S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

AMENDMENT NO. 3963

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3963 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3964

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3964 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3968

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3968 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3971

At the request of Mr. OBAMA, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3971 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 3971 proposed to S. 2611, supra.

AMENDMENT NO. 3974

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3974 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3978

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3978 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3979

At the request of Mr. SESSIONS, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Mr. VITTER), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 3979 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 3979 proposed to S. 2611, supra.

At the request of Mr. ISAKSON, his name was added as a cosponsor of amendment No. 3979 proposed to S. 2611, supra.

AMENDMENT NO. 3985

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of amendment No. 3985 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 3996

At the request of Mr. INHOFE, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3996 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4018

At the request of Mr. STEVENS, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4018 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mrs. HUTCHISON, her name and the name of the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4018 proposed to S. 2611, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 4018 proposed to S. 2611, supra.

AMENDMENT NO. 4025

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 4025 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4027

At the request of Mr. KYL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4027 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4027 proposed to S. 2611, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2818. A bill to reduce temporarily the duty on automatic shower cleaners; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce legislation that would temporarily reduce the duty on automatic shower cleaners on behalf of S.C. Johnson, a company headquartered in Racine, WI.

I understand the importance of manufacturing and the role it plays in our everyday lives. It is no secret that the Bush administration has enfeebled the manufacturing sector, cutting needed funding that helps manufacturers stay competitive. Since 2000, Wisconsin has been hit hard, losing 90,000 manufacturing jobs. A healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living. Every individual and industry depends on manufactured goods. And the production of those goods creates the quality jobs that keep so many American families healthy and strong.

This legislation would reduce the duty on automatic shower cleaners, an input S.C. Johnson refines to make high quality and affordable shower cleaners that eliminate the build-up of tough soap scum, mold, and mildew stains for the U.S. market. S.C. Johnson was created in 1886 as a parquet flooring company and today is one of the world's leading manufacturers of household products including Ziploc storage containers, Windex glass cleaner, Raid insect repellant, and Glade fragrances. Today, S.C. Johnson employs 12,000 people and provides products in more than 110 countries around the world. In January of 2006, S.C. Johnson was awarded the Ron Brown Award for Corporate Leadership for its outstanding achievements in employee and community relations. Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

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

SECTION 1. ELECTRIC AUTOMATIC SHOWER CLEANERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.98.08	Bath and shower cleaner electric device that dispenses a dilute solution of detergents and bleach alternative into a shower enclosure using a button activated, battery powered piston pump controlled by a microchip that automatically releases a measured amount of solution on demand (provided for in subheading 8509.80.00)	2.1%	No change	No change	On or before 12/31/2009	''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. CRAIG:

S. 2821. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise to introduce S. 2821, the Withholding Tax Relief Act of 2006. Today, President Bush signed into law H.R. 4297, the Tax Increase Prevention and Reconciliation Act of 2005, and this afternoon, I am making good on a promise I made on the Senate floor last week—to repeal the expanded withholding tax contained in H.R. 4297 to ensure that the bill does what its title claims, that is, prevents tax Increases.

Americans have been asking for tax relief. Congress answered this call, in part, when it passed the Tax Increase Prevention and Reconciliation Act of 2005. The lower taxes on capital gains and dividends—and the higher alternative minimum tax exemption amounts—contained in H.R. 4297 will assist small businesses, encourage the kind of investment that creates jobs and makes our economy grow, and ensure fairer tax treatment for middle-income families who would otherwise be left footing the bill for a tax intended for the wealthy.

Alongside these tax relief provisions, however, conferees inserted a sweeping new withholding requirement that will raise taxes by nearly $7 billion. This bill seems to have a history of that. When the original tax reconciliation bill came before the Senate, it contained a windfall profits tax provision that would have imposed an additional $4.923 billion tax on the energy industry. I voted against it because the bill that was supposed to provide tax relief actually raised taxes. Although the conferees stripped this provision in conference, they replaced it with an even bigger tax hike—section 511's expanded withholding requirement.

Section 511 of H.R. 4297 imposes a new mandatory 3 percent withholding requirement on all payments for goods and services made to Federal, State, and local contractors. The provision, which is the largest revenue raiser in the bill, represents a significant shift in U.S. tax policy.

