

ROCKEFELLER, and Mr. DURBIN) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*.

SA 3369. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*.

SA 3370. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3371. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3372. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3373. Mr. SESSIONS (for himself, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, Mr. VITTER, Mrs. DOLE, Mr. MARTINEZ, Mr. ALEXANDER, Mr. CORNYN, Mr. ENZI, and Mr. GRAHAM) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*.

SA 3374. Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. BINGAMAN, Mr. CARDIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3375. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*.

SA 3376. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3377. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3378. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3379. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3380. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3381. Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3382. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3383. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3384. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3385. Mr. CORNYN submitted an amendment intended to be proposed by him

to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3386. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3387. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3388. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3389. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3390. Mrs. MCCASKILL (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3391. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3392. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3393. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3394. Mr. WARNER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3395. Mr. HARKIN (for Mr. REID) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*.

SA 3396. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3397. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3398. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3399. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3400. Mr. CARDIN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3401. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

SA 3402. Ms. LANDRIEU proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, *supra*.

SA 3403. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3043, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3350. Mr. LAUTENBERG (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the fiscal year ending September 30, 2008, and for other purposes; as follows:

tions for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

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

SA 3351. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. \_\_\_\_\_. In addition to amounts otherwise made available under this Act, and notwithstanding any other provision of this Act, including the amounts provided under the heading “AGING SERVICES PROGRAMS” under the heading “ADMINISTRATION ON AGING” in this title, the Secretary of Health and Human Services shall transfer, from funds that were appropriated to the Secretary under any provision of Federal law for a fiscal year prior to fiscal year 2008 and that remain unobligated—

(1) \$18,371,178 to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);

(2) \$11,744,480 to carry out part C of title III of such Act (42 U.S.C. 3030d-21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and

(3) \$10,333,000 to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).

SA 3352. Mr. ENSIGN (for himself, Mr. SESSIONS, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant’s number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

**SA 3353.** Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. Of the funds made available in this Act for subtitle B of title IV of the Cardiac Arrest Survival Act of 2000 (Public Law 106-505), \$200,000 shall be used to carry out section 312(c)(6) of the Public Health Service Act.

**SA 3354.** Mr. FEINGOLD (for himself, Mr. GRAHAM, Mr. BINGAMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report concerning State health care reform initiatives.

(b) The report required under subsection (a) shall include the following:

(1) An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand the access of residents to health insurance and health care services, including the following:

(A) An overview of State approaches to reexamining health care delivery and insurance.

(B) A description of whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.

(C) A description of the extent to which public and private cooperation has occurred in State health care initiatives.

(D) A description of the outcomes of State insurance coverage mandates.

(E) A description of the effects of increased health care costs on State fiscal choices.

(F) A description of the effects of Federal law and funding on State health care initiatives and fiscal choices.

(G) A description of outcomes of State efforts to increase health care quality and control costs.

(2) Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including the following:

(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.

(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.

(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.

**SA 3355.** Mr. SALAZAR (for himself, Mr. LEVIN, Ms. STABENOW, Mr. CASEY, Mr. LIEBERMAN, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and

Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 88, line 16, strike the period and insert “: *Provided further*. That \$8,400,000 shall be used to carry out the Traumatic Brain Injury (TBI) Model Systems of Care Program and to sustain at least 16 TBI Model Systems Centers.”.

**SA 3356.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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

**SA 3357.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) \$5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative costs shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

**SA 3358.** Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

SEC. \_\_\_\_\_. (a) This section may be cited as the “Children’s Health Care First Act of 2007”.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any congressionally directed spending item, as defined by Sec. 521 of Public Law 110-81, until the Secretary of the Department of Health and Human Services certifies that all children in the U.S. under the age of 18 years are insured by a private or public health insurance plan.

**SA 3359.** Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor,

Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut.

**SA 3360.** Mr. REED submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 59, line 22, insert before the colon the following: “, of which \$6,000,000 shall be made available to the Administrator of the Health Resources and Services Administration to carry out trauma and emergency medical services programs”.

