnic group, and income level who graduate from secondary school and enter postsecondary education with the academic preparation necessary to successfully complete postsecondary-level

general education coursework, particularly with respect to mathematics, science, and engineering;

(C) to implement programs and policies that increase secondary school graduation rates; and

(D) to collect and analyze disaggregated longitudinal student data throughout P-16 education in order to—

(i) understand and improve students' progress throughout the P-16 education system;

(ii) understand problems and needs throughout the P-16 education system; and

(iii) align prekindergarten through grade 12 academic standards and higher education standards so that more students are prepared to successfully complete postsecondary-level general education coursework.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) **IN GENERAL.**—The terms “local educational agency”, “parent”, “secondary school”, and “State” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **ACADEMIC ASSESSMENTS.**—The term “academic assessments” means the academic assessments implemented by a State educational agency pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(3) **ACADEMIC STANDARDS.**—The term “academic standards” means the challenging academic content standards and challenging student academic achievement standards adopted by a State pursuant to section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(4) **COVERED INSTITUTION.**—The term “covered institution” means an institution of higher education that participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(5) **DEVELOPMENTAL COURSEWORK.**—The term “developmental coursework” means coursework that a student is required to complete in order to attain prerequisite knowledge or skills necessary for entrance into a postsecondary degree or certification program.

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(7) **P-16 EDUCATION.**—The term “P-16 education” means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(8) **P-16 EDUCATOR.**—The term “P-16 educator” means an individual teaching in P-16 education.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(10) **STUDENT.**—The term “student” means any student enrolled in a public school.

#### SEC. 5. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.

(a) **PROGRAM AUTHORIZED.**—From amounts appropriated under section 10 for a fiscal year, and subject to subsection (b), the Secretary shall award grants, on a competitive basis, to States to enable the States—

(1) to establish—

(A) P-16 education stewardship commissions in accordance with section 7; or

(B) P-16 education stewardship systems consisting of—

(i) a P-16 education stewardship commission in accordance with section 7; and

(ii) a P-16 education data system in accordance with section 8; and

(2) to carry out the activities and programs described in the State application and plan submitted under section 6.

(b) **AWARD BASIS.**—In determining the approval and amount of a grant under subsection (a), the Secretary shall give priority to an application from a State that desires the grant to establish a P-16 education stewardship system described in subsection (a)(1)(B).

(c) **PERIOD OF GRANTS.**—

(1) **STATES ESTABLISHING P-16 EDUCATION STEWARDSHIP SYSTEMS.**—Each grant made under this section to a State to establish a P-16 education stewardship system described in subsection (a)(1)(B) shall be awarded for a period of 5 years.

(2) **STATES ESTABLISHING P-16 EDUCATION STEWARDSHIP COMMISSIONS.**—Each grant made under this section to a State to establish a P-16 education stewardship commission described in subsection (a)(1)(A) shall be awarded for a period of 3 years.

#### SEC. 6. STATE APPLICATION AND PLAN.

(a) **IN GENERAL.**—A State desiring a grant under section 5 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) **CONTENTS.**—Each application submitted under this section shall include, at a minimum, the following:

(1) A demonstration that the State, not later than 5 months after receiving grant funds under this Act, will establish a P-16 education stewardship commission described in section 7.

(2) For a State applying for a grant under section 5(a)(1)(B), a demonstration that the State, not later than 2 years after receiving grant funds under this Act, will implement, expand, or improve a P-16 education data system described in section 8.

(3) A demonstration that the State will work with the State P-16 education stewardship commission and others as necessary to examine the relationship among the content of postsecondary education admission and placement exams, the prerequisite skills and knowledge required to successfully take postsecondary-level general education coursework, the prekindergarten through grade 12 courses and academic factors associated with academic success at the postsecondary level, particularly with respect to mathematics, science, and engineering, and existing academic standards and academic assessments.

(4) A description of how the State will, using the information from the State P-16 education stewardship commission, increase the percentage of students taking courses that have the highest correlation of academic success at the postsecondary level, for each of the following groups of students:

(A) Economically disadvantaged students.

(B) Students from each major racial and ethnic group.

(C) Students with disabilities.

(D) Students with limited English proficiency.

(5) A description of how the State will distribute the information in the P-16 education stewardship commission's report under section 7(c)(4) to the public in the State, including public secondary schools, local educational agencies, school counselors, P-16 educators, institutions of higher education, students, and parents.

(6) An assurance that the State will continue to pursue effective P-16 education alignment strategies after the end of the grant period.

#### SEC. 7. P-16 EDUCATION STEWARDSHIP COMMISSION.

(a) **P-16 EDUCATION STEWARDSHIP COMMISSION.**—

(1) **IN GENERAL.**—Each State receiving a grant under section 5 shall establish a P-16 education stewardship commission that has

the policymaking ability to meet the requirements of this section.

