

early life and always identified with everybody, the cashier at the bank, the guy at the market, the man working at the dump. . . . But that was who he was, kind, generous to people who needed a helping hand. He was a sentimental softie and loved to be a mentor to people, especially his law clerks, shepherding their careers along.

My good friend, Judge Garvan Murtha, said:

He was never afraid to stand up for the rights for others and to name what was wrong. He was a brilliant, caring, funny man and appreciative of people. . . . He was a very wise man. . . . In the Pentagon Papers case, he was dissenting, so he ended up on the wrong side of the Court of Appeals, but the Supreme Court ended up agreeing with him.

His daughter Betsy Oakes said:

I think everyone who loved and admired my father will want to carry on his tremendous spirit of social justice.

Mara tells me of the love all the family had for Jim—and I know the love he had for her, his three children, four stepchildren, grandchildren, and his brother.

Adam Liptak wrote of Judge Oakes in the New York Times, and I ask unanimous consent that his article be printed in the RECORD.

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

[From the New York Times, Oct. 16, 2007]

JAMES L. OAKES DIES AT 83; NIXON CHOICE FOR FEDERAL BENCH
(By Adam Liptak)

James L. Oakes, who was appointed to the federal appeals court in New York by President Richard M. Nixon and yet quickly became one of its leading liberal voices, died on Saturday in Martha's Vineyard, Mass. He was 83.

His death was reported by his wife, Mara Williams Oakes, who said it followed a brief illness.

Judge Oakes served for 36 years on the court, the United States Court of Appeals for the Second Circuit. He was its chief judge from 1988 to 1992.

Scholarly and gregarious, Judge Oakes insisted in his decisions, speeches and writings that judges should never shy away from protecting fundamental rights.

He had little patience, he wrote in a 1997 article in *The Columbia Law Review*, for politicians who attacked such rulings as improper activism. Historic moments, he added, sometimes required judges to act "when the rest of our political structure bogs down."

In this sense, he was, he wrote, "old-fashioned—fashioned from the thirties of the Great Depression, the forties of war and the Holocaust and fascism, the fifties of the cold war and McCarthyism and Little Rock, and the sixties of the civil rights movement, the assassinations and the would-be Great Society."

James Lowell Oakes was born in Springfield, Ill., on Feb. 21, 1924.

After graduating from Harvard College and Harvard Law School, Mr. Oakes served as a law clerk to Harrie B. Chase, a Vermont judge who sat on the court that Mr. Oakes would one day join.

Mr. Oakes then spent two decades practicing law and working in the state government in Vermont. In the 1960s, he served for four years in the State Senate and two as the state attorney general. President Nixon made him a federal district judge in Vermont in 1970 and elevated him to the appeals court in 1971.

But Judge Oakes was not proud of the connection. In the years after the Watergate

scandal, he used adhesive tape to cover the signatures of President Nixon and Attorney General John N. Mitchell on the judicial commission that hung in his chambers, one of his former clerks, Paul M. Smith, recalled.

Judge Oakes's name soon became synonymous in some circles with liberal jurisprudence. In 1981, he attracted the attention of a young lawyer in the Reagan administration named John G. Roberts Jr. Mr. Roberts, who is now the chief justice of the United States, told his superiors, according to *The Washington Post*, that a civil rights policy he advocated was reasonable because "even such an extreme liberal" as Judge Oakes had approved it.

The Second Circuit is based in Manhattan, and it hears appeals from New York, Connecticut and Vermont. Judge Oakes's chambers were in Brattleboro, Vt., and he visited New York to hear arguments and to confer with his colleagues. After his service as chief judge ended in 1992, he assumed senior status, a sort of semi-retirement.

Besides his wife, of Brattleboro, survivors include a brother, John D. F. Oakes of Wayne, Pa.; three children from an earlier marriage, Cynthia O. Meketa of Bonsall, Calif., Elizabeth H. Oakes of Baltimore, and James L. Oakes of Fairfield, Conn.; and six grandchildren.

In both his judicial and scholarly work, Judge Oakes advocated environmental protections, procedural rights for people accused of crimes, free speech, open government and limits on intellectual property laws.

Among the rulings he was proudest of, his law former clerks said, were a 1980 decision upholding regulations barring sex discrimination in education, a 1987 decision applying the principle of one-person-one-vote to New York City's Board of Estimate, and a 2000 decision allowing illegal immigrants to challenge deportation orders in court. All three decisions were affirmed by the Supreme Court.

Judge Oakes especially prized the Supreme Court's vindication of his 1971 dissent in the Pentagon Papers case, two of his former clerks, Kathleen M. Sullivan and William Treanor, wrote in *The New York Law Journal* in March. The majority in the Second Circuit had blocked the publication of the papers, a secret history of the Vietnam War obtained by *The New York Times*. The Supreme Court reversed that decision.

"The press should not be regarded only as a check on inefficient or dishonest government," Judge Oakes said in a 1982 lecture on the legacy of the Pentagon Papers case. "It is important that it also be viewed as a powerful vehicle for the effective functioning of a government that by definition is democratic in nature." That required, he said, a near-absolute ban on prior restraints on publication of news articles.

Justice Ruth Bader Ginsburg said in a statement yesterday that Judge Oakes was the "model of what a great judge should be—learned in the law, but ever mindful of the people law exists to service."

Judge Oakes could be prescient. He dissented from a 1979 decision endorsing the use of an anonymous jury in an organized crime trial. The decision, he said, was "without precedent in the history of Anglo-American jurisprudence" and "strikes a Vermont judge as bizarre, almost Kafka-esque."

He added, correctly, as it turned out, that other courts would follow the precedent as surely as "a flock of sea gulls follows a lobster boat."

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

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

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

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

Dorgan amendment No. 3345 (to amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement.

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

Ensign amendment No. 3342 (to amendment No. 3325), to prohibit the use of funds to administer Social Security benefit payments under a totalization agreement with Mexico.

Ensign amendment No. 3352 (to amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits.

Lautenberg/Snowe amendment No. 3350 (to amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Roberts amendment No. 3365 (to amendment No. 3325), to fund the small business child care grant program.

Reed amendment No. 3360 (to amendment No. 3325), to provide funding for the trauma and emergency medical services programs administered through the Health Resources and Services Administration.

Allard amendment No. 3369 (to amendment No. 3325), to reduce the total amount appropriated to any program that is rated ineffective by the Office of Management and Budget through the Program Assessment Rating Tool (PART).

Coburn amendment No. 3358 (to amendment No. 3325), to require Congress to provide health care for all children in the U.S. before funding special interest pork projects.

Brown/Webb amendment No. 3361 (to amendment No. 3325), to provide information to schools relating to the prevention of violent events and other crisis situations.

Mr. HARKIN. Mr. President, as you stated, we are back on the Labor, Health and Human Services, Education appropriations bill. We had a good 2 days last week on it and amendments were disposed of.

We now have a whole series of pending amendments. Right now, Senator SPECTER and I have been working, our staffs have been working, to try to get these amendments cleared. That work is continuing.

As the leader said, we will have votes today starting at 5:30. We have two amendments. I ask unanimous consent that the Senate proceed to vote on these two amendments at 5:30, one following the other.

That would be the Allard amendment No. 3369, and the Dorgan amendment No. 3335, as modified by amendment No. 3445. So we would go to those two amendments in order at 5:30.

But I want to make it clear that if we do not reach an agreement on a whole host of other amendments that are pending, we could roll into a whole series of votes.

I want to read those off so people know what they are. First, there is the amendment by Senator VITTER, No. 3328, dealing with importation of drugs from Canada; there is a Dorgan amendment, No. 3345, relating to the NAFTA trade agreement; there is the Senator MENENDEZ amendment, No. 3347, providing funding for the Patient Navigator Program; an amendment by Senator ENSIGN, No. 3342, dealing with Social Security benefit payments with Mexico; there is a Senator ENSIGN amendment, No. 3352, again dealing with Social Security benefits and illegal workers; there is a Lautenberg/Snowe amendment, No. 3350, to prohibit the use of funds dealing with abstinence education; there is a Senator ROBERTS amendment, No. 3365, to fund the Small Business Child Care Grant Program; Senator REED's amendment No. 3360 providing funding for trauma in emergency medical services programs; there is a Coburn amendment, No. 3358, that would end all earmarks before every kid in America has health care; then there is the Brown-Webb amendment, No. 3361, providing information to schools relating to the prevention of violent events and other crisis situations.