**SA 3361.** Mr. BROWN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Secretary of Education shall update the 2002 Department of Education and United States Secret Service guidance entitled “Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates” to reflect the recommendations contained in the report entitled “Report to the President On Issues Raised by the Virginia Tech Tragedy”, to include the need to provide schools with guidance on how information can be shared legally under the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act.

(b) Not later than 3 months after the date of enactment of this Act, the Secretary of Education shall disseminate the updated guidance under subsection (a) to institutions of higher education and to State departments of education for distribution to all local education agencies.

**SA 3362.** Mr. BYRD (for himself, Mr. SPECTER, Mr. HARKIN, Mr. McCONNELL, Mr. WEBB, Mr. ROCKEFELLER, and Mr. DURBIN) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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

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

(b) Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$10,000,000.

**SA 3363.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 4, strike “\$80,416,000” and insert “\$110,000,000”.

On page 60, line 5, insert “(as defined by section 510(b)(2) of the Social Security Act)” after “education”.

**SA 3364.** Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, \$2,000,000 shall be available to carry out activities related to National History Day, in accordance with the American History and Civics Education Act of 2004 (Public Law 108-474). Amounts appropriated under this title for administrative expenses shall be reduced on a pro rata basis by \$2,000,000.

**SA 3365.** Mr. ROBERTS (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SMALL BUSINESS CHILD CARE GRANT PROGRAM.**

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) \$5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative expenses for the Department of Labor, Department of Health and Human Services, and Department of Education shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

**SA 3366.** Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 7, strike “\$756,556,000” and insert “\$786,556,000”.

On page 66, line 10, strike the period and insert “, and of which \$189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.”

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

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, each account provided by this Act containing a congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate, as added by the Honest Leadership and Open Government Act of 2007) is reduced by a pro rata percentage required to raise the total amount provided by this Act for the Public Health and Social Services Emergency Fund by \$30,000,000.

(b) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to subsection (a).

**SA 3367.** Mr. SMITH (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, from the amounts appropriated for fiscal year 2007 for the Department of Education that remain unobligated at the end of such fiscal year, there shall be available \$25,000,000, for State grants under the Carl D. Perkins Career and Technical Education Act of 2006 (Public Law 109-270).

**SA 3368.** Mr. HARKIN (for himself, Mr. KENNEDY, Mr. SPECTER, Ms. SNOWE, Mr. ROCKEFELLER, and Mr. DURBIN) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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

**SA 3369.** Mr. ALLARD submitted an amendment intended to be proposed to

amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for any program for which the most recent rating available on the date of enactment of this Act by the Office of Management and Budget through the Program Assessment Rating Tool (PART) is “ineffective” shall be reduced by 10 percent. Not later than 30 days after the date of enactment of this Act, an amount equal to the aggregate amount of any such reduction shall be deposited in the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

**SA 3370.** Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, \$5,000,000, which shall include any other amounts made available under this Act for such Program.

**SA 3371.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. In addition to other amounts appropriated in this title to carry out title VII of the Public Health Service Act, \$2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.

On page 62, line 9, strike “\$399,386,000” and insert “\$397,386,000”.

**SA 3372.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

## SEC. \_\_\_\_ EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.

## (a) DEFINITIONS.—

(1) EMERGENCY.—The term “emergency” has the meaning given the term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(2) MAJOR DISASTER.—The term “major disaster” has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

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

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

(b) LOAN PROGRAM AUTHORIZED.—From funds appropriated under subsection (k), the Secretary shall establish an Education Disaster and Emergency Relief Loan Program to provide long term, low interest, guaranteed loans to institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

(c) PRESIDENTIAL DECLARATION REQUIRED.—The Secretary shall only provide a loan under the Education Disaster and Emergency Relief Loan Program to an institution of higher education located in an area with respect to which a major disaster or emergency was declared by the President pursuant to section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191).