Withholding has not always been around. Despite predominant public opposition, Congress enacted mandatory withholding on Federal income tax in 1943 in order to fund World War II. As a result, tax collections jumped from $7.3 billion in 1939 to $43 billion in 1945. That is an increase of $35.7 billion in just 4 years. In congressional hearings on the issue, Congressmen spoke candidly of the revenues that needed to be ''fried out of the taxpayers.'' There was no doubt in the minds of lawmakers that the result of withholding would be an increase in the tax burden on the public.

Congress sought to expand withholding to dividends and interest in 1982, and public opposition was so profound that it was repealed 1 year later. Now, proponents of section 511's expanded withholding requirement say that it is necessary to close a ''tax loophole'' that allows taxpayers to avoid their tax obligations. There is no such ''loophole''—the Internal Revenue Service, IRS, has simply failed to do its job of collecting.

Information-reporting requirements are already in place to assist the IRS in its collection duties. Government entities are required to make an information return, reporting payments to corporations as well as individuals. Moreover, every head of every Federal executive agency that enters into contracts must file an information return reporting the contractor's name, address, date of contract action, amount to be paid to the contractor, and other information. Expanding withholding would now not only have the Federal Government spend taxpayers' dollars, but it would make taxpayers bear the burden and costs of collecting them, too.

The costs of section 511 are high—so high, in fact, that the Congressional Budget Office said that the provision constitutes an unfunded mandate on the State and local governments, exceeding the annual threshold established in the Unfunded Mandates Reform Act. The provision will also cause the cost of doing business to go up. A 3-percent withholding on multibillion dollar contracts—for as long as 15 months, held interest-free—will affect cash flows, investment, and cause businesses to raise prices in order to make up for losses, thereby putting them at a significant competitive disadvantage. Consider the Federal contract totals for Idaho and California alone. In fiscal year 2004, Idaho's nondefense contracts totaled $1.1 billion, and in fiscal year 2005, the State's defense contracts added up to $154 million. In fiscal year 2004, California's nondefense contracts totaled $9.4 billion, and in fiscal year 2005, the State had $30.9 billion in defense contracts.

The bill that I am introducing today, the Withholding Tax Relief Act of 2006, will repeal the $7 billion withholding tax contained in H.R. 4297. Tax relief should not be coupled with tax increases, and I will continue to work to give more meaning to the phrase in the bill's title, ''Tax Increase Prevention.'' This bill is a first step. I urge my colleagues to join me in support of this legislation.

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

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

S. 2821

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 ''Withholding Tax Relief Act of 2006''.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, MRS. FEINSTEIN, and Mrs. BOXER):

S. 2825. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, today I am introducing a bill with Senators HUTCHISON, FEINSTEIN, and BOXER entitled the Border Health Security Act of 2006. This bill addresses the tremendous health problems confronting our nation's southwestern border.

The United States-Mexico border region is defined in the U.S.-Mexico Border Health Commission authorizing legislation as the area of land 100 kilometers, or 62.5 miles, north and south of the international boundary. It stretches 2,000 miles from California, through Arizona and New Mexico to the southern tip of Texas and is estimated to have a population of 12 million residents.

The border region comprises 2 sovereign nations, 25 Native American tribes, and 4 States in the United States and six States in Mexico.

Why should we provide some focus to this geographic region? The situation along the border is among the most dire in the country. In the past, we have recognized problems with other regions, through the Denali, Delta, and Appalachian commissions, and have provided targeted funding to those areas. The U.S.-Mexico Border Health Commission, legislation I sponsored

with Senators MCCAIN, Simon, and HUTCHISON, was created for the same reasons and annually receives about $4 million in funding that is matched by $1 million from the Mexican Government for administrative purposes to improve international cooperation and agreements to tackle health problems in the region. However, we need to take the next step and provide resources to address the problems.

In the border region, 3 of the 10 poorest counties in the United States are located in the border area, 21 of the counties have been designated as economically distressed, approximately 430,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated communities that are characterized by substandard housing, unsafe public drinking water, and wastewater systems, very high unemployment, and the lowest per capita income as a region in the Nation.

In a report earlier this year by the U.S.-Mexico Border Counties Coalition, the Coalition found that, if the border were a State, it would rank second with respect to the uninsured, last with respect to access to health professionals, including doctors, nurses and allied health professionals per capita; second with respect to tuberculosis, third with respect to hepatitis; and fifth with respect to diabetes.