So all of those amendments are pending. I mean, they are at the desk, they are pending, and can be called up.

Quite frankly, as the chairman and floor manager, if we don't reach agreement on them, it is my intention that we roll over into those votes tonight.

Again, with the concurrence of my ranking member, I ask unanimous consent that at 5:30 the Senate proceed to vote on or in relation to the Allard amendment No. 3369; then when that is disposed of, a vote on or in relation to the Dorgan amendment No. 3335, as

modified by amendment 3445; further I ask that there be a 2-minute period of time before each amendment for debate on both sides; and furthermore, I ask unanimous consent that no second-degree amendments be allowed prior to the vote on either one of those two amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. We will proceed to vote at 5:30 on those two amendments. Then we will have to see whether we can work out clearance on some of these other amendments so we won't have any other votes tonight. But if we don't, we will have to roll into a whole series of votes this evening. We have to do this, if we want to finish by noon tomorrow. Both leaders on Thursday made a commitment that we would finish this bill by Tuesday at noon. If we are going to do that, I see no way other than having votes tonight or getting the sides to agree on the acceptance of these amendments.

Senator SPECTER and I have agreed on a number of these amendments to get them worked out, but they are being held up in other places. I understand that. That is the privilege of any Senator. But hopefully, we can get this worked out, and we won't have to have that many amendments this evening.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman for the work he has done, and our staffs, bringing the bill to this posture. We are within striking distance of concluding it. As Senator HARKIN has outlined, there is a commitment to finish by noon tomorrow. The managers have been on the floor since shortly after 3, when under previous arrangement this bill was called up, and there are no other Senators present now. I know Senator HARKIN would join me in urging Senators to come to the floor. Anybody who wants to debate an amendment ought to come to the floor promptly. We will find as the hour of 5:30 approaches, Senators will come in when we are about ready to vote, when there is not any time to debate change. Senators will want to find time. Now is the time for Senators to come to the floor who want to debate.

I also supplement what Senator HARKIN said to this effect: There are a number of amendments, as the chairman has stated, that have been cleared. Some Senators have raised objections. It is their right to raise objections, but as frequently happens, once there is discussion, arrangements can be worked out to clear them. It is our view, Senator HARKIN's and mine, buttressed by staff negotiations, that these matters can be cleared. But they will take some time. We do not want to get into a situation where at 5:50 tonight after the first vote, there is lengthy consideration as to what we are going to be doing at that time. The

practice has been to have a single vote on Monday evenings at 5:30. We have two votes lined up, and we know many Senators will have other commitments, which is customary for Monday evening. But they cannot be fulfilled unless we conclude the business of the Senate, at least moving along so that we have within striking distance the prospect of concluding the bill by noon tomorrow.

Senators who have any debate or who have lodged objections to any pending amendments should come to the floor now so they can be heard. If they don't, we won't be in a position to consider their objections at a later time and still move the bill through to completion by noon tomorrow.

Mr. HARKIN. Mr. President, if my friend will yield, I concur with what Senator SPECTER said. The list of amendments I read is the list of amendments that is pending at the desk that we could call up to vote on. We could do that this evening. There is a bunch of other amendments that Senators have said they are going to offer that we have on our list but they haven't been offered yet. Senator SPECTER is absolutely right, Senators could find themselves in a crunch where there is no time left to offer these amendments by noon tomorrow. So if they want to get their amendments considered, now is a good time. They could get recognized right away.

I may have misstated something earlier in my unanimous consent request. I want to be clear that I asked unanimous consent that the Dorgan amendment 3335 be modified by 3445.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in title II, 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 \$3,000,000 for the Centers for Disease Control and Prevention to make grants under the State Heart Disease and Stroke Prevention Program.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$3,000,000.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. May the record show that the only two Senators on the floor are the two managers. Again, we renew our request, anybody who has any debate they want to offer, amendments they want to offer, or objections they want to raise to any pending amendments ought to come to the floor promptly.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3369

Mr. ALLARD. Mr. President, it is my understanding at 5:30 this evening we are going to have a vote on my amendment, the Allard amendment No. 3369. I wish to take a few moments to review with my colleagues the amendment, and then I understand before we have the vote I can briefly describe the amendment again.

The Office of Management and Budget reviews Federal spending programs with a nonpartisan analysis to determine what taxpayers are receiving as far as the value of the taxpayers' dollars is concerned. This program is called the Program Assessment Rating Tool or PART. They utilize the same procedures that business executives use frequently to determine whether their company is meeting specific goals.

In this particular instance, the Congress has directed the agencies to put in place a similar system where they set up goals and objectives and then determine through that process whether the program is "effective," "moderately effective," "adequate," "the results are not demonstrated"—they have not made the effort yet—or the last category would be "ineffective."

Well, a small percentage of programs receive an "ineffective" rating. Programs receiving this rating are not, according to OMB, using your tax dollars effectively. As they elaborate on the PART Web site at "expectmore.gov":

Ineffective programs have been unable to achieve results due to a lack of clarity regarding the program's purpose or goals, poor management, or some other significant weakness.

Now, my amendment cuts 10 percent of the funding under this bill for programs labeled "ineffective" under the OMB PART program and transfers the funding to an account previously established to pay down the national debt.

This amendment is supported and scored by the National Taxpayers Union and Citizens Against Government Waste.

We are not ending any programs or zeroing out any agencies. All we are doing is taking one dollar in ten from programs that cannot justify their effectiveness and using it to begin to address our over \$9 trillion national debt.

I understand many people have fond thoughts for some of these programs, but fond thoughts and good intentions do not equal good government. I am not one to make sweeping statements, but I think I can say with some certainty that the vote total on this amendment will stand as a rough proxy for what percentage of the Senate is committed to fiscal discipline.

So I urge my colleagues to join me in voting for this amendment. I believe it

is a commonsense amendment to a problem we need to address. We wish to make sure our taxpayer dollars are being used in a way that can be described as effective. That is the ideal situation.

Certainly those programs that are classified as "ineffective" you have to question. Even though there has been a mission drawn out that may be somewhat appealing, when you get right down into the workings of the agency and nothing much is happening to accomplish the goals and objectives the Congress had in mind at the time it passed the legislation, those particular programs rated as "ineffective" is where my particular amendment is targeted. I think this is a commonsense amendment that brings some fiscal sanity to the process. I urge my colleagues to join me in voting for the amendment when we vote on it at 5:30 this evening.

So, Mr. President, having said that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3391, AS MODIFIED, TO
AMENDMENT NO. 3325

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up amendment 3391 and that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 3391, as modified, to amendment No. 3325.

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

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

The amendment is as follows:

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

SEC. ____ The Secretary of Health and Human Services shall waive the provisions of section 1877(g) of the Social Security Act (42 U.S.C. 1395nn(g)) for Sumter Regional Hospital in Americas Georgia to provide financial support needed to maintain a medical staff and community physicians in the area: *Provided*, That the aggregate amount of such financial support to all physicians does not exceed \$750,000: *Provided further*, That all payments made under this section are made prior to June 1, 2008, and are disclosed to the Secretary not later than 30 days after such financial support is provided.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, a little over an hour ago, Senator HARKIN, the distinguished chairman of the subcommittee, and I urged Senators who wanted to debate amendments to come to the floor or Senators who had objections to pending amendments to come to the floor to utilize the time before the 5:30 vote.

The managers, Senator HARKIN and I, have been on the floor continuously since shortly after 3 p.m., when the bill was called back to the floor for consideration, and we know from practice, regrettably, that when the vote starts at 5 p.m. or 6 p.m. or about 5:45 or 10 minutes to 6, people will want floor time and have a great deal to say, and then we will be unable to accommodate all of the Senators who want to act on the bill. Senator HARKIN outlined at the outset the two votes which will begin at 5:30 and said that there was the prospect of substantial additional voting tonight, if we were unable to clarify where we stand, because of our target to conclude this bill by noon tomorrow, which is the target established by the leaders and by the managers of this bill.