(2) **EXISTING COMMISSION.**—The State may designate an existing coordinating body or commission as the State P-16 education stewardship commission for purposes of this Act, if the body or commission meets, or is amended to meet, the basic requirements of this section.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—Each P-16 education stewardship commission shall be composed of the Governor of the State, or the designee of the Governor, and the stakeholders of the statewide education community, as determined by the Governor or the designee of the Governor, such as—

(A) the chief State official responsible for administering prekindergarten through grade 12 education in the State;

(B) the chief State official of the entity primarily responsible for the supervision of institutions of higher education in the State;

(C) bipartisan representation from the State legislative committee with jurisdiction over prekindergarten through grade 12 education and higher education;

(D) representatives of 2- and 4-year institutions of higher education in the State;

(E) representatives of the business community; and

(F) at the discretion of the Governor, or the designee of the Governor, representatives from prekindergarten through grade 12 and higher education governing boards and other organizations.

(2) **CHAIRPERSON; MEETINGS.**—The Governor of the State, or the designee of the Governor, shall serve as chairperson of the P-16 education stewardship commission and shall convene regular meetings of the commission.

(c) **DUTIES OF THE COMMISSION.**—

(1) **MEETINGS OF COVERED INSTITUTIONS.**—

(A) **IN GENERAL.**—Each State P-16 education stewardship commission shall convene regular meetings of the covered institutions in the State for the purpose of assessing and reaching consensus regarding—

(i) the prerequisite skills and knowledge expected of incoming freshmen to successfully engage in and complete postsecondary-level general education coursework without the prior need to enroll in developmental coursework, particularly with respect to mathematics, science, and engineering; and

(ii) patterns of coursework and other academic factors that demonstrate the highest correlation with success in completing postsecondary-level general education coursework and degree or certification programs.

(B) **FINDINGS OF COVERED INSTITUTIONS.**—The covered institutions shall communicate to the P-16 education stewardship commission the findings of the covered institutions, which—

(i) shall include the consensus on the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in subparagraph (A);

(ii) shall address, at minimum, the subjects of reading, mathematics, science, grammar, and writing, and may cover additional academic content areas;

(iii) shall be descriptive of content and purpose, and shall not be limited to a simple listing of secondary course names; and

(iv) may be different for 2- and 4-year institutions of higher education.

(2) **COMMISSION RECOMMENDATIONS.**—Not later than 18 months after a State receives a grant under section 5, and annually thereafter for each year in the grant period, the State P-16 education stewardship commission shall—

(A) develop recommendations regarding the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in paragraph (1)(A); and

(B) develop recommendations and enact policies to increase the success rate of students in the students' transition from secondary school to postsecondary education.

(3) COMMISSION FINDINGS.—Not later than 3 years after a State receives a grant under section 5(a)(1)(B), the State P-16 education stewardship commission shall—

(A) compile and interpret the findings from the P-16 education data system; and

(B) include the compilation and interpretation of the findings in the report described in paragraph (4)(A).

(4) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after a State receives a grant under section 5, and annually thereafter for each year in the grant period, the State P-16 education stewardship commission shall prepare and submit to the Secretary a clear and concise report that shall include the recommendations described in subparagraphs (A) and (B) of paragraph (2).

(B) DISTRIBUTION TO THE PUBLIC.—Not later than 60 days after the submission of a report under subparagraph (A), each State P-16 education stewardship commission shall publish and widely distribute the information in the report to the public in the State, including—

(i) all public secondary schools and local educational agencies;

(ii) school counselors;

(iii) P-16 educators;

(iv) institutions of higher education; and

(v) students and parents, especially students entering grade 9 in the next academic year and the parents of such students, to assist the students and the parents in making informed and strategic course enrollment decisions.

#### SEC. 8. P-16 EDUCATION DATA SYSTEM.

(a) ESTABLISHMENT.—Not later than 2 years after a State receives a grant under section 5(a)(1)(B), the State shall establish a State-level longitudinal data system that provides each student, upon enrollment in a public school or in a covered institution in the State, with a unique identifier that is retained throughout the student's enrollment in P-16 education in the State.

(b) FUNCTIONS OF DATA SYSTEM.—The State shall, through the implementation of the data system described in subsection (a), carry out the following:

(1) Identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework.

(2) Implement procedures to track developmental coursework enrollment rates.

(3) Implement procedures to assist with identifying correlations between course-taking patterns in public secondary education and increased academic performance in higher education.

(4) Implement procedures to assist with identifying the points at which students exit the P-16 education system, including the assimilation of valid and reliable secondary school dropout data.