The result is a health system that confronts tremendous health problems with little or no resources.

According to U.S. Census Bureau data reported in September 2005 for the three-year average of 2002 to 2004, the states of Texas and New Mexico rank first and second as the states with the highest uninsured rates in the country with rates of 25.0 percent and 21.0 percent, respectively. California and Arizona are not much better and had uninsured rates of 18.7 percent and 17.1 percent, respectively.

However, the figures along the border are even worse, as the rates of uninsured are higher still than that in the four states overall. Uninsured rates in many border counties are estimated to be above 30 percent and as high as 50 percent in certain communities. According to the U.S. Census Bureau's small area health insurance estimates, SAHIE, the three New Mexico border counties had an uninsured rate of 29.4 percent compared to the statewide average of 23.7 percent and more than twice the United States rate of 14.2 percent.

As the U.S.-Mexico Border Commission notes, ''The border is characterized by weaknesses in the border health systems and infrastructure, lack of public financial resources, poor distribution of physicians and other health professionals and hospitals. Moreover, the low rates of health insurance coverage and low incomes puts access to health services out of reach for many border residents and thus keeps the border communities at risk.''

The U.S.-Mexico Border Commission has identified and approved of an agenda through its Health Border 2010 initiative, which seeks to, among other things: reduce by 25 percent the population lacking access to a primary provider; reduce the female breast cancer death rate by 20 percent; reduce the cervical cancer death rate by 30 percent; reduce deaths due to diabetes by 10 percent; reduce hospitalizations due to diabetes by 25 percent; reduce the incidence of HIV cases by 50 percent; reduce the incidence of tuberculosis cases by 50 percent; reduce the incidence of hepatitis A and B cases by 50 percent; reduce the infant mortality rate by 15 percent; and, increase initiation of prenatal care in the first trimester by 85 percent.

However, the U.S.-Mexico Border Commission lacks the resources that are needed to address those important goals. The bipartisan legislation I am introducing today with Senators HUTCHISON, FEINSTEIN, and BOXER would address that problem by reauthorizing the U.S.-Mexico Border Health Commission at $10 million and authorizing additional funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, CHIP.

We would certainly expect those grants would be used for the purpose of striving to achieve the measurable goals established by the Health Border 2010 initiative.

In addition, the bill contains authorization for $25 million for funding to border communities to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

Mr. President, on October 15, 2001, just one month after the September 11, 2001, attack on our Nation, Secretary Thompson spoke to the U.S.-Mexico Border Health Commission and urged them to put together an application for $25 million for bioterrorism and preparedness. The Commission has done so but has not seen targeted funding despite the vulnerability that border communities have with respect to a bioterrorism attack. Our legislation addresses the vulnerability of communities along the border and targets funding to those communities specifically to improve infrastructure, training, and preparedness.

Our relationship with Mexico, like that with Canada, is a special one. Those countries are our closest neighbors, and yet, we often and wrongly neglect our neighbor to the South and the much needed economic development needed in the region. Mexico is the United States's second largest trading partner and the border is recognized as one of the busiest ports of entry in the world. And yet the region is often neglected.

As the U.S.-Mexico Border Health Commission points out, ''Without increases and sustained federal, state and local governmental and private funding for health programs, infrastructure and education, the border populations will continue to lag behind the United States in these areas.''

I would like to thank Senator HUTCHISON, who was an original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation today. She has also been the lead senator in getting funding for the U.S.-Mexico Border Health Commission since its inception.

I would also thank Senators FEINSTEIN and BOXER for working with us on this important legislation and for their constant support over the years for the work of the Commission.

I urge the adoption of this bipartisan legislation by this Congress and ask for unanimous consent for a summary and the text of the bill to be printed in the RECORD.

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

S. 2825

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 ''Border Health Security Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 3. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health

Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and each succeeding fiscal year.

SEC. 4. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local bioterrorism programs—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 6. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats or bioterrorism along the border area.