So at this point, at 4:50, I would renew the request that Senators who want to debate, who want to take up any action on the bill, or want to discuss any of the pending amendments where objections have been lodged, come to the floor now while we have the time to transact that business.

Mr. President, in the absence of any other Senator on the floor seeking recognition—in fact, in the absence of any other Senator on the floor—Senator HARKIN is in the cloakroom ready to come to the floor to transact business if any Senator wants to do so, but in the absence of any such Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3345

Mr. DORGAN. Mr. President, I have an amendment I have offered, and it is pending, I believe. It may well have been set aside; nonetheless, it is pending to the underlying bill. It is the simplest of amendments. It is amendment No. 3345, to be modified by amendment No. 3429, and it is a request of the Department of Labor to do a study which is fairly innocuous.

Senators BROWN, STABENOW, and CASEY and I—also, I ask unanimous consent to add Senator SANDERS as a cosponsor.

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

Mr. DORGAN. With this amendment, I am requiring the Labor Department to perform a study to determine the number and the types of jobs that were lost by the North American Free Trade Agreement. That agreement was done a long while ago, but we are now in the process of considering additional trade agreements—one with Peru, one with Panama, one with South Korea, and one with Colombia. As we bring another group of free-trade agreements—so-called free-trade agreements—to the floor of the Senate, I would like to remind our colleagues there is very little information about what has happened to previous trade agreements except that we know they didn't work out very well, and so we are going to do more of the same.

NAFTA, for example—the North American Free Trade Agreement—at the time we did it, we had a modest trade deficit with Canada. Now that has turned into a very large trade deficit with Canada. At the time we did NAFTA, we had a modest surplus, a very small surplus in trade with Mexico. Now we have turned that into a very large trade deficit with Mexico. So we are moving in exactly the wrong direction. Despite that, we still have folks who huff and puff here about the need to do more of the same.

I want there to be a study that talks about what are the types of jobs we have lost as a result of these trade agreements—how many jobs have we lost, in what sectors have we lost those jobs.

On October 4 in the Wall Street Journal, this month, the Wall Street Journal said: "Republicans grow skeptical on free trade." It was talk about Republicans, but actually the skepticism among non-Republicans is greater. It turns out the dissatisfaction with our trade strategy is bipartisan. The poll found that 59 percent of polled Republican voters agreed with the following statement:

Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

It is not surprising that people are concerned about this free trade strategy. Free trade is a mantra, a moniker that doesn't mean very much. I like trade. I am for plenty of trade. I come from a State that produces a lot of agricultural product, and we need to find a foreign home for more than half of what we produce, so I don't come to the floor of the Senate saying let's not trade. I say let's do trade agreements that are good for this country, not bad for this country.

We passed the North American Free Trade Agreement and we were told—by the way, this is an agreement that started under George Bush I, it was completed by President Clinton. I opposed President Clinton and George Bush I, President Bush. But we were told that if we completed NAFTA, the North American Free Trade Agree-

ment, we would have 200,000 new American jobs created in this country as a result. Two economists, Gary Clyde Hufbauer and Jeffrey Schott—Hufbauer/Schott they called the study—said, actually, 170,000 new jobs in a couple of years. The supporters of this trade agreement rounded it up to 200,000 new jobs.

Let me tell you what has happened since that time. I told you we turned a very modest trade surplus with Mexico, about \$1.5 billion, into a very large trade deficit, now somewhere around \$60 or \$70 billion a year.

We have a little program in the Labor Department that requires companies to certify jobs that are lost because the jobs went to Mexico. Then you get trade adjustment assistance for the workers. So what we know is 412,000 U.S. jobs have been certified as lost because of NAFTA under one program at the Department of Labor.

In the 10 years after NAFTA had been approved, I commissioned a study from the Congressional Research Service, and they identified the top 100 companies that laid off U.S. workers as a result of NAFTA during that first 10 years. To come up with that, they turned to the Department of Labor. They have this Trade Adjustment Assistance Program. It says these top 100 companies accounted for 201,000 jobs they certified were lost due to NAFTA. If you look at all the companies, that is 412,000 jobs.

Let's look at this list, a few of the names. We passed NAFTA—Hufbauer/Schott—all the political supporters, including those in the Senate, thumbing their suspenders, talking about what a wonderful deal this is going to be for the United States, knowing nobody who wears a blue suit in this Chamber is going to lose their job. It will be somebody else.

Let's look at what happens. Levi Strauss, 15,676 jobs lost due to NAFTA. Does that mean people aren't wearing Levis? No, you can find some. Go outside the door, you can find Levis. They are still buying them. You can find places where they are selling them, a popular American jean. Except you will not find a pair of Levis made in this country. That is gone, 15,676—that is a big number.

What about just one of them? What about one person—follow that person home from work one day, and that person had to tell their spouse: You know what, I lost my job today.

The spouse says: What happened?

I don't know, I have done a good job, I worked for them for 15 years. But they told me I lost my job. They are moving the job to Mexico.

Why?

Because I make too much money, that is why. I get paid \$6, \$8, \$10, \$11 an hour, and that is way too much money. You can hire people for much less money than that in Mexico, China, Indonesia, Bangladesh, Sri Lanka.

Kraft Foods is on this list. Kraft Foods decided they were going to move

their Fig Newton cookies to Mexico, Monterrey, Mexico. If somebody says to you someday: Let's go out for some Mexican food, go to the store and buy some Fig Newton cookies. That is Mexican food.

All those folks who made Fig Newton cookies in New Jersey, they say some of them had to shovel fig paste with a scoop shovel, but they made too much money in New Jersey. Is there a better scoop shovel in Mexico or is there somebody who will shovel that fig paste for much less money per hour? Or is there some natural fig advantage in Mexico? Probably not. It is that Kraft, similar to Levis, decided: this trade agreement gives us the opportunity to move these jobs to Mexico.

Fruit of the Loom—5,352 U.S. workers in Texas alone. Have people stopped wearing underwear? I don't think so. People still wear underwear. They just don't wear underwear made in this country. Fruit of the Loom is gone, and I suppose there are people who made a career out of Fruit of the Loom and probably enjoyed it. Maybe their neighbors kidded them a little bit: you work down at the Fruit of the Loom place. But I bet they enjoyed those careers. But they are gone because those jobs are moved in search of cheap labor.

Barbie playhouses that Mattel made in a Kentucky plant, they shifted that factory to Mexico.

The list goes on and on. You can see the list here, the corporations that certify to the Department of Labor that we moved our jobs. These companies moved the jobs as a result of the NAFTA trade agreement.

My feeling about trade agreements is this. When you sign a trade agreement with another country, it ought to be mutually beneficial to us and them. I came from a meeting 5 minutes ago about the issue of automobiles—nothing to do with trade, it had to do with CAFE standards, better gas mileage for vehicles. Somebody was talking about we are going to have Chinese cars coming into this country. We are going to see an import of cars into this country because China is ramping up a very aggressive automobile export industry, and we will very soon see small, efficient cars on the streets of this country coming from China.

Guess what. We did a trade agreement with China a while back, a bilateral agreement. Here is what we agreed to, with China, a country we have a giant trade deficit with—\$230 billion a year. We said this: China, when you sell your cars in the United States, we will impose a 2.5 percent tariff on your cars. And, by the way, we agree that when we sell U.S. cars, U.S. cars made in the United States, in China, you can impose a 25-percent tariff. So a country we have a huge trade imbalance with, the biggest in human history, we said to them: it is OK for you to impose a tariff that is 10 times higher than we would impose on bilateral automobile trade.

It doesn't make any sense. In my judgment, it undermines our country's economic interests and it undermines our country's jobs. Yet this country does that.