(d) USE OF LOAN FUNDS.—Loan funds provided under this section may be used for—

(1) direct and indirect construction, replacement, renovation, or clean-up costs associated with or resulting from a major disaster or emergency;

(2) faculty salaries and incentives for retaining faculty; or

(3) reimbursement for lost tuition and other revenues.

(e) REQUIREMENTS FOR LOANS DUE TO LOSSES.—An institution of higher education that desires to receive a loan under this section shall—

(1) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency and the monetary amount of such losses; and

(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency and from insurance coverage prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency or from insurance compensation in order to be eligible for a loan under this section.

(f) AUDIT.—The Secretary and the Comptroller General of the United States may audit a financial statement submitted under subsection (e) and may request any information that the Secretary and Comptroller General determine necessary to conduct such an audit.

(g) REDUCTION IN LOAN AMOUNTS.—In calculating the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate a figure that reduces from the monetary amount of losses incurred by the institution only the amount of collateral source compensation the institution received from the Federal Emergency Management Agency and from insurance compensation.

(h) DATE OF ELIGIBILITY; EXPENSES INCURRED BEFORE DATE OF DISASTER.—Eligibility for a loan under this section shall begin on the date of the occurrence of the event which results in a declaration by the President that a major disaster or emergency exists, except that reasonable expenses which are incurred in anticipation of and immediately preceding such event may be covered by a loan under this section.

(i) CONDITIONS OF LOAN.—A loan under this section—

(1) shall be repaid over a period of time that is not less than 30 years; and

(2) shall bear interest at a rate which shall be not be more than 1 percent per annum.

(j) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue regulations setting forth—

(1) the terms for the long term, low interest, guaranteed loan program under this section;

(2) procedures for an application for a loan under this section; and

(3) minimum requirements for the long term, low interest, guaranteed loan program and for receiving a loan under this section, including the following:

(A) Online forms to be used in submitting request for a loan under this section.

(B) Information to be included in the forms.

(C) Procedures to assist in filing and pursuing a loan under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated, \$800,000,000 to carry out this section for fiscal year 2008.

**SA 3373.** Mr. SESSIONS (for himself, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. ROBERTS, Mr. VITTER, Mrs. DOLE, Mr. MARTINEZ, Mr. ALEXANDER, Mr. CORNYN, Mr. ENZI, and Mr. GRAHAM) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 14, line 24, strike “\$436,397,000” and insert “\$441,397,000, of which \$50,737,000 is for the Office of Labor Management Standards (notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$5,000,000).”

**SA 3374.** Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. BINGAMAN, Mr. CARDIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 5, insert before the period the following: “: *Provided further*, That

\$8,000,000 of the amounts appropriated under this heading shall be made available to carry out dental workforce programs under section 340G of the Public Health Service Act (42 U.S.C. 256g)”. \_\_\_\_\_

**SA 3375.** Mr. ALEXANDER (for himself, Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. \_\_\_\_\_. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$6,000,000 to carry out the programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification under section 6113 of the America COMPETES Act (Public Law 110-69); and

(2) \$4,000,000 to carry out the programs for master’s degrees in science, technology, engineering, and mathematics, or critical foreign language education under section 6114 of the America COMPETES Act (Public Law 110-69).

(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Education, shall be reduced by \$10,000,000.

**SA 3376.** Mr. SMITH submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of \$7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.

(b) Notwithstanding any other provision of this Act, not to exceed \$7,500,000 in prior fiscal year unobligated balances shall be transferred, on a pro rata basis, to the Secretary of Health and Human Services to carry out subsection (a).

**SA 3377.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. In addition to other amounts appropriated in this title to carry out title VII

of the Public Health Service Act, \$2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.

On page 62, line 9, strike “\$399,386,000” and insert “\$397,386,000”.

**SA 3378.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, line 10, insert before the period the following: “: *Provided*, That \$3,000,000 shall be transferred from amounts made available in this title for salaries and expenses of the Department of Labor, to carry out Federal management activities relating to veterans employment and training”.