SEC. 7. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational public health infrastructure and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

SEC. 8. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

FACT SHEET

BORDER HEALTH SECURITY ACT OF 2006

Sens. Jeff Bingaman (D–NM), Kay Bailey Hutchison (R–TX), Dianne Feinstein (D–CA), and Barbara Boxer (D–CA) introduced the ''Border Health Security Act of 2006'' on May 17, 2006. The legislation would improve the infrastructure, access, and delivery of health care services to residents along the U.S.-Mexico border.

The legislation would achieve these goals by—

Improving Border Health Services: Provides authorization for funding to states, local governments, tribal governments, institutions of higher education, nonprofit health organizations, or community health centers along the U.S.-Mexico border to improve infrastructure, access, and the delivery of health care services.

These grants are flexible and would allow the community to establish its own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure (including planning and construction grants), health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program (CHIP).

Providing Border Bioterrorism Preparedness Grants: Provides for $25 million in funding to states and local governments or public health departments to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats and coordination of the system between the U.S. Department of Health and Human Services (HHS) and Department of Homeland Security (DHS).

Reauthorizing the U.S.-Mexico Border Health Commission: Provides for the reauthorization of the U.S.-Mexico Border Health Commission at $10 million annually.

Coordination and Study: The legislation also affirms that recommendations and advice on how to improve border health from the U.S.-Mexico Border Health Commission shall be communicated to the Congress. And finally, the legislation provides for a study of binational health insurance options and barriers to improve coverage for people residing along the border.

By Mr. KERRY:

S. 2826. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

Mr. KERRY. Mr. President, today, President Bush is signing H.R. 4297, the Tax Increase Prevention and Reconciliation Act of 2005. I opposed this legislation because it contains the wrong priorities for America—leaving behind working families and substantially adding to the deficit. This law chooses to extend the lower rates on capital gains and dividends for 2009 and 2010, but only addresses the individual alternative minimum tax (AMT) for 2006.

According to the Joint Committee on Taxation, those earning $200,000 or more will receive 84 percent of the benefit of the capital gains tax cut and 63 percent of the benefit of the dividends tax cuts. According to the Congressional Budget Office, 42.8 percent of taxpayers with income between $50,000 and $100,000 will be impacted by the AMT if the AMT is not addressed for

2007—a number that increases to 66 percent by 2010. The Tax Increase Prevention and Reconciliation of Act of 2005 extends a tax cut that does not expire to the end of 2008 with a price tag of $50 billion, but fails to protect the hard working families that will be impacted by the AMT. These families were never intended to be impacted by the AMT, a tax originally designed to prevent a small number of high income taxpayers from avoiding taxation.

Today, I am introducing legislation that will address the AMT for 2007 and repeal the lower tax rates on capital dividends for 2009 and 2010. To calculate the AMT, individuals add back certain ''preference items'' to their regular tax liability. These include personal exemptions, the standard deduction, and the itemized deduction for state and local taxes. From this amount, taxpayers subtract the AMT exemption amount, commonly referred to as the ''patch'' which reverted to lower levels at the end of 2005. H.R. 4297 increased and extended the patch for 2006. The patch was increased in order to hold the same number of taxpayers harmless from the AMT in 2006 as in 2005.

The problem with the AMT is that while the regular tax system is indexed for inflation, the AMT exemption amounts and tax brackets remain constant. This has the perverse consequence of punishing taxpayers for the mere fact their incomes rose due to inflation.

A choice was made in 2001 to provide more tax cuts to those with incomes of over one million dollars rather than addressing a looming tax problem for the middle class. The Economic Growth and Tax Relief Reconciliation Act of 2001 did include a small adjustment to the AMT, but it was not enough. We knew at the time that the number of taxpayers subject to the AMT would continue to rise steadily. The combination of lower tax cuts and a minor adjustment to the AMT would cause the AMT to explode. We are now approaching this explosion.

My legislation extends and expands the AMT exemption amount for 2007 to prevent additional taxpayers from being impacted by the AMT. Without increasing and extending the AMT exemption for 2007, an additional 3.2 million taxpayers will be impacted by the AMT in 2007. In addition, the legislation will allow nonrefundable personal credits such as the higher education tax credits and the dependent care credit against the AMT for 2007. This legislation is offset by repealing the lower rates on capital gains and dividends.