We are going to have, as a group of bills on the floor, Peru, Colombia, Panama, South Korea. Among that group of bills, the free trade agreements have already been done, will be South Korea. Let me mention automobiles in South Korea. Last year, they shipped us close to 700,000 cars, put them on ships and sent them to this country to be sold in America and 700,000 cars made in Korea sent here to be sold to American customers. We were able to send 5,000 American cars to South Korea. Why the imbalance, 700,000 this way, 5,000 that way? Because that is the way South Korea wants it; 99 percent of the cars on the streets in South Korea are made in South Korea and that is the way they want it. They don't want our cars sold in South Korea, they want the jobs there, they want to make the cars there and sell them there. Why would our country allow that to be the case?

This agreement that is going to be brought to the Senate, the trade agreement with South Korea, does not address that issue.

I could, and I have, spoken at great length about trade on a wide range of issues. But at some point we need to reconcile what we are doing with these agreements and we need to stop this bad habit of negotiating bad agreements for this country. We don't know who negotiates this. But the person who said to China it is OK for you to impose a 10 times higher tariff on U.S. cars than we would impose on Chinese cars, that person obviously doesn't understand whom he or she is working for. I have threatened, from time to time, that these trade negotiators should go out and negotiate—in secret, presumably, on behalf of our country, should begin to wear jerseys such as they wear in the Olympics, so occasionally they could look down and try to remember for whom they work. These trade agreements undermine this country's basic economic strength.

People say it is fine these jobs migrate.

It is not fine. A country without a strong, vibrant manufacturing base is not destined to long be a world economic power, and we have to understand that. I am not talking about protectionism or building walls, I am talking about trade, and plenty of it, but trade in circumstances where the rules are fair and where this country insists on fair rules.

I know my colleague, Senator HARKIN, the chairman of the committee, is here and perhaps is about to make a presentation. I do wish to say I have filed this amendment. It is the most innocuous. It says let's at least go back and take a snapshot of this one trade agreement, NAFTA, and find out what happened. What happened with jobs? How many did we lose? What kind?

Where from? But apparently even this is controversial.

Why? Because maybe we will learn something. Maybe we will learn that these one-way trade agreements are not in this country's interests and that we ought to be smart, shrewd, and tough negotiators, standing up for our country's economic interests, standing up for our jobs.

One final point. In a century we lifted this country's standards; expanded the middle class. We said you have to have a safe workplace. You have to have child labor laws, minimum wages, the right to organize—a whole series of rules that lifted America. Now we are saying let's compete with others and allow them to diminish those standards. I am not very interested in doing that.

I know the people who made Huffy bicycles couldn't compete for 20 or 30 cents an hour. They made \$11 in Ohio. They all lost their jobs because they couldn't compete with people who made bicycles for 20 or 30 cents an hour, so every Huffy bicycle is made in China. None are made in Ohio. I know you can't compete with that, but I don't think that should be the standard of competition because I think by its nature it diminishes economic opportunity in this country.

I am going to ask, if we can't clear this amendment, that we have a vote on this amendment. I appreciate the work the chairman of the subcommittee has done. I support his bill and am pleased to speak in favor of the bill, generally, which I have done on a previous occasion. My hope is he will support the amendment I have offered as well.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator from North Dakota for always being on the side of American workers and American jobs. I assure him he will have my support on the amendment. We do not have it cleared yet. We may have to have a vote on it. But if that is so, perhaps that could be one of the votes we have tonight, if we don't get an agreement on it.

AMENDMENT NO. 3369

I wish to take the time—we will be voting at 5:30. As I said, we will be voting on the first one, which will be the Allard amendment, amendment No. 3369. I thought I would take a few minutes to talk about the amendment.

It sounds simple. You cut funds for programs that the Bush administration has concluded are ineffective, using what is called the Program Assessment Rating Tool—PART—then use these savings to reduce the debt. We are all for making sure taxpayers' dollars are spent well and responsibly, but let's take a look at what this amendment really means.

First, we have to have some background on PART, the Program Assessment Rating Tool. It is intended to help assess the management and per-

formance of individual programs. So it is not just a question of whether the program works, it also evaluates whether Congress has designed the program in a clear manner and whether Federal agencies do a good job managing the program. So programs evaluated under PART fall into one of five categories: They are effective, moderately effective, adequate, ineffective or results not determined.

The last category means there was not enough information about it to make a decision.

The Senator from Colorado, Mr. ALLARD, would only cut programs that are rated ineffective and take that money and apply it to the deficit. It sounds good. Why should you ever support an ineffective program?

First of all, let's take a look at what PART means. What is PART and how is it used? This is what the President's own budget documents say about PART:

Ratings do not result in automatic decisions about funding.

Clearly, over time, funding should be targeted to programs that can prove they achieve measurable results. In some cases, a PART rating of "ineffective" or "results not demonstrated" may suggest that greater funding is necessary to overcome identified shortcomings, while a funding decrease may be proposed for a program rated "effective" if it is not a priority or has completed its mission.

This is the President's budget. I say: Read it. It says: Sometimes if you have an "ineffective" rating, maybe you ought to have greater funding for it to overcome some shortcomings, rather than if you have an effective program that may be getting funded, maybe it should be done away with because either it is not a priority or has completed its mission.

In other words, the amendment offered by the Senator from Colorado, Mr. ALLARD, is counter to the idea behind creating the PART process. It was not intended as a club on an "ineffective" program, or it was designed to assess the impact of programs, identify steps that could be taken to improve them.

Now, that is not my only problem with this misguided amendment. I am concerned about the important programs Americans need that would be undermined by his amendment. Make no mistake about it, a vote for Senator ALLARD is a vote against the programs you see listed on this second chart. A vote for Senator ALLARD's amendment says we should undo the fiscal mess created by the Bush administration policy of tax cuts for the millionaires and the war in Iraq by reducing funding for programs that help some students prepare for college, provide unemployed low-income seniors with income, retrain workers who lose their jobs due to foreign trade.

Now, here are some of the programs that would lose 10 percent of the funding in the bill if the Allard amendment were adopted. The TRIO Upward Bound Program is funded at \$315 million in

the Senate bill. There are 900 sites throughout the country, including 8 sites and over 700 students in the State of Colorado, I say to the occupant of the chair.

Here is what the Bush budget had to say about this program. This is a quote from the Bush budget:

The program received an ineffective PART rating when assessed in 2002, in part, because the program evaluation showed that the program did not overall increase the proportion of participants who enrolled in college. However, the program was found to have a positive impact for higher risk students for whom the evaluation findings revealed that Upward Bound increased 4-year college enrollment rates. In response to this finding, the Department of Education established a priority for the 2006 competition that required projects to ensure that at least 30 percent of participants were higher risk students. Given the improved targeting, continued funding is warranted.

In other words—I better watch myself, I am saying nice things about the administration—basically what they did is they actually implemented the PART program correctly. They looked at it, they said, okay, it got an ineffective rating. Why? Well, because, they said, overall it did not show that it increased 4-year college participation.

But when they looked at the subset of the higher risk students, they said: It increased the college participation. So here is what we will do. We will require projects to ensure that at least 30 percent of the participants are higher risk students. That is how you use this tool. You do not use it as a club to get rid of it, I say to my friend from Colorado.

The President's own budget says the program is worthwhile. Look at the Perkins Career and Technical Education State Grants. It is funded at \$1.2 billion. That is last year's level. We did not increase it. Last year, the Congress reauthorized and strengthened the program, and the Senate passed it by unanimous consent. In the House of Representatives there was only one vote against it. Here is what the Bush budget said:

The Perkins Act incorporates several important changes that strengthen the program's accountability provisions and provides opportunities to improve the program's performance.

Then there is the Community Service Employment for Older Americans. We had funded it at last year's level. This provides part-time community service opportunities paid at minimum wage for unemployed low-income persons.

The Health Professions Program: Now, this is interesting. We put in \$357 million this year. The Allard amendment would cut it by \$35.7 million. This is the category that includes almost all health training in America: nurse training programs, training in primary care medicine, dentistry programs. All of these would take a cut.

Then there is trade adjustment assistance: \$888.7 million in this bill, last year's level, same thing the President requested. Again, this provides income

support and retraining services to workers who lose their jobs due to foreign trade. Approximately 120,000 Americans are eligible each year, but only about 80,000 actually receive services.