(5) Incorporate data to track postsecondary degree and certification completion rates and student persistence patterns.

(6) Ensure that the data system is compliant with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(7) Disaggregate the data described in paragraphs (1) through (5) by race, ethnicity, income level, sex, secondary school attended, and type of institution of higher education attended.

(c) EXISTING DATA SYSTEMS.—A State may employ, coordinate, or revise an existing

data system for purposes of this section if such data system produces valid and reliable information that satisfies the requirements of subsection (b).

#### SEC. 9. REPORTS; TECHNICAL ASSISTANCE.

(a) STATE REPORTS.—

(1) ANNUAL REPORT.—Each State that receives a grant under section 5 shall submit an annual report to the Secretary for each year of the grant period that shall include a description of the activities undertaken under the grant to improve academic readiness for postsecondary-level general education coursework and course completion.

(2) DISSEMINATION.—Each State shall prepare, publish, and widely disseminate the report described in paragraph (1) to the public in the State, including secondary schools, local educational agencies, school counselors, P-16 educators, institutions of higher education, students, and parents.

(b) SECRETARY REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that includes—

(A) findings from the State reports submitted under subsection (a)(1);

(B) a description of the actions taken by the Department of Education to assist States with creating P-16 education stewardship commissions and P-16 education data systems;

(C) a description of the actions and incentives planned by the States' P-16 education stewardship commissions—

(i) to help States align academic standards, courses, and academic assessments with postsecondary academic expectations, courses, and assessments;

(ii) to help States increase the percentage of minority and low-income students prepared to enter and succeed at the postsecondary level; and

(iii) to reduce postsecondary developmental coursework enrollment rates of minority and low-income students;

(D) a description of the actions and incentives planned to help States reduce postsecondary developmental coursework enrollment rates;

(E) an assessment of the effectiveness of P-16 education stewardship commissions in improving college readiness and eliminating the need for developmental coursework; and

(F) recommendations regarding how to make the P-16 education stewardship commissions more effective, and whether the establishment of such commissions should be encouraged throughout the United States.

(2) AVAILABILITY.—The Secretary shall make the annual report described in paragraph (1) available to the public and to each State and institution of higher education.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide, upon request, technical assistance to States and institutions of higher education seeking technical assistance under this Act.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$55,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.

Ms. SNOWE. Mr. President, I rise today to talk about a bill that will improve college access by creating a framework to ensure that high school graduates amass the skills and knowledge they need to succeed in college—the College Pathway Act. My colleague, Senator LIEBERMAN, and I have been working hand-in-hand to identify the degree to which high school students are unsuccessfully prepared for college and develop practical solutions

to this issue. The bill we introduce today is the product of our combined efforts.

Today, 97 percent of secondary school students expect to attend college, however, high school students are not prepared academically for the rigors of college coursework. Although States around the country have developed high school standards, there is often a disconnect that exists between high school standards and college expectations. Today, 53 percent of postsecondary students require remedial English or mathematics. Graduation rates for those requiring remedial classes are less than 40 percent. And that is why Senator LIEBERMAN and I are working together in response to the concerns that too many students start college without the proper tools.

Part of the problem is that colleges and high schools generally have separate statewide governing boards for their pre-kindergarten through 12th grade and higher education systems. The College Pathway Act awards grants enabling States the opportunity of a voluntary establishment of pre-kindergarten through the 16th grade commissions in States, consisting of representatives of the pre-kindergarten through 12th grade and higher education communities, the governor's office, appropriate State legislators and members of the business community. These partnerships within the commission would promote academic success in postsecondary education, increase the percentage of academically prepared low-income and minority students, and decrease the percentage of college students requiring remedial coursework, particularly with respect to math, science and engineering.

This commission offers a framework for aligning lower, middle and high school curriculum and assessment standards with post-secondary expectations. Students who are properly prepared before entering college are far more likely to succeed in college. Indeed, many States across the Nation are looking to the pre-kindergarten through 12th grade concept to improve alignment. Federal funding for establishment of pre-kindergarten through 12th grade commissions would allow States to implement or expand their current programs. In addition, many States are attempting to improve data collection systems in order to better evaluate those programs that lead to success. Our bill would also offer support to those States which voluntarily seek to enhance and improve the effectiveness of their data systems. We believe that by promoting coordination of grades pre-kindergarten through 12th grade, States will better align education systems helping to ensure that all students are prepared to successfully engage in and complete postsecondary level coursework.

Our Nation must make a solid commitment to ensuring that every individual has the opportunity to pursue a higher education. We should pursue



policies that will prepare students to begin their college career. I believe that education is the great equalizer in our society that gives every citizen of our Nation the same opportunity to succeed in the global economy of the 21st century. That's why I will continue to target access to higher education for America's students. The College Pathway Act will help to further this goal.