My colleagues in the majority argue that the extension of the capital gains and dividends benefits is necessary to provide investor certainty. But I believe that the certainty of working families worried about paying the AMT should come first. New data from the Joint Committee on Taxation requested by the Ways and Means Democratic Members shows that in 2007, 62 percent of all taxable capital gain income will be recognized by taxpayers liable for the minimum tax. Simply put, taxpayers forced to carry the AMT burden will not benefit from the lower capital gains and dividends rate.

The AMT is a looming problem that is impacting hard-working families and for each year that we fail to address the AMT, it gets worse and more expensive. We need to address the AMT for 2007. My legislation is not a long-term cure to the AMT crisis, but it will provide certainty for next year to hard working families that will be impacted by the AMT just because of where they live and the number of children they have, and it will address the AMT in a revenue neutral manner for 2007 as well.

The Tax Increase Prevention and Reconciliation Act of 2005 addresses the AMT for 2006, but at a price—providing a $42,000 tax cut to those making more than a million dollars a year. The AMT for 2006 could have been addressed in a bill that did not include the extension of additional tax cuts and it could have been offset. Instead, addressing the AMT for 2006 was included in a bill that will add far more than $70 billion to the deficit.

We all agree that the AMT should not be impacting families with incomes below $100,000. I am concerned that we will not address the AMT for 2007 in a timely and fiscally responsible manner. My bill does this and would give Congress time to work together in a bipartisan manner to find a fiscally responsible permanent solution to the AMT.

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

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

S. 2826

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

SECTION 1. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—Section 55(d)(1) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended—

(1) by striking ''$62,550 in the case of taxable years beginning in 2006'' in subparagraph (A) and inserting ''$66,100 in the case of taxable years beginning in 2007'', and

(2) by striking ''$42,500 in the case of taxable years beginning in 2006'' in subparagraph (B) and inserting ''$45,900 in the case of taxable years beginning in 2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 2. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986, as amended by the Tax Increase Prevention and Reconciliation Act of 2005, is amended—

(1) by striking ''2006'' in the heading thereof and inserting ''2007'', and

(2) by striking ''or 2006'' and inserting ''2006, or 2007''.

(b) CONFORMING PROVISIONS.—

(1) Section 30B(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and this subpart (other than this section and section 30C).''.

(2) Section 30C(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and this subpart (other than this section).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. REPEAL OF EXTENSION OF LOWER RATES FOR CAPITAL GAINS AND DIVIDENDS.

The amendment made by section 102 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. AKAKA (for himself and Mr. LIEBERMAN):

S. 2827. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Privacy Officer With Enhanced Rights Act of 2006, POWER Act. I am pleased to be joined by Senator LIEBERMAN, the Ranking Member of the Homeland Security and Governmental Affairs Committee, in introducing this important legislation, which is a companion bill to H.R. 3041. The POWER Act will strengthen the authority of the Department of Homeland Security, DHS, Chief Privacy Officer, CPO, and will provide a much needed check on government power.

Americans have an expectation that their personal privacy will not be invaded and that their government will not misuse its powers. Democracy is founded on the principle that the people are the ultimate source of the Government's powers. Recent events validate the suspicions of our Nation's Founders against concentrating power into the hands of the few or in granting authority to those who are not accountable for how power is utilized. We need to consider the effects of intelligence and information gathering now that new government powers threaten to erode our most cherished freedoms and technological advances appear to outpace our ability to protect personal information.

In response to the terrorist attacks of 9/11, new law enforcement strategies

were created and information sharing between government agencies increased substantially. DHS was established to face new challenges and address new threats. However, we were concerned that the unprecedented size and reach of the new department could intrude on the values that our nation cherishes most dearly. We wanted DHS to accomplish its vital mission, but we had to make sure that it was not at the cost of our liberty.

Times of crisis and unexpected trials do not excuse curtailment of our citizens' fundamental liberties, which is why the DHS CPO was created. The mission of the CPO is to ensure that the loss of the freedoms that define this country would not be sacrificed for increased vigilance against our adversaries. Although I voted against the Homeland Security Act, I was pleased to work with my colleagues to establish the CPO.

The DHS CPO has three primary responsibilities: (1) assuring that new technologies and information gathering methods do not erode personal privacy; (2) evaluating the privacy impact of new government programs; and (3) investigating privacy complaints.