Again, if we adopt the Allard amendment for the TRIO program at an average cost of \$5,000 a student, we would cut 6,300 students out of the TRIO program.

For trade adjustment assistance, at about \$12,000 per person, that means a loss of services to 7,400 workers who have lost their jobs and want to get retrained.

For the Community Service Employment Program, \$5,932 for older workers—a modest amount every year to an older person—means a loss of support for 8,142 low-income seniors.

The Allard amendment on its face, you look at it and say: Well, he is cutting 10 percent from those programs rated ineffective. So you want to think: Well, gee, why would I support an ineffective program? No one wants to support ineffective programs. But, again, I refer to the first chart. I repeat again, you have to understand what PART is; that is, the Program Assessment Rating Tool, and how it is used. I will read again from the President's own budget.

PART ratings do not result in automatic decisions about funding.

Well, the Allard amendment would be an automatic decision about cutting 10 percent. Clearly, over time, funding should be targeted at programs that can prove they achieve measurable results. I say to my friend from Colorado, it says:

In some cases, a PART rating of "ineffective" or "results not demonstrated" may suggest that greater funding is necessary in order to overcome identified shortcomings, while a funding decrease may be proposed for a program rated "effective" if it is not a priority or has completed its mission.

So there may be effective programs that are rated as "effective" that probably ought to be cut. I am sure the administration and OMB are probably doing that, because they have either completed their mission or it is not a priority.

On the other hand, there may be some of those rated "ineffective" as mentioned in the TRIO program, rated as ineffective. When they looked at the overall score, they said: Well, it is effective if you look at higher risk students. So they carved it out and said: Thirty percent has to go to higher risk students. Then they requested the continued funding for it.

I say to my friend from Colorado, I understand his desire. Everybody wants to cut down on something that is ineffective. But I do think that if the Senator were to read and understand completely what that Program Assessment Rating Tool does, he might agree with the President's own words on his budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I appreciate the comments the Senator from Iowa was making. I was not elected to this body—I do not think the Senator from Iowa was either—to make easy votes. This can be a difficult vote. There are programs on there that I support, I support wholeheartedly, but I want them to be effective. How can I go back to my taxpayers in the State of Colorado and say: Well, we are spending billions of dollars on this program, but it is ineffective. It is not measuring up to the standards which most businesses would be expected to measure up to for performance, or maybe other agencies are going to measure up to for performance.

I do not know how else to get the attention of the bureaucracy except to deal with them where they pay attention. That is their pocketbooks, their budget. I think when we have an ineffective program, we are not doing our jobs as Senators if we do not figure out a way to bring accountability to the program.

Now, this is a modest attempt to try to bring some accountability. We do not eliminate any programs. We do a reduction on a few programs that are listed as "ineffective."

In the business world, they use the same process that OMB puts in place. This is not a partisan process. You know, you referred to President Bush's actions on it. It may be a Democratic President 3 years from now. He is going to be dealing with the same problems this President is dealing with, that he has programs out there that simply are not measuring up.

So let me get back to what the standard business world does. They look at a program and say: Well, look, we are spending a certain amount of money, and it is not performing. Because it is not performing, we have either got to redo the program, which is an option the Congress can look at, or we eliminate it altogether, or we create some other kind of modification that is going to make it accountable to the stockholders of that company.

The stockholders in this case are the taxpayers of the country. They are the ones putting money in this program. They are the ones who expect the program to do what it says, for what it is set up to do. This is a program that has been in place for 10 years. It is not a new program.

The agencies have had plenty of time to respond and react to this particular effort. I would credit those agencies or programs that are listed as ineffective for at least having tried to comply with the law.

There is another group there I did not address. There are those where results have not been demonstrated. They are sort of thumbing their nose at the Congress and saying: Heck, we are not even going to bother to set up any goals and objectives for our program. We are going to let it run on auto. In some cases they have a legitimate reason for doing that, but I do

think the Congress does need to look at those programs that are ineffective and make some judgments. Now, if the Senator from Iowa has a better suggestion on how we may bring accountability to the agencies, I would be glad to hear what it is.

I think a modest reduction in their budget will send a message to them that you have got to get your act in order, and then hopefully, as we go down through the years, they will begin to understand that it is the Congress that controls the purse strings, and you need to get your act in order; we need to have accountability in the program.

I think this is a commonsense amendment. It is being supported by Citizens Against Government Waste. The National Taxpayers Union is supporting it. I have sat down with groups on how it is we can bring forward effective, efficient Government.

We do not want programs out there that make all of these grandiose claims but then do not deliver. They waste taxpayers' dollars in the process. So this is what this amendment is trying to address. I ask my colleagues to support me in this effort. It is a modest amendment. It is something that I think can make a difference.

If you want the legislative branch to have a little power over the executive branch through the purse strings, this is the way to do it. Again, I ask my colleagues to join me in voting for this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, again, I listened to my friend from Colorado, but maybe the right amendment would be to go after the Program Assessment Rating Tool, because as it says: Some of the programs that are rated ineffective actually may need more money.

I will give the Senator one example. A couple of years ago, a school that I know very well here in Washington, DC, called Gallaudet University—it is the university for the deaf here in America, premier college in the world, as a matter of fact—got an “ineffective” rating. That got me pretty upset until I started looking at it, finding out why it was ineffective. Now, if we had cut their funding by 10 percent, they never would have become effective. But because we got them in, and the committee did its job—and that is what the committee's function is for; if there is something that is ineffective, that is why we have committees.

Call them up, ask them what is happening. Make them explain why it has an “ineffective,” why it was demonstrated “no results,” and then let the committee do its work. That is what we did with Gallaudet. We could have had a 10-percent cut there, and they never would have become effective. They just needed better guidance and better direction. That is what the committee structure does. That is why

we have the executive branch overseeing these things. That is the better way to approach it than this kind of sledgehammer approach.

Mr. ALLARD. If I may respond, it is not a sledgehammer approach. It is a mild little push to try to improve the program. I agree, some programs can be improved if we increase appropriations, and that is what we need to do. But maybe to get their attention, to get things moving in the right direction, maybe we need to start out with a reduction in spending. This is a commonsense program. We can argue about it. I have never been in any committees where they talked about it in this way. I think it needs to be talked about more, and that is why I am introducing the amendment.

Mr. HARKIN. That is why we have the Appropriations Committee. Yes, we do call them up, and we do look into these matters. But it is not this kind of heavyhanded approach that is going to cut programs that actually have taken steps, such as the Upward Bound Program, to be more effective.

The PRESIDING OFFICER. The hour of 5:30 having arrived, the question is on agreeing to the Allard amendment, with 2 minutes of debate equally divided on the amendment.

Mr. HARKIN. Mr. President, I have a unanimous consent request. I ask unanimous consent that I be permitted to do that at this point.

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

AMENDMENT NO. 3347, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent that in the vote sequence previously agreed to, the Dorgan amendment, No. 3335, as modified, be removed from the agreement and the Menendez amendment, No. 3347, be substituted and the amendment be modified with the text of amendment No. 3428, and that the Senate then vote in relation to the Menendez amendment, No. 3347, as modified, following the disposition of the Allard amendment, and that all other provisions of the previous order remain in effect.

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

The amendment, as modified, is as follows:

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

SEC. _____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, \$8,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109-18).

(b) Amounts made available under this Act for consulting services for the Departments of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$8,000,000.

AMENDMENTS NOS. 3335, AS MODIFIED, 3331, 3419, 3434, 3405, AND 3411

Mr. HARKIN. I ask unanimous consent that the following amendments be considered and agreed to and the motions to reconsider be laid upon the table en bloc: Amendment No. 3335, as modified, 3331, 3419, 3434, 3405, and 3411.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3331

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

At the end of title V, add the following:

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

AMENDMENT NO. 3419

(Purpose: To provide for a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process)

At the appropriate place, insert the following:

SEC. _____. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110-107.

(b) Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

AMENDMENT NO. 3434

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

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. _____. Notwithstanding any other provision of this Act, amounts appropriated in 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 by a pro rata percentage required to reduce the total amount appropriated in this Act by \$30,000,000.