**SA 3379.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 15, insert “(increased by \$25,000,000)” before “, plus”.

On page 3, line 15, insert “(increased by \$25,000,000)” before “as follows”.

On page 3, line 16, insert “(increased by \$25,000,000)” before “for the”.

On page 3, line 21, insert “(increased by \$25,000,000)” before “shall be”.

On page 3, line 24, insert “(increased by \$25,000,000)” before “may be”.

On page 104, line 8, insert “(decreased by \$25,000,000)” before the colon.

**SA 3380.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 7, strike “\$9,213,332,000, of which” and insert “\$9,213,839,000, of which \$50,000,000 shall be to carry out the provisions of section 439 of the Social Security Act (*provided*, notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced, on a pro rata basis, by \$507,000), and”.

**SA 3381.** Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —UNITED STATES AUTHORIZATION AND SUNSET COMMISSION**

**SEC. 1. SHORT TITLE.**

This title may be cited as the “United States Authorization and Sunset Commission Act of 2007”.

**SEC. 2. DEFINITIONS.**

In this title—

(1) the term “agency” means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term “Commission” means the United States Authorization and Sunset Commission established under section 3; and

(3) the term “Commission Schedule and Review bill” means the proposed legislation submitted to Congress under section 4(b).

**SEC. 3. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this title referred to as the “members”), as follows:

(1) Four members appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), four shall be members of the Senate (not more than two of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), four shall be members of the House of Representatives, not more than two of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, five or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this title—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a reimbursable basis to provide

the Commission with administrative services, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2037.

SEC. 4. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act

and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the “Commission Schedule and Review bill”).

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 202(e)(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 602(e)(3)); and

(B) if applicable, at least 25 percent of the programs as measured in dollars identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program,

unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 6.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission's proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than five members of the Commission.

SEC. 5. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 4(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be

discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon passage of a bill that results in a disagreement between the two Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to  $\frac{1}{2}$  hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure

of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 6. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.**

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 4(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a

motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(C) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure

to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SA 3382.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 12, insert before the period the following: “*Provided*, That a portion of such funds shall be used for the continuation of the frequent hemodialysis clinical trials”.

**SA 3383.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding subsection (b) of section 1864 of the Social Security Act, or any other provision of law, the Secretary of Health and Human Services may enter into an agreement with a State to carry out survey and certification activities in accordance with such section under which the State voluntarily agrees to bear all or any part of the costs of carrying out such activities.

**SA 3384.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, the Secretary of Health and Human Services shall use funds appropriated under the heading “PROGRAM MANAGEMENT” under the heading “CENTERS FOR MEDICARE AND MEDICAID SERVICES” to enter into a cooperative arrangement with the Comptroller General under which the Comptroller General shall conduct an independent study of the effectiveness and timeliness of the four-tiered system used to determine the frequency and priority for surveying and certifying providers and suppliers participating or desiring to participate in the Medicare or Medicaid program. The study shall include an examination of the impact of such system on health care providers and suppliers that have not previously been surveyed and certified for participation in either such program.

**SA 3385.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, the Secretary of Health and Human Services shall use funds appropriated under the heading “PROGRAM MANAGEMENT” under the heading “CENTERS FOR MEDICARE AND MEDICAID SERVICES” to carry out the activities described in subsections (b) and (c).

(b) For purposes of subsection (a), the activity described in this subsection is the establishment of a plan for timely completion of the survey and certification process for any new health care facility seeking to participate in the Medicare or Medicaid program that has been pending for at least 90 days after the date on which the request for survey and certification was submitted. Such plan shall give priority to completing any such survey and certification requests that were submitted in fiscal year 2007.

(c) For purposes of subsection (a), the activity described in this subsection is the establishment of a process for identifying and communicating with new health care facilities that are likely to seek survey and certification for participation in the Medicare or Medicaid program. Such process shall require the Centers for Medicare & Medicaid Services to provide regular and ongoing communication regarding the timing for an initial survey with any owner of such a health care facility during the construction process or as soon as practicable after identification.