However, the CPO's powers have proved to be inadequate. The major problem is that the CPO lacks subpoena power and, therefore, cannot fully investigate privacy violations. Instead, the CPO must rely on voluntary submissions of information in order to conduct investigations which significantly weakens the office. We all remember the news accounts about how the CPO's requests for documents in her investigation of the Transportation Security Administration's, TSA, transfer of passenger data from a major commercial air carrier to the Defense Department were rebuffed repeatedly. Our bill will go a long way to ensure that such situations will not happen again.

We are also concerned by the fact that the CPO cannot communicate directly with Congress, but instead, must report through DHS senior leadership. Similar to the Inspector General, the CPO can often be put at odds with those subject to investigation, so the authority to report directly to Congress and deliver unaltered findings is critical.

The POWER Act will address these shortcomings by providing the CPO with the power to: access all records deemed necessary to do the job; undertake any privacy investigation that is appropriate for the office; subpoena documents from the private sector when necessary to fulfill the CPO's statutory mandate; and obtain sworn testimony.

To provide independence for this position, the CPO will submit reports directly to Congress regarding the performance of his or her duties, without any prior comment or amendment by the DHS Secretary. In addition, our bill would protect the CPO from retaliation by mandating that the CPO cannot be removed from office without notifying the President and Congress of the reasons for removal.

With concerns over the development of new data mining activities at the Department and the potential use of commercial data by TSA, it is essential now more than ever that the DHS CPO have the tools and authority to protect the personal information of all Americans. I urge my colleagues to support this bill and ask unanimous consent that the text of the bill and a letter of support from the American Civil Liberties Union be printed in the RECORD.

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

S. 2827

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 ''Privacy Officer With Enhanced Rights Act of 2006'' or the ''POWER Act of 2006''.

SEC. 2. AUTHORITIES OF THE PRIVACY OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

''(C) require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) SUPERVISION.—

''(1) IN GENERAL.—The senior official appointed under subsection (a) shall report to, and be under the general supervision of the Secretary.

''(2) NOTIFICATION TO CONGRESS.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

''(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

''(B) include in any such notification the reasons for the removal or transfer.

''(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.''.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, May 17, 2006.

DEAR SENATORS AKAKA AND LIEBERMAN: The American Civil Liberties Union commends you for introducing the Privacy Officer With Enhanced Rights Act (POWER Act). This legislation and its companion bill in the House, H.R. 3041, are an important step towards ensuring that the Department of Homeland Security's Privacy Officer has all the tools needed to carry out the mission Congress envisioned for the office when it created the Department of Homeland Security (''DHS''). The POWER Act will allow the Privacy Officer to better protect the privacy rights of all Americans by providing important oversight of DHS, which handles extensive amounts of sensitive personal information on Americans.

The original Congressional intention of the DHS Privacy Officer's authority has not yet been achieved. The Homeland Security Act of 2002 mandated the creation of a senior official to assume responsibility for DHS privacy policies. Specifically, this official is to assure that new technologies do not erode the personal privacy of Americans, evaluate new proposals concerning the use of personal data, assure that DHS is in full compliance with the Privacy Act of 1974, and to report to Congress on an annual basis any activities that impact privacy including ''complaints of privacy violations, implementation of the Privacy Act of 1974, internal controls, and other matters.''

Congress, however, failed to endow this position with the necessary investigative powers necessary to fulfill these duties. Currently, the Privacy Officer must rely on voluntary submission of information to conduct investigations. For example, when the Privacy Officer attempted to investigate the disclosure of JetBlue passenger information by the Transportation Security Administration to the Department of Defense, its requests for information were repeatedly rebuffed preventing a comprehensive investigation. The shortcomings of this process prevent the Privacy Officer from being an effective advocate for the privacy rights of Americans.

The POWER Act addresses these problems by providing the Privacy Officer with the tools and independence necessary to conduct investigations and thereby fulfill the duties charged to the position by Congress in 2002. This legislation empowers the Privacy Officer to access all records deemed necessary, undertake any investigation deemed appropriate, subpoena documents, and obtain sworn testimony. This legislation also directs the Privacy Officer to submit reports directly to Congress without prior amendment by other Department officials, helping to protect the position from internal censorship.