AMENDMENT NO. 3405

(Purpose: To provide for the Government Accountability Office to submit a report to Congress on the process for hiring and managing administrative law judges, and for other purposes)

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

SEC. _____. Not later than 9 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to Congress that contains an assessment of the process for hiring and managing administrative law judges and makes recommendations on ways to improve the hiring and management of administrative law judges.

AMENDMENT NO. 3411

(Purpose: To permit certain amounts to be used for grants to Federal commissions that support museum and library activities)

On page 106, line 24, insert before the period the following: “‘*Provided further*, That funds may be made available for grants to Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services”.

Amendment No. 3335, as modified, was agreed to.

AMENDMENT NO. 3369

The PRESIDING OFFICER. The question is on agreeing to the Allard amendment, No. 3369.

Mr. HARKIN. Parliamentary inquiry: I understand there is 2 minutes, if the Senator wants it.

Mr. ALLARD. I would like to take a minute to briefly explain the amendment.

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

Mr. ALLARD. The Allard amendment is a commonsense amendment. It looks at those programs that are rated as ineffective by the Office of Management and Budget. It is a nonpartisan process. It was set up by the Congress more than 10 years ago. It is time the Congress expect some accountability in that program itself. One can look on expectmore.gov which lists the agencies that are performing and those that are not. Some of these programs are my favorite programs. I voted for them and support them. But we have to bring accountability so that when we are supporting a program, it actually does what it says it is going to do; that all the money doesn't go to the bureaucracy and none of it gets to the beneficiaries. We are trying to bring some accountability to this process. That is the reason for the amendment.

My hope is that the Senate will vote for this in strong numbers so we can send a message to agencies that they need to begin to get their act in order, those that are rated as ineffective. We need to, in the committee process, refer to this rating. Let's put them on record in committee meetings to hold them accountable for their programs.

Mr. HARKIN. Mr. President, this is a heavyhanded club approach. Already we know that sometimes programs are rated ineffective, as the President's own budget says, and actually need more funding. Some of those rated “effective” probably ought to have their funding cut. But the Senator from Colorado says we are just going to cut all these programs across the board that are rated “ineffective.”

As I pointed out, Gallaudet College in Washington, DC, probably the finest university for the deaf in the world—not probably, it is—somehow got an “ineffective” rating. They changed things. Now they have an “effective” rating. Had they been cut 10 percent, they never would have been able to get “effective” again. This is not the proper way to do things. This is something for committees to handle and for the executive branch. I know the Senator from Colorado has well-meaning intentions, but they are misdirected and misguided because the Program Assessment Rating Tool is not the kind of instrument the Senator is envisioning with his amendment.

I yield back whatever time I have. I move to table the Allard amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 68, nays 21, as follows:

[Rollcall Vote No. 381 Leg.]

YEAS—68

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

NAYS—21

Allard	Craig	Lott
Brownback	DeMint	Martinez
Bunning	Enzi	McConnell
Chambliss	Gregg	Sessions
Coburn	Inhofe	Shelby
Corker	Isakson	Sununu
Cornyn	Kyl	Vitter

NOT VOTING—11

Biden	Ensign	McCain
Clinton	Graham	McCaskill
Crapo	Hagel	Obama
Dodd	Kennedy	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have one vote to follow right now. The managers have been working to finish this piece of legislation as quickly as possible. The staff has worked through a number of amendments today—in fact, a significant number of amendments. We are on a glidepath to finish this legislation by 12:30 tomorrow, so everyone is going to have to cooperate and get things done. We have a lot to do this week, but the key to getting it done is finishing this bill.

AMENDMENT NO. 3347, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Menendez amendment, as modified.

Who yields time?

Senators will please take their conversations off the floor. The Senate is not in order. Will the Senate please come to order so we may hear the Senator from New Jersey.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Senator HUTCHISON be added as a cosponsor of my amendment.

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

Mr. MENENDEZ. Mr. President, I wanted to thank Senators HARKIN and SPECTER for their leadership on the bill and their strong support of this amendment, which is to put \$8 million in the

Patient Navigator and Chronic Disease Prevention Act. It is strongly supported by a letter that was issued by the American Cancer Society, the Leukemia Lymphoma Society, the National Association of Community Health Centers, the National Medical Association, the National Patient Advocate Foundation, and the Susan G. Komen for the Cure Foundation.

What they say in their letter sums it up in its totality. It says: Improving the health of America as a whole depends significantly on our ability to improve health outcomes for the uninsured, those who live in rural areas, minorities—

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate is not in order. The Senator from West Virginia is correct. Will the Senators please take their conversations off the floor.

Mr. BYRD. I thank the Chair and I thank all Senators.

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

Mr. MENENDEZ. Mr. President, the American Cancer Society and all of these other organizations tell us that this amendment will help individuals who are in rural communities, minorities, and other medically underserved populations who suffer from a disproportionate burden of cancer, navigate the health care system, create more positive outcomes, save money, and save lives. That is why we urge all of our colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time? Who yields time in opposition?

Mr. ALLARD. Mr. President, I yield back the remainder of the time in opposition.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 382 Leg.]

YEAS—88

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

NAYS—3

Coburn	DeMint	Kyl
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NOT VOTING—9

Biden	Dodd	McCain
Clinton	Ensign	McCaskill
Crapo	Kennedy	Obama

The amendment (No. 3347), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

AMENDMENTS NOS. 3432, AS MODIFIED, AND 3377, AS MODIFIED EN BLOC

Mr. HARKIN. Mr. President, I have a couple of modifications I will send to the desk. First is a modification for No. 3432 and then No. 3377.

The PRESIDING OFFICER. Without objection, the amendments are so modified.

The amendments (Nos. 3432 and 3377), as modified, are as follows:

AMENDMENT NO. 3432, AS MODIFIED

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

SEC. ____ (a) In addition to other amounts made available in this title, \$3,000,000 shall be made available for trauma care activities.

(b) Amounts made available under this Act for consulting services 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 \$6,000,000.

AMENDMENT NO. 3377, AS MODIFIED

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

SEC. ____ (a) 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.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced further on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$2,000,000.

AMENDMENT NO. 3378

Mr. HARKIN. Mr. President, I call up amendment No. 3378 by Senator TESTER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. TESTER, proposes an amendment numbered 3378.

The amendment is as follows:

(Purpose: To provide additional funding for veterans employment and training for Federal management activities)

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".

Mr. HARKIN. Mr. President, this amendment has been agreed to on the other side.

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

AMENDMENT NO. 3360 WITHDRAWN

Mr. HARKIN. Mr. President, I ask that amendment No. 3360 be withdrawn.

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

Mr. HARKIN. Mr. President, here is the situation. Everybody wants to know if there will be more votes tonight. We don't know yet. We are trying to work out amendments with the other side. We have been instructed by the leadership to finish this bill by 12:30 tomorrow. We still have a lot of amendments pending. We are trying to work them through. Depending on the progress within the next half hour or so, we will know whether we need to have more votes tonight.

There are a lot of amendments pending. If somehow we can get these offered tonight and stacked for votes tomorrow, we might be able to do that. If not, we may have to have votes further tonight. I have been instructed by my leader to continue in that vein. So I cannot say yet if we are going to have more votes tonight. It depends on how many can be accepted on both sides. We will know shortly.

I ask unanimous consent that Senator BOXER be recognized for 10 minutes to speak about the fires in California; that upon the end of her presentation, the Senator from Maryland, Mr. CARDIN, be recognized for 5 minutes for the purpose of offering an amendment; that at the end of that 5 minutes, the Senator from Louisiana, Ms. LANDRIEU, be recognized for 5 minutes to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

CALIFORNIA WILDFIRES

Mrs. BOXER. Mr. President, I thank Senator HARKIN and my colleagues. Many of them have come up to Senator FEINSTEIN and myself tonight and have expressed their concern about the fires that are raging out of control in our State, home to 37 million people, very dangerous fires, kind of a perfect storm of extremely high temperatures, very low humidity, and Santa Ana winds which gust up to hurricane-type winds, sometimes as high as 50, 60 miles an hour, with the average about 35 miles an hour.