**SA 3386.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 26, insert before the period the following: “*Provided further*, That the Secretary of Health and Human Services shall have the authority to transfer amounts appropriated under this title for any congressionally directed spending item to the National Institutes of Health”.

**SA 3387.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 22 and all that follows through line 7 on page 5, and insert the following: “*workers: Provided further*, That \$3,700,000 shall be for competitive grants, which shall be awarded not later than 30 days after the date of enactment of this Act”.

**SA 3388.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be allocated, directed, or otherwise made available to cities that provide safe haven to illegal drug users through the use of illegal drug injection facilities.

**SA 3389.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Section 301(c)(1) of the National Organ Transplant Act (42 U.S.C. 274e(c)(1)) is amended by adding before the period at the end the following: “and any human egg, human embryo, and stem cell derived from a human embryo.”

**SA 3390.** Mrs. MCCASKILL (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. ISSUANCE OF STANDARD ON DIACETYL.**

(a) **INTERIM STANDARD.**—

(1) **RULEMAKING.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an interim final standard regulating worker exposure to diacetyl. The interim final standard shall apply—

(A) to all locations in the flavoring manufacturing industry that manufacture, use, handle, or process diacetyl; and

(B) to all microwave popcorn production and packaging establishments that use diacetyl-containing flavors in the manufacture of microwave popcorn.

(2) **REQUIREMENTS.**—The interim final standard required under subsection (a) shall provide no less protection than the recommendations contained in the NIOSH Alert “Preventing Lung Disease in Workers Who Use or Make Flavorings” (NIOSH Publication 2004-110) and include the following:

(A) Requirements for engineering, work practice controls, and respiratory protection to minimize exposure to diacetyl. Such engineering and work practice controls include closed processes, isolation, local exhaust ventilation, proper pouring techniques, and safe cleaning procedures.

(B) Requirements for a written exposure control plan that will indicate specific measures the employer will take to minimize employee exposure; and requirements for evaluation of the exposure control plan to determine the effectiveness of control measures at least on a biannual basis and whenever medical surveillance indicates abnormal pulmonary function in employees exposed to diacetyl, or whenever necessary to reflect new or modified processes.

(C) Requirements for airborne exposure assessments to determine levels of exposure and ensure adequacy of controls

(D) Requirements for medical surveillance for workers and referral for prompt medical evaluation.

(E) Requirements for protective equipment and clothing for workers exposed to diacetyl.

(F) Requirements to provide written safety and health information and training to employees, including hazard communication information, labeling, and training.

(3) **EFFECTIVE DATE OF INTERIM STANDARD.**—The interim final standard shall take effect upon issuance. The interim final standard shall have the legal effect of an occupational safety and health standard, and shall apply until a final standard becomes effective under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655).

(4) **LIMITATION ON APPLICATION OF CERTAIN PROVISIONS.**—Federal laws relating to timelines for the promulgation of interim final standards of the type provided for under this subsection shall not apply to the standard promulgated under this subsection.

(b) **FINAL STANDARD.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard regulating worker exposure to diacetyl. The final standard shall contain, at a minimum, the worker protection provisions in the interim final standard, a short term exposure limit, and a permissible exposure limit that does not exceed the lowest feasible level, and shall apply at a minimum to all facilities where diacetyl is processed or used.

**SA 3391.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. The Secretary of Health and Human Services shall provide, under section 319 of the Public Health Service Act (42 U.S.C. 247d), for a declaration of a public health emergency with respect to Sumter County, Georgia (or to recognize the declaration of public health emergency made by the State of Georgia for such county) in order that the Secretary shall provide, under section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)), for the waiver of the provisions of section 1877 of such Act (42 U.S.C. 1395nn) sufficient to permit the Sumter Regional Hospital in Americus, Georgia, to provide financial support needed to maintain a medical staff and community physicians in the area.