The POWER Act is an important piece of legislation to help ensure that the privacy rights of Americans are not being violated by their own government by providing crucial internal oversight. We commend you for introducing this important piece of legislation, the Privacy Officer With Enhanced

Rights Act, and pledge to work with you to ensure its passage.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TIMOTHY SPARAPANI,
Legislative Counsel.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. KERRY, Ms. LANDRIEU, and Mr. MENENDEZ):

S. 2828. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, REED, CLINTON, SARBANES, AKAKA, LAUTENBERG, KERRY, LANDRIEU and MENENDEZ to introduce the Student Bill of Rights. This bill would ensure that every child in America has an equal opportunity to receive a good education.

The Student Bill of Rights would achieve this goal by providing America's children with the key components of a solid education. These components include highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology.

Currently, Federal law requires that schools within the same district provide comparable educational services. The Student Bill of Rights would extend that basic guarantee of equal opportunity to the State level by requiring comparability of resources across school districts within a State.

Over 50 years ago, Brown v. Board of Education struck down segregation in law. Over 50 years later, we know that just because there is no segregation in law does not mean that it does not persist. Today, our education system remains largely separate and unequal.

All too often, whether an American child is taught by a high quality teacher, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education still depends on where the child's family can afford to live. In fact, the United States ranks at the bottom among developed countries in the disparity in the quality of schools available to wealthy and low-income children. This gap is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Of course, factors besides resources are also important to academic achievement—supportive parents, motivated peers, and positive role models in the community, just to name a few. But at the same time, we also know that adequate resources are vital to providing students with the opportunity to receive a solid education.

This bill is entirely consistent with America's historical commitment to equal opportunity. That is why 42 Senators voted for similar legislation in the 107th Congress. On the other hand, it would be inconsistent with America's principles to tolerate an educational system that provides meaningful educational opportunities for just a select few.

The quality of a child's education should not be determined by his or her ZIP code. The Student Bill of Rights will help ensure that each and every child gets a decent education, and in turn, an equal opportunity for a successful future.

Mr. President, I hope that my colleagues will join me in supporting the Student Bill of Rights and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2828

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) In 2005, the National Academies found in their report ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future'' that the inadequate preparation of kindergarten through grade 12 students in science and mathematics, including the significant lack of teachers qualified to teach these subjects, threatens the economic prosperity of the United States. When students do not receive quality mathematics and science preparation in kindergarten through grade 12, they are not prepared to take advanced courses in these subjects at the postsecondary level, leaving the United States with a critical shortage of scientists and engineers—a shortfall being filled by professionals from other countries.

(3) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(4) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(5) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(6) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(7) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(8) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention

on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(9) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001)).

(10) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(11) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(12) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(13) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(14) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(15) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(16) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(17) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 201(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of elementary school classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

TITLE II—STATE ACCOUNTABILITY

SEC. 201. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2005–2006 school year, each public elementary school in the State shall have access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 202. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 201(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 201(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 201(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 201(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 201(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 201(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 201(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 201(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

TITLE IV—REMEDY

SEC. 401. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 502. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 503. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Ms. MIKULSKI, Mr. DODD, Mr. MENENDEZ, Mr. CARPER, Mr. DAYTON, Mr. KERRY, Mr. REED, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. SALAZAR, Mr. SCHUMER, Mr. DORGAN, Mrs. CLINTON, Mr. LEAHY, Mr. JOHNSON, Mrs. BOXER, Mr. LIEBERMAN, Mr. BYRD, Ms. STABENOW, Mr. LEVIN, and Mr. BIDEN):

S. 2829. A bill to reduce the addiction of the United States to oil, to ensure near-term energy affordability and empower American families, to accelerate clean fuels and electricity, to provide government leadership for clean and secure energy, to secure a reliable, affordable, and sustainable energy future, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise to introduce legislation that seeks to put America squarely on the path toward energy security for the 21st Century. Today, I am joined by a number of my colleagues in introducing the Clean Energy Development for a Growing Economy, or Clean EDGE, Act.

Mr. President, this legislation is a sweeping proposal that incorporates the ideas of many of my colleagues on this side of the aisle. It is our attempt to move America forward, on a pressing issue that—as we've said many times before—poses one of the greatest national security, economic and environmental challenges faced by our generation. I am talking about the issue of energy independence, and what it will take to put America on the right track.