Senator FEINSTEIN and I have heavy hearts as we talk with our Governor and our mayors. They are conveying to us that this is very serious because our firefighters are at a huge disadvantage because of the unpredictability of the winds. We don't know from one moment to the next whether the fires will turn on these firefighters. Last year was a very tough year for us in California. We had some horrific experiences, and we lost firefighters. We are not going to repeat that situation. We have to make sure we save lives, that we get people out of their homes. At this point, I can say people appear to be cooperating with the authorities. The most important point is we care about each other and we save lives.

There are now more than a dozen wildfires burning, again, all being fanned by these hot Santa Ana winds, raging from as far south as the Mexican border to as far north as Los Angeles and Ventura Counties. Governor Schwarzenegger has declared a state of emergency in seven counties—Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. More than 250,000 people are evacuated in San Diego County alone, where blazes have torched more than 100,000 acres. Senator FEINSTEIN and I spoke with Mayor Sanders today, and he told us that one condominium complex has burned with 400 units.

Mayor Sanders warns we have tough times ahead. There are walls of flames 100 to 200 feet high. There are fires popping up everywhere, with eight separate fires burning in that region. More than a dozen people are being treated at the UC San Diego Medical Center Regional Burn Center for smoke inhalation and burns, including four firefighters who are seriously injured. One individual we know of has lost his life in San Diego.

Our firefighters deserve our prayers, our help, and our thoughts, as do all the people in the southern California region. We have to remember that they go out there and do everything they are trained to do, and the last thing they think about is themselves. Yet and still, we have been trying for years to pass the Healthy Firefighters Act to follow these firefighters who work in these horrific situations, and some of them have absolutely no health insurance. We are trying to protect them and follow them so we can make sure

that in future years, they are not plagued from the smoke inhalation.

I wish to show a picture. I hope my colleagues will take a look at it. San Diego, this is one photo. We can see, if we look closely, the firefighters. From where they are getting any oxygen is hard to know. They are literally in the fires of hell right there.

Then in Santa Clarita, more than 25,000 acres have burned and approximately 800 homes have been evacuated. I will show another picture. We can see the fire in the hills threatening the homes. Eight hundred homes have been evacuated in this region.

Most of my colleagues have seen the reports of Malibu. More than 2,400 acres have burned. We can get a sense of what is happening there. This is a photo of a beach. This is the water, the Pacific Ocean. You cannot see in front of you the fires, the smoke, the wind blowing the sand. I was in southern California. I left this morning, and yesterday I was out in the Santa Anas.

To give my colleagues a sense of what it is like, the winds are so strong in the desert areas and in the beach areas that you can taste the grit of the sand in your mouth and feel it in your eyes and certainly in your lungs.

In Malibu, more than 2,400 acres burned. Several homes and structures have been destroyed, including the Malibu Presbyterian Church. My understanding is the church was able to remove computers and some other items they desperately needed, but that building is gone. The Pacific Coast Highway remains closed, and the evacuations continue as we speak.

Again, thousands of our brave firefighters are frantically working in conjunction with the California department of forestry and the U.S. Forest Service, the California Highway Patrol, the U.S. Border Patrol, and FEMA to contain these fires. I thank all the dedicated Federal workforce who have joined in this effort. They deserve our prayers and support as well.

People are escaping with only the clothes on their backs. Families have no time to gather anything as they flee from the inferno that engulfs everything it touches.

This is only the most recent information. As I speak, these fires rage on. The Governor says they don't expect a diminution of these Santa Ana winds until at best tomorrow afternoon, maybe Wednesday. We pray these winds stop their fierce blowing.

We need to make sure our communities have the resources they need now. California cannot fight this battle alone. I mentioned the agencies that are out there already helping. I know the equipment is being given as we speak.

The Governor has declared a disaster in seven counties, and as soon as he asks the President for a Federal declaration, I know President Bush will act swiftly. There are certain areas where we have to work together where there cannot be an inch of distance between us.

As I stand here, I look over at my friend, Senator LANDRIEU, and I see the compassion in her face because she is still working night and day, 24/7 to make sure her State is whole again. I, again, pledge to her—she knows I will be there with her every step of the way.

So these are the times when we in this Senate have to cross over party lines, and we do, to make sure we make life livable for people who have lost, in some cases, everything—everything material. Again, I want to say the most important point is we save lives.

I ask for an additional 1 minute, please.

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

Mrs. BOXER. Mr. President, this isn't just a fight to contain wildfires. This is a fight to save lives. This is a fight to save schools and homes and businesses. Again, I thank all the firefighters, the local officials, the volunteers, my own staff who is out there working. I thank the President and FEMA and all the Federal workers.

Right now we must contain these fires. Right now we must save lives. Right now we must provide shelter and hope for those displaced.

I again thank my colleagues from both sides of the aisle who have come up to me or have come up to Senator FEINSTEIN and said to us: Please let us know what we can do. We will be calling on our colleagues. We know they care very much about the 37 million people of my State, and a large proportion of them in southern California being impacted by these fires.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 3400 TO AMENDMENT NO. 3325

Mr. CARDIN. Mr. President, I ask unanimous consent to lay aside the pending amendment so I may call up amendment No. 3400.

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

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Mr. SMITH, Mr. LIEBERMAN, and Mr. DURBIN, proposes an amendment numbered 3400 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program)

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.

Mr. CARDIN. Mr. President, Senators SMITH, LIEBERMAN, DURBIN and I offer this amendment to grant Iraqi and Afghan special immigrant visa holders 6 months of eligibility for resettlement assistance when they arrive here in the United States.

The United States currently provides up to 500 special immigrant visas, SIVs, to translators from Iraq and Afghanistan. To be eligible for an SIV, an individual from either of those two countries must: (1) faithfully serve as a translator with the U.S. military or chief of mission for at least a year and (2) be recommended to the program by a general, flag officer, or chief of mission. Visas are also issued for the spouse and dependent children of the SIV applicant.

According to the Department of State, the U.S. issued 823 special immigrant visas to Iraqis this year. This included 432 visas for principal applicants and 391 visas for family members.

As a matter of course, immigrants who come to the United States through the U.S. Refugee Admissions Program, including Iraqis and Afghans, are eligible for travel loans to help them get to the United States and for resettlement assistance once they arrive here. As a matter of course, the Federal Government tries to ensure that refugees are able to make the transition to a productive life in the United States by providing preliminary housing; school enrollment; and job training assistance.

In spite of their service to our country, however, individuals from Iraq and Afghanistan who come here on Special Immigrant Visas receive no help with travel or readjustment.

The U.S. Government does not keep track of how many of the 823 Iraqis admitted into this program actually have been able to travel to the United States. Experts believe that many translators with SIVs are still trapped in the region because they cannot afford the cost of the SIV fees and the plane tickets, especially if they are bringing members of their immediate family.

Like refugees, many Iraqi and Afghan special immigrants face hardships that make it difficult to immediately adapt to their new home. Many have been forced to leave their homes and all their personal wealth in Iraq. Many have been forced to pay ransoms or have been robbed by criminals while fleeing the country. Moreover, while translators are paid well by Iraqi standards, that compensation doesn't amount to much for people trying to live in the United States.

U.S. soldiers are paying for the plane tickets of their Iraqi interpreters out of their own pockets and acting as hosts and social workers for the individuals and families they are unofficially "sponsoring" when they arrive here in the U.S. This puts a heavy strain on our soldiers attempting to make their own tough readjustment to life back home.

Special immigrant translators have no past experience obtaining work permits, Social Security numbers, bank accounts, and all the other documents and necessities of everyday life in this country. While special immigrant translators have valuable job skills, they often need further training and assistance with job placement.

So Senator SMITH and I have introduced this amendment to make these special immigrants from Iraq and Afghanistan eligible for 6 months—of resettlement assistance. They have been the eyes and ears of our military, and they have saved so many American lives. They now have a target on their back because of their service to our country, and we need to protect them by granting them safe refuge in the United States. Frankly, I don't know how we could justify doing any less for people forced to flee their homes and their country because they have been helping us. This is just for 6 months—just enough to get them on their feet.