**SA 3392.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended by adding at the end the following:

**“SEC. 1009. COMPLIANCE WITH STATE REPORTING REQUIREMENTS.**

“(a) **IN GENERAL.**—The Secretary shall not make any funds available under this title to a person unless the person certifies that the person and each associated entity are in

compliance with all applicable State requirements for the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

“(b) **LOSS OF ELIGIBILITY.**—If the Secretary determines that a person or any associated entity has failed to comply with any State requirement described in subsection (a), the Secretary shall not make any funds available under this title to such person for a period of 3 years following the date of such failure.

“(c) **ANNUAL REPORTS BY RECIPIENTS OF FUNDS.**—Not later than the end of fiscal year 2008, and annually thereafter, each person receiving funds under this title shall submit to the Secretary a report—

“(1) certifying that the person and each associated entity remain in compliance with all applicable State requirements for the reporting of child abuse, child molestation, sexual abuse, rape, or incest; and

“(2) identifying the number of reports submitted by the person during the preceding 12-month period to comply with such requirements.

“(d) **DEFINITION.**—In this section, the term ‘associated entity’ means an entity that—

“(1) controls, is controlled by, or is under common control with the person involved; and

“(2) is colocated with such person.”.

(b) The amendment made by subsection (a) applies with respect to the expenditure or obligation of funds under title X of the Public Health Service Act (42 U.S.C. 300 et seq.) on or after the date that is 6 months after the date of the enactment of this Act.

**SA 3393.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Director of the National Cancer Institute shall enter into a contract with an appropriate entity for the conduct of a study to determine the effects of the Trinity Nuclear test in 1945 on the surrounding communities in New Mexico with respect to the following:

(1) An estimate (expressed as a range) of the expected number of cancers and other radiogenic illnesses (both fatal and nonfatal cases) expected among the individuals in the region of the Trinity Nuclear test site as a result of their exposures to radioactive fallout from open air test.

(2) With respect to future illnesses, a description the scientific consensus regarding the maximum limit of the latency period for these radiogenic illnesses.

(3) An estimate (expressed as a range) of the number of such illnesses that would be expected to occur naturally among the affected population.

(b) Not later than 1 year after the date of enactment of this Act, the Director of the National Cancer Institute shall submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

(c) The Secretary of Health and Human Services shall transfer \$1,000,000 from amounts appropriated under this Act for the administrative functions of the National Institutes of Health to the Director of the National Cancer Institute to carry out this section.

**SA 3394.** Mr. WARNER (for himself and Mrs. CLINTON) submitted an

amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 5, insert before the period the following: “*Provided further*, That \$10,000,000 shall be made available, in addition to amounts otherwise available, to implement the Lifespan Respite Care Act”.

**SA 3395.** Mr. HARKIN (for Mr. REID) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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

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

**SA 3396.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. H-1B VISA EMPLOYER FEE.**

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking “\$1,500” and inserting “\$3,000”.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

“(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Gifted and Talented Students Education Account’. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 50 percent of the fees collected under section 214(c)(9)(B).

“(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).”.

**SA 3397.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. (a) Not later than 30 days after the date of enactment of this Act, the Sec-

retary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on workers’ compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act.

(b) The report described in subsection (a) shall contain the following information:

(1) The number of workers’ compensation set-aside determination requests that have been pending for more than 60 days from the date of the initial submission for a workers’ compensation set-aside determination.

(2) The average amount of time taken between the date of the initial submission for a workers’ compensation set-aside determination request and the date of the final determination by the Centers for Medicare & Medicaid Services.

(3) The breakout of conditional payments recovered when workers’ compensation is the primary payer separate from the amounts in Workers’ Compensation Medicare Set-aside Accounts (in this section referred to as “WCMSAs”).

(4) The aggregate amounts allocated in WCMSAs and disbursements from WCMSAs for fiscal year 2005 and fiscal year 2006.

(5) The number of conditional payment requests pending with regard to WCMSAs after 60 days from the date of the submission of the request.