Mr. AKAKA. Mr. President, I would like to voice my strong support as an original cosponsor of The College Pathway Act, introduced by my colleagues from Connecticut and Maine, Senators LIEBERMAN and SNOWE. I greatly appreciate their foresight in creating legislation that will help Hawaii and other states bring greater links between education at all levels, as well as with business and industry.

I know the field of education well, having served as a teacher, vice principal, principal, and school administrator in Hawaii before holding public office. I taught at the elementary, middle, and secondary levels, and continue to hold great interest in developments in these areas, as well as in early childhood and higher education. From these experiences, I have advocated that education should be an interconnected pathway, from pre-kindergarten through postsecondary levels and beyond, into the workforce.

We need all stakeholders in education and the labor force to work together, seamlessly. The LIEBERMAN-SNOWE bill will help to further this very aim in Hawaii and other States with existing entities, and to assist other States in meeting similar, meaningful goals through the creation of similar entities. By encouraging States to establish P-16, or as in Hawaii's case, P-20 commissions, to align lower, middle, and high school curricular and assessment standards with what is expected in higher education, we will better assure college readiness and reach a fundamental goal: greater rates of college completion.

To describe the Hawaii P-20 initiative in more detail, the initiative brings together public and private educators at all levels, working in collaboration with representatives of state government, the business community, labor, and educational support agencies to focus on improving learner achievement. Its vision statement says, all Hawaii residents will be educated, caring, self-sufficient, and able to contribute to their families, to the economy, and to the common good, and will be encouraged to continue learning throughout their lives.

The initiative, which recently unveiled its strategic plan, is a joint commitment of the Hawaii Department of Education, the Good Beginnings Alliance, and the University of Hawaii, working with a statewide P-20 Council to develop a seamless system of educational delivery. I encourage anyone with interest in this effort to view the details of the plan at

www.p20hawaii.org. A main goal of the initiative is to prepare my State's learners to succeed in a society fast becoming more global, technological and complex. Ultimately, it seeks to improve the quality of life for all of Hawaii.

I am pleased to support this effort and work toward providing this and similar programs in other states with the resources to achieve their aims. The Lieberman-Snowe bill does this, and I look forward to working with my colleagues toward its enactment.

By Mr. SPECTER (for himself, Mr. COLEMAN, and Mr. ISAKSON):  
S. 2340. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Community Cancer Care Preservation Act, which will ensure Medicare beneficiaries' access to community-based cancer treatment and provide Medicare reimbursement assistance for oncologists providing vital cancer care services.

Cancer takes a great toll on our friends, families, and our Nation. In the United States, cancer causes one out of every four deaths and was responsible for 570,000 deaths last year. In 2005, over 2 million new cases of cancer were diagnosed, the most prevalent of which were breast, prostate, lung, and colorectal.

While these statistics are daunting, the rate of cancer deaths in the United States has decreased since 1993. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

In 2004, 42.7 million individuals were enrolled in Medicare; of those beneficiaries over 29 percent have had cancer during their lives, 12.5 million beneficiaries. With such a large percentage of our seniors facing this horrible disease, the need for access to community cancer care is critical.

Community cancer clinics treat 84 percent of Americans with cancer. Community cancer centers are free-standing outpatient facilities that provide comprehensive cancer care in the physician's office setting located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics is not available. They provide patients with earlier diagnosis, more effective cancer therapies, and innovative supportive care that reduces fatigue, nausea/vomiting, and pain. The accessibility of treatment in the hands of skilled community oncologists has decreased the cancer mortality rate.

On December 8, 2003, the Medicare Prescription Drug Improvement and

Modernization Act was signed into law by President Bush. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction to Medicare's reimbursement for oncology treatment. The provisions sought to bring a balance to the reimbursement for the cost of cancer drugs and services. Previous to the implementation of the law, CMS reimbursed the cost of cancer treatment drugs at a very high level. This level provided sufficient funding to supplement the costs of care, storage of the prescription drugs, and the costs of cancer care services, which were not being provided adequate funding. The law enacted reimbursement reductions for the cost of prescription drugs while increasing the funding provided for cancer care services; however, that increase did not sufficiently offset oncologists' losses from the reduction in cancer drug reimbursement.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by \$4.2 billion from 2004-2013. PricewaterhouseCoopers estimates that reductions will reach \$15.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

For 2006, the Centers for Medicare and Medicaid Services (CMS) estimates that the beneficiary reimbursement for services provided by community cancer care will be cut by 6.6 percent, a \$200 to \$300 million reduction. However, this reimbursement reduction may be larger than estimated. CMS did not factor in the delay in drug manufacturer price increases for cancer therapies and the bad debt of beneficiaries who may not pay their Medicare 20 percent co-insurance payment. When accounting for these reductions, the overall cut to cancer care will likely exceed \$300 million.