The legislation we are presenting today is the result of a good deal of work within our caucus. As a member of the Senate Energy Committee, I speak from some experience when I say that developing a cohesive, national approach to energy policy is quite difficult. That is because, in so many instances, there are important issues of regional diversity that can divide us.

Instead of immediately succumbing to those divisions, what we did when we began to work on this legislation was to start with a goal. Like the Manhattan Project that established America as the world's first nuclear power, and the Apollo Project that ensured America won the race to the moon, we recognized that initiatives of this magnitude must begin with a goal. When America sets a goal, America will achieve it. It takes leadership and resolve, and it takes the shared commitment of individual citizens to make it a truly national effort. But make no mistake: the people of the United States will rise to the challenge.

Today, we can no longer ignore the enormous cost of America's dependence on foreign oil. It has become a crisis for consumers; it poses an imminent

risk to our national security; and it jeopardizes our long-term economic competitiveness. That is why we believe that America must strive for an aggressive goal: to reduce our national petroleum consumption equivalent to 40 percent of our projected imports by 2020, or about 6 million barrels of oil a day.

Next, we set out to define agreed-upon principles about the best ways we could jumpstart our Nation's effort to achieve this goal. I am proud to say that we were able to achieve a good deal of consensus on these principles. Today, we sent the President a letter outlining them, which gained the signatures of 42 of my colleagues. These principles boil down to this:

The United States must launch an aggressive effort designed to ensure that an increasing number of new vehicles sold in America can run on alternative fuels—starting with 25 percent in 2010—and must launch a bold initiative to invest in the infrastructure needed to promote real competition at the gas pump.

The United States must ensure that consumers are protected from gasoline price-gouging and energy market manipulation.

The United States must lessen its reliance on fossil fuels and take steps to curb greenhouse gas emissions by diversifying electricity sources to include more renewable resources.

The United States Governmment—our Nation's single largest energy consumer—must help lead the transition by adopting the best available fuel efficiency and alternative vehicle technologies to reduce its petroleum consumption by 20 percent over the next 5 years, and by 40 percent by 2020.

The United States must level the playing field for new renewable and energy efficiency technologies by providing incentives for consumers and manufacturers to develop and deploy the next generation of fuel efficient vehicles, and by ensuring that major oil companies pay their fair share in taxes and royalties owed to the American public.

These are the principles that guided us as we crafted the Clean EDGE Act. This legislation is a starting point, as we try to advance the dialogue about what it will take to put America on the path toward energy independence.

There are provisions contained in this bill that we know can garner broad bipartisan support. There are others that may not have been possible to enact, before America started waking up to the costs of our energy independence. And there are other ideas that require broader debate and close scrutiny within the Senate Committees of jurisdiction. The Senate should work its will.

But once again, that is the point of this legislation: to start the process; to jump-start the debate, and outline a vision of where this country needs to go to secure our future.

As we have come together on this side of the aisle in recognition of the need to address the pressing issue of energy security, I know I speak for a number of my colleagues when I say I believe it is possible to come together in a bipartisan manner to pass energy legislation this summer. It is possible, if the Senate decides to put politics and partisan rancor aside. We can roll up our sleeves and get to work on crafting a real energy security plan that brings out the best in America. That process would also bring out the best in the Senate.

So I am proud to introduce this legislation today, and look forward to working with my colleagues across the aisle in further developing an energy independence plan for America.

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

The bill (S. 2803), as introduced on Tuesday, May 16, 2006, is as follows:

S. 2803

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 ''Mine Improvement and New Emergency Response Act of 2006'' or the ''MINER Act''.

SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: ''AND EMERGENCY RESPONSE PLANS'';

(2) by striking ''Telephone'' and inserting ''(a) IN GENERAL.—Telephone''; and

(3) by adding at the end the following:

''(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

''(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

''(2) RESPONSE AND PREPAREDNESS PLAN.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

''(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

''(i) provide for the evacuation of all individuals endangered by an emergency; and

''(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

''(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

''(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

''(ii) reflect the most recent credible scientific research;

''(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

''(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

''(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners and miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

''(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

''(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

''(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

''(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

''(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

''(II) caches of self-rescuers providing in the aggregate not less than 2 hours for each miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

''(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

''(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

''(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

''(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.