(6) The number of WCMSAs that do not receive a determination based on the initial complete submission.

(7) Any other information determined appropriate by the Congressional Budget Office in order to determine the baseline revenue and expenditures associated with such workers’ compensation set-asides.

**SA 3398.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, \$5,000,000, which shall include any other amounts made available under this Act for such Program. Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$2,500,000.

**SA 3399.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

**SA 3400.** Mr. CARDIN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 521. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 6 months.

**SA 3401.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On the appropriate place, insert the following:

SEC. \_\_\_\_\_. It is the sense of the Senate that the Secretary of Health and Human Services should maintain “deemed status” coverage under the Medicare program for clinical trials that are federally funded or reviewed, as provided for by the Executive Memorandum of June 2000.

**SA 3402.** Ms. LANDRIEU proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49: line 1: strike the colon and insert

“*Provided further*, that, of the funds provided to the Child Trauma Stress Network Initiative, priority shall be given to those centers, that previously received grants, that provide mental health services to children affected by Hurricane Katrina and/or Rita.”

**SA 3403.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.**

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C.

73841(14)) is amended by adding at the end the following new subparagraph:

“(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2006, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California.”

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a) of this Act), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

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AUTHORITY FOR COMMITTEES TO MEET  
COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 18, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building.

The hearing will provide general oversight on current regulatory and programmatic activities at the U.S. Department of Transportation. The Commerce Committee has general oversight jurisdiction over the entire Department and specific authority over the Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, Federal Maritime Administration, Pipeline and Hazardous Materials Safety Administration, the Research and Innovative Technology Administration, and the National Highway Traffic Safety Administration, amongst other entities within the Department.

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

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the committee will explore the effects science parks can have on innovation and competitiveness including encouraging partnerships with academia, and spurring regional economic development. The committee also will examine public policy involvement in science park development.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday,

October 18, 2007 at 10:30 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, “Lead and Children’s Health.”

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

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 18, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled “Growing Trade, Growing Vigilance: Import Health and Safety Today and Tomorrow.”

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, October 18, 2007, at 3 p.m. in order to consider the nomination of the Honorable Ellen C. Williams to be Governor, U.S. Postal Service.

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to continue the hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States, on Thursday, October 18, 2007 at 10 a.m. in the Hart Senate Office Building Room 216.

*Witness list:*

Panel I: The Honorable Charles E. Schumer, United States Senator [D-NY]. The Honorable Joseph Lieberman, United States Senator [ID-CT].

Panel II: Michael B. Mukasey to be Attorney General of the United States.

Panel III: Dick Thornburgh, Of Counsel, K&LGates, Washington, DC. Chuck Canterbury, National President, Fraternal Order of Police, Washington, DC. Rear Admiral John D. Hutson, JAGC, USN (Ret.), President and Dean, Franklin Pierce Law Center, Concord, NH. Dawn Johnsen, Professor, Indiana University School of Law, Bloomington, IN. Theodore M. Shaw, Director-Counsel and President, NAACP Legal Defense & Educational Fund, Inc., New York, NY. Mary Jo White, Partner, Debevoise & Plimpton LLP New York, NY.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 18, 2007 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, October 18, 2007, at 10 a.m. in order to conduct a hearing entitled, “The Perils of Politics in Government: A Review of the Scope and Enforcement of the Hatch Act.”

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

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PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that David Heckman and Kassie Hobbs of my staff be granted floor privileges for the duration of today’s session.

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

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DEPARTMENTS OF COMMERCE  
AND JUSTICE, AND SCIENCE,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

On Tuesday, October 16, 2007, the Senate passed H.R. 3093, as amended, as follows:

H.R. 3093

*Resolved*, That the bill from the House of Representatives (H.R. 3093) entitled “An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:*

TITLE I  
DEPARTMENT OF COMMERCE  
INTERNATIONAL TRADE ADMINISTRATION  
OPERATIONS AND ADMINISTRATION

*For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for*