The Medicare Prescription Drug and Modernization Act mandated a transitional increase of 32 percent in service fees in 2004, falling to 3 percent in 2005, and 0 percent in 2006. This was done to provide time for CMS to pay for essential unpaid medical services, such as pharmacy facilities and treatment planning. In 2005, CMS created a cancer care demonstration project as a quality enhancement initiative to examine the effects of oncology drugs on patients. This demonstration project also provided \$300 million in critical funding because CMS had not increased the reimbursement for essential unpaid medical services. On June 29, 2005, I sent a letter with 38 other Senators to President Bush requesting an extension to the demonstration project through 2006. CMS, however, announced a new oncology demonstration project for 2006 that examines the quality of cancer care in relation to treatment guidelines, but at \$180-\$210 million less than the previous funding level.

Accordingly, I am introducing legislation to provide community oncologists with the tools to withstand the CMS reforms brought forth under the Medicare Prescription Drug and Modernization Act. The bill's \$1.7 billion price tag, over the next 5 years, is a relatively small cost in the face of the vast reductions in CMS's reimbursement to oncologists. Let me briefly summarize the provisions of this legislation.

1. **Sales Price Updates:** Currently, CMS updates the prices for cancer treatment drugs quarterly. This delay in price updating forces community cancer clinics to often pay increased prices for prescription drugs for up to six months without increased reimbursement. This legislation requires the sales price for oncology drug reimbursement be updated as changes occur in the price to provide a more accurate reimbursement to oncologists for the cost of drugs. This will provide a reimbursement to oncologists that is fair and reflective of market costs.

2. **Removal of the Prompt Pay Discount:** The prompt pay discount is a discount from the wholesaler to the physician for prompt payment on prescription drugs. This is a benefit for physicians that operate an efficient and organized practice and allows them to gain extra revenue as an incentive for conducting business in that manner. The current average sales price for prescription drugs from CMS takes into account the prompt pay discount provided by wholesalers. The inclusion of these funds, which are not guaranteed unless the practice operates in a very efficient way, decreases the amount of reimbursement from CMS. My legislation would remove the discount from the CMS average sales price requiring CMS to reimburse oncologists at the price they pay for drugs without the inclusion of discounts.

3. **Quality Care Demonstration Project Extension:** The quality care demonstration project provided information to CMS that was gathered by oncologists about the effects of oncology drugs on patients. This project was altered and funds were reduced provided to conduct the informational interviews to oncologists. The bill would extend the 2005 quality cancer care demonstration project through 2006. The project collects information from cancer patients on the effects of cancer treatment including fatigue, nausea/vomiting, and the treatment of these symptoms.

4. **Increase in Payments for Oncological Drug Storage:** The CMS reimbursement for oncology prescription drugs does not provide adequate funding for storage and care needs. The prescription drugs for cancer care often require special provisions including refrigeration and handling as some drugs that are highly toxic. These special provisions result in an increased cost, which is why my legislation provides a two percent increase in payments to

account for the storage and care of oncology drugs.

5. **Reports Regarding Cancer Care:** The legislation would also require a report from the Secretary of Health and Human Services on a plan to increase the number of cancer patients in clinical trials and a Congressional Budget Office Report on the effects of the Medicare Prescription Drug Improvement and Modernization Act of 2003 on cancer care. These reports will assist Congress and the Administration in its future decisions impacting cancer care.

As Chairman of the Labor, Health and Human Services, and Education (LHHS) Appropriations Subcommittee, I have sought to increase funding for the National Institutes of Health (NIH) and the National Cancer Institute (NCI). Since becoming Chairman of the LHHS Subcommittee, the funding for NIH has increased from \$11.3 billion in fiscal year 1996 to \$29.4 billion in 2006, an increase of 147 percent, while funding for the NCI increased from \$2.3 billion in fiscal year 1996 to \$4.9 billion in 2006, an increase of 113 percent.

On February 16, 2005, I was diagnosed with stage IVB Hodgkin's lymphoma and had my first chemotherapy treatment two days later. I had a total of 12 treatments, my last on July 22, 2005, and tests following that final treatment concluded that I am cancer free. As a recipient of cancer treatment for Hodgkin's lymphoma cancer, I have an acute understanding of the problems that confront patients as well as physicians that administer their care.

This legislation provides Medicare reimbursement assistance for community oncologists and ensures Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with Senators COLEMAN, ISAKSON and me to move this legislation forward promptly.

By Mr. DORGAN:

S. 2341. A bill to prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DORGAN. Mr. President, the Commerce Committee is having a hearing this afternoon—and I have been at a portion of that hearing—dealing with the question of Dubai Ports World, which is a company largely owned by the United Arab Emirates. This is a company that has been given the green light by this administration to manage six of America's largest seaports.

This has caused a substantial amount of controversy and discussion. In the last couple of days some of that controversy has been resolved, at least in the minds of some, because the company owned by the United Arab Emirates has asked the administration for a 45-day review of the circumstances of this deal, and they will not take control of the management of the American ports for these 45 days.

It is rather unusual for a company to be asking that the United States Gov-

ernment do a 45-day review of the circumstances of whether a United Arab Emirates company should be managing America's ports. Speaking for myself, I don't need 45 days to understand this. I don't need 45 minutes to understand it. I know a bad idea when I see one.

The President has made up his mind. President Bush has said he will veto any legislation that is offered here in the Congress that would upset this deal which would allow the company owned by the United Arab Emirates to manage America's ports. If the President feels he should veto a piece of legislation, that is his right. He has not vetoed any bill since he became President of the United States, but if his proposition is he wants to veto a piece of legislation and turn over America's seaports, six of America's large seaports, to management by the United Arab Emirates, so be it. But I think the President would be making a very serious mistake.

Our country is under a terrorist threat. We get regular briefings on that in the Senate, and the American people know that from watching the news. We understand the terrorist threats take the form of threat to air travel because the terrorists, as we know, last used commercial jet airplanes to fly into the World Trade Center towers in New York City. We understand the threats at our airports. That is why when you go to the airport and try to board a plane they have you take off your belt, take off your shoes, and run you through a metal detector. There is great concern about the threat of terrorism and security at our airports.

There is also great concern about security at our seaports.

I have spoken, I am guessing, about a dozen times on the floor of this Senate about the security at our seaports since the time of the 9/11 attacks.

I recall shortly after 9/11 when a fellow from a Middle East country decided to ship himself in a container on a container ship. He got inside a container, and he got loaded on a container ship. Here was this man with a container. He had a cot to sleep on, he had a GPS device, a radio, a supply of water, and he was shipping himself, I believe, to Canada, and there was concern that he was a terrorist and he was going to enter the country by shipping himself in a container on a container ship.

I have spoken here, I suppose, almost a dozen times talking about the danger of having anywhere from 5.7 to 5.9 million containers coming into this country every year, millions of containers on a container ship coming into this country every year, and somewhere around 4 percent of them and perhaps as much as 5 percent are inspected; the rest are not.

I went to a port facility once. We don't have ports in North Dakota. But I went to a port facility to visit and see what the security was. They were showing me a container they had taken off a ship. The container they opened



happened to be frozen broccoli from Poland, bags and bags and bags of frozen broccoli. I said, How do you know what is in the middle of this container? I see there are bags of frozen broccoli. How do you know that is all that is here in the container? Well, we don't know. That is why we are inspecting this particular container. How many containers do you inspect? We know the answer to that. Out of every 100, 96 are not inspected.

That is a threat to our country's seaports.

What about a terrorist organization deciding they want to try to steal a nuclear weapon someplace? After all, there are tens of thousands of them—somewhere, we believe, between 20,000 and 30,000 nuclear weapons that exist in this world. Steal a nuclear weapon and put it in a container, on a container ship and run it up to a dock, appear at one of America's major cities. What about the prospect of that happening? Then we would not see 3,000 deaths. No, we would see 100,000 deaths or more.

Seaport security is a very serious issue.

Now, in the midst of all of these issues of national security, we hear that something called CFIUS—the Committee on Foreign Investments in the United States, composed of some 12 Federal agencies coming together as a committee, evaluating foreign investment in the United States—decided it is all right if this company called Dubai Ports World, a company owned by the United Arab Emirates, is allowed to manage six of America's largest ports, including ports in New York, New Jersey, Miami, Louisiana, and Maryland.

That is not all right with me.

I just came from a committee hearing where we had some people say, Well, you are going to offend somebody here. The United Arab Emirates is a country that has been very helpful to us in the fight on terrorism. The last thing we want to do is offend them.

What about offending common sense? Should we be offending common sense here in the Senate? I don't think so. Common sense would say to us when threatened by terrorist threats, security in this country ought to be security provided by the United States. We can't provide for our own security in our management of U.S. ports?

The United Arab Emirates is probably a perfectly wonderful country. It is not a democracy, I will tell you. And two of the hijackers on 9/11/2001 were UAE citizens. And the United Arab Emirates was only one of three countries that recognized the Taliban Government which played host to Osama bin Laden in Afghanistan.

Let me read something from the 9/11 Commission report. On page 137:

Early in 1999, the CIA received a recording that Osama bin Laden was spending much of his time at one of several camps in the Afghanistan desert south of Kandahar. At the beginning of February, bin Laden was reportedly located at the vicinity of Sheik Ali

Camp, a desert hunting camp being used by visitors from a Gulf State. Public sources have stated that those terrorists were from the United Arab Emirates.

I will not read all of this.

According to the reports, the military was doing targeting work to hit the camp where Osama bin Laden was thought to be, to hit it with cruise missiles. But no strike was launched. And Mr. bin Laden apparently soon moved on and the immediate strike plans became moot.

According to the CIA and defense officials, the reason the strike was not launched against bin Laden was that policymakers were concerned about the danger that a strike would kill a prince from the United Arab Emirates who was visiting with bin Laden.

The 9-11 Commission report also talks about an official airplane for the United Arab Emirates at a landing strip there. They believed the UAE officials were visiting with Mr. bin Laden. So apparently, any opportunity for this country to target Mr. bin Laden before 9/11 was in part fouled by the relationship between at least some in the Royal Family of the United Arab Emirates and Mr. bin Laden.

One of our Cabinet officers said, Well, this issue is not just about national security, but also about trade and about commerce.

Look, trade and commerce do not ever trump national security. If there are national security issues, then they have to be dealt with and have to be recognized.

We are told, Well, everyone signed off on this; there is not a problem here. But now we find out today that not everybody did sign off on this. Yesterday we found out that the Coast Guard expressed reservations about the deal in a secret report, which had already been made public. The report said:

There are many intelligence gaps concerning the potential for DPW or PNO assets to support terrorist operations. That precludes an overall threat assessment of the potential DPW and PNO ports merger.

So don't tell me that the Coast Guard signed off on this. They raised questions about it, as they should have.

I have a GAO report that I showed a few moments ago in the Commerce Committee. This is the title of the July 2005 GAO report: "The DOD Cannot Ensure its Oversight of Contractors Under Foreign Influence is Sufficient."

If the Department of Defense cannot ensure proper oversight of foreign contractors, the Department of Homeland Security can? I don't think so. The Department of Homeland Security, after all, responded to Hurricane Katrina. Look at the mess they made with that. Now they are saying, even though the Department of Defense cannot ensure oversight of foreign contractors, Homeland Security is going to be able to do that with respect to the security of our ports? I don't think so.

So national security is an issue. And saying so is not a slap in the face at

any country. It is just recognizing the obvious.

Something else that has not been talked about should be talked about. We have moved at a full gallop toward globalization. We are in a global economy, we are told. Well, the fact that we are in a global economy should not persuade us not to think. One of the questions ought to be raised by all is—aside from the national security interests, which are significant interests—one of the other questions is, why would our country not have the capability to provide its own port management, its own port security?

There are certain things we do that we know we must do. Again, go to the airport and see what they tell you about your shoes and belt and see a little 6-year-old boy spread-eagle against the wall being "wanded" and ask yourself: Why is that happening? Because we have decided there is a security threat at airports. Terrorists use a commercial airliner as a guided missile to destroy buildings in our country and to murder Americans. So we have issues of national security to respond to a threat with airport screening.

What about our seaports? Does anyone think there is any less danger with somewhere around 5.7 to 5.9 million containers coming into our country, with 96 percent of them not having been screened? Does anyone think there is less danger to America to have just one of those containers be pulled up slowly at an American pier or port or dock that has a weapon of mass destruction?

We are spending billions and billions of dollars building an antiballistic missile defense system that does not work, regrettably. We have spent billions of dollars and are spending billions more trying to hit a bullet with a bullet because we are concerned that a rogue nation or a terrorist will get hold of a ballistic missile, put on its tip a nuclear weapon, and send it to us somewhere around 15,000 miles per hour. By far, the more significant threat is for a ship to pull up at one of our docks at about 5 miles per hour, loaded with containers, most of which have never been inspected, containing in one circumstance a weapon of mass destruction. That is by far a more significant threat to our country.

I have spoken, I suppose, a dozen times over the years since 2001 about port security. Not because we have any ports in North Dakota, because we do not. But it is obvious to me that if you are going to begin to provide security for this country, we do not just do it by metal detectors at airports; we do it at seaports and rail security, as well. And with respect to seaports, it seems completely illogical to me from a national security standpoint that we would decide to turn over to foreign countries the management of our ports, our seaports.

People have said today: Are you kidding? This is done all the time, for God's sake. Get a life. This is going on

everywhere. You do not understand the global economy. We have had other countries managing our seaports.

This has become an issue that most American people recognize is a problem. But a number of Members in the Congress do not recognize it as a problem. Some do. But I heard opening statements at a committee hearing suggesting this debate is about racial profiling, it is about offending a good neighbor. Well, that is all nonsense. This is about demanding at least some level of common sense be used in establishing public policy.

The President says: We did the right thing. I have already made up my mind, he says, and we approved it. And I will veto anything that would overturn that approval.

Then he says, when asked by the company that is owned by the United Arab Emirates to review it for 45 more days, the President says: Yes, we will review it for 45 more days. But, again, he put out a statement today saying: I've already made up my mind.

At a committee hearing this afternoon, others on the committee said: Well, some of you have already made up your mind. Shame on you.

As I said, it would not take me 45 days to figure it out. It does not take 45 minutes to figure it out. We ought to, as a country, be able to find ways to manage our seaports. And we ought to, as a country, take responsibility for our own national security. After all, it is not every country in the world where you pin a little pin on the map that says: Here's target one, here's the bull's eye of the target for terrorists. They want to attack this country. This is where they want to attack. We understand that.

All of us feel fortunate we have not been attacked again since 2001. But we all know, as well, that there is much yet to do. Seaport security is one of those areas in which we have to do much better.

My colleague who sat behind me some years, Senator Fritz Hollings from South Carolina, would come to the Senate and speak at great length about this. He would offer funding for more seaport security. It was routinely turned down. All of us offered this and were routinely turned down. We did not have the money. And we are inspecting 4 to 5 percent.

Someday, God forbid, if something happens at a seaport, we will all stand and scratch our heads and say: Why didn't we try to find a way to do this better, more inspections? Why didn't we understand that is more vulnerable even than airport security? Why didn't we figure that out?

This is an opportunity. I understand this will be controversial. I understand the President is going to be upset if the Congress takes action.

I will offer legislation today that is very simple. It does not tiptoe around 45 days and all these things. It just says this should not happen.

If that offends someone, I am sorry. But I do not want to offend common

sense. And it seems to me, in this country there is a deep reservoir of common sense at the local cafe or down at the hardware store to say it would make the most sense, given the fact we are targeted by terrorists, it would make the most sense for our country to take responsibility for itself. This is not about globalism. It is not about the global economy. It is not about offending someone. It is about deciding as a country to assume responsibility for your security.

Let me make one other point. Yes, we need friends. Yes, we need the United Arab Emirates to be our friend and other countries as well to cooperate with us. But wouldn't it have been nice, for example, if we had more cooperation when Dr. Kahn in Pakistan was arranging to have nuclear materials and nuclear plans and nuclear parts sent around to North Korea and to Iran and to other countries? Our children will pay for that, unfortunately. And most of that material went through the United Arab Emirates' ports.

Wouldn't it have been nice if we had more friends? We need more friends. But, it seems to me, we ought not buy friendship by deciding that we will put a company controlled by the United Arab Emirates in the position of managing America's ports. Once again, this is merely common sense.

The GAO report of last summer ought to be instructive to us. If the Department of Defense cannot ensure its oversight of contractors under foreign influence, how on Earth can Homeland Security ensure oversight of a contractor that is owned by a foreign government in the Middle East? How on Earth can we expect that to happen?

I come to the Senate to talk a lot about trade. In this age of globalism people say: You are just a xenophobic isolationist stooge who does not get it. The world has changed. It is a global world. Everyone does everything everywhere.

It seems to me it is not inappropriate even in a global economy to pursue our own interests from time to time, and that is especially true when it deals with the subject of terrorism. Does the global economy mean that you outsource or offshore everything? Is there anything you cannot do without?

Some 15 years ago, I used to question Carla Hills, the trade ambassador, at various hearings. Managed trade was anathema to her, and it has been to virtually every administration. Yet virtually every country we do trade with has managed trade. They have managed trade with a set of objectives. I used to continually ask Carla Hill: Is there anything the loss of which would give you problems?

For example, if, in a completely open system of trade we lost our entire steel industry—it was gone, no steel mill and no steel produced domestically—would that give you a problem? The answer was, no, whatever happens, happens. That is nonsense. There are cer-

tain things that a country must hang on to to remain a strong economic power, a world economic power.

Maybe this, also, in addition to the national security issues—which I think are very important—maybe it is also an opportunity to wake up and answer the question: What is appropriate in a global economy? Is everything on the table? Everything for sale? Everything up for trading and grabs? Is offshoring just fine, notwithstanding what it means to the American economy?

Perhaps, if we use this opportunity to ask those questions, we will have done this country a favor.

In the meantime, I will introduce the simplest piece of legislation introduced on this subject. It simply says: "Just say no."

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 384—DESIGNATING MARCH 2, 2006, AS "READ ACROSS AMERICA DAY"

Ms. COLLINS (for herself, Mr. REED, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

#### S. RES. 384

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 2, 2006, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in celebration of reading; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.