I would note that the Congressional Budget Office, CBO, has estimated that the amendment would have no effect on direct spending under current law.

The Iraqis and Afghans admitted under the special immigrant visa program have risked their lives to serve the United States. Without the assistance my amendment offers, they may remain trapped in the region or they may face a tougher time than is necessary or right adjusting to U.S. society. My amendment is a helping hand to people who have helped us. It's a way to repay them for their service by helping them to get here and begin living safe and productive lives in America. We have a strong obligation to keep faith with the Iraqis and Afghans who have worked so bravely with us—and have often paid a terrible price for it.

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3446 TO AMENDMENT NO. 3325

Ms. LANDRIEU. Mr. President, I send an amendment to the desk—I want to clarify it has actually been filed—amendment No. 3446.

The PRESIDING OFFICER. The amendment is at the desk.

Ms. LANDRIEU. I wish to call it up for consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

Without objection, the clerk will report the amendment without prejudice to the rights of all Senators.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3446 to amendment No. 3325.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

On page 85, line 10, strike the colon and insert:

Provided further, That, not less than 25% of the new grants under the Elementary and Secondary School Counseling program, shall be awarded to local education agencies that demonstrate a need for additional counseling services due to the impact of a federally declared major disaster or emergency."

Ms. LANDRIEU. Mr. President, first let me say I wish to be added as a cosponsor to Senator CARDIN's amendment. I was very taken by his presentation about the responsibility that we do have, and it has been on my mind, actually, for several weeks about our allies and support staff in Afghanistan and Iraq, so I want the clerk to note that I wish to be a cosponsor to the Cardin amendment.

But I rise to speak about an amendment I am offering, and I have had some very good advice and counsel on this amendment from several members of the committee, and I will speak about the amendment as if it is modified, because Senator KENNEDY suggested I might make some changes to it.

As you may remember, last week the Senate was very helpful in reinstating one mental health program that had been cut, I think very inappropriately, and it couldn't have been at a worse time for us in the gulf coast. It was an outstanding model program. Last week the Senate adopted my amendment to reinstate a child's health program that LSU had been running for 4 years, because after Katrina and Rita hit, it was literally the only child counseling program in the metropolitan area. That has already been done.

Tonight I come to the floor to try to help again in the same area of mental health. We have crafted this amendment so that it has no impact on the underlying bill because what it does, basically, is set a competitive preference. This is not a set-aside but a competitive preference for programs within the already existing and already funded school-based mental health program. That has been well established and well run for many years.

My amendment, with the Kennedy modification, simply says that the Department should look out in the country, and if there are areas where a disaster has been declared, they would give a competitive preference to those areas and to those schools in giving out these grants for counseling.

I cannot even begin to express the heroic efforts of our schools—public schools, private schools, and parochial schools—and the things some principals, teachers, faith-based organizations, and foundations have done to help rebuild hundreds of schools that were destroyed. We found, in our disaster—and of course we are learning a lot from the lessons learned in the disasters of Katrina and Rita, but one thing I know for sure, and I don't need a survey or anybody else to tell me about it because, as you know, I have been following it pretty closely, is that

the first thing parents and a community want back, basically, is their schools.

After a whole neighborhood is destroyed, or large parts of a city, no matter how large or how small, in order to get back to normal, parents first have to get their children safe and into a school. So we noticed right after Katrina-Rita, with 300,000 children looking for a place to go to school on Monday morning, there was a great struggle underway for parents to start to stabilize their family situation by getting their children back in school. Even if the family had no home, even if the father or mother had no job, even if they couldn't locate the grandparents, they were first thinking about where can our children go to school on that Monday morning.

Imagine the children coming into schools—and I could tell you so many stories, extraordinary stories of teachers and schools and principals who opened their arms to children who came in and who had been traumatized from not only, of course, losing their own home, but some of the children swam out of water, some children, unfortunately, saw many people die in the disaster, and some had losses in their own immediate families. So I don't think I have to explain the need and the importance of mental health counseling.

That is what this bill does. Senator HARKIN has been a phenomenal supporter of this program. I think he actually helped to create it. Again, I am not asking for any new money to be added. I am not even asking for a set-aside for any of the programs in the gulf coast. I am simply saying as we look to the future to fund these programs that we give a competitive preference, if you will, for schools that find themselves in disaster areas.

Senator BOXER spoke for 10 minutes on the crisis underway in Southern California. Imagine the trauma some of these children are going to be dealing with over the next months and years trying to rebuild in those communities, or if their home was completely destroyed by fire. These disasters, by their very nature, cluster in certain communities. So you might have a group of schools where 90 percent of the children lost their homes, or a large proportion of children might have lost someone in their family in a disaster. So it makes common sense for us to be a little more sensitive to these mega disasters, and that is what my amendment does. So I offer it now. I don't know if it can be accepted by voice vote. I am happy for it to be voted on at any time. If everything else is in order, I will leave the rest to the managers.

While I am waiting on some documents in another matter, let me say a few more things about this. The funds would be divided between four grantees to leverage funds for mental health services, as I said, to the schools. The schools play a central role after a com-

munitywide traumatic event. Schools are a very important site for delivering mental health services. Schools are often best situated to recognize immediate mental disorders. School-based mental health services lead to increased academic achievement, decreased attention problems and disciplinary issues, and reduce special education referrals.

The national average, unfortunately, as we know—and I think we need more resources in this area—is 476 students for every 1 counselor. The recommended ratio in our schools is 250 to 1. So imagine in the devastated areas along the gulf coast and in other places, such as in Kansas, where Senator PAT ROBERTS experienced a great tornado disaster in a much smaller community, but it was pretty much a complete destruction of a town in Kansas; or as Senator BOXER is experiencing right now in Southern California, this amendment would look forward. Again, it would not add anything to the budget, but I think it would give us an opportunity to give some appropriate competitive preference to these children.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to announce to all Senators there will be no more votes tonight. But I must say there are a lot of amendments floating around that have not been offered, and we do have some that are pending. We are working on those right now, and shortly—I hope within the next few minutes—I will be propounding a unanimous consent request that when we come in at 10 o'clock tomorrow morning we will have a list of amendments that we will be voting on.

So I say to Senators, if you have an amendment that is floating around out there, and we have a list of them, and you want it offered, I would suggest you better get over here tonight and do it, because once we start the votes in the morning at 10 o'clock—and hopefully we will reach unanimous consent with the other side on that, as I said, in a few minutes—that is going to chew up a lot of the clock. And since an agreement has been reached that we would finish by 12:30 tomorrow, that means if you have an amendment to be offered, you are going to get squeezed tomorrow morning. We may have to have one of those kind of agreements where you get 1 minute to speak, and you can offer your amendment, but it is going to be pretty hard to get an amendment in tomorrow morning.

I have to say to Senators, if you have an amendment that you feel strongly about and you want to have offered, you better get over here this evening. Because tomorrow morning the traffic is going to be pretty crowded around 10 o'clock.

Mr. President, while we wait to work out some other matters, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3427, AS MODIFIED; 3379, AS MODIFIED; 3344, AS MODIFIED; 3361 TO AMENDMENT NO. 3325 EN BLOC

Mr. HARKIN. We are making progress. I have some amendments that can be cleared. First I have to send some modifications to the desk.

I send to the desk a modification to Cornyn amendment No. 3427, a modification to another Cornyn amendment, No. 3379, and a modification to Baucus amendment No. 3344.

I now ask unanimous consent to call up amendment No. 3361 by Senator BROWN; amendment No. 3427 by Senator CORNYN, as modified; amendment No. 3379 by Senator CORNYN, as modified; and amendment No. 3344 by Senator BAUCUS, as modified, and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the foregoing amendments are proposed en bloc, considered en bloc, and agreed to en bloc.

The amendment (No. 3361) was agreed to.

The amendments (Nos. 3427, 3379, and 3344), as modified, were agreed to, as follows:

AMENDMENT NO. 3427, AS MODIFIED

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

SEC. _____. It is the sense of the Senate that a portion of the funds appropriated under this title be used for frequent hemodialysis clinical trials at the National Institute of Diabetes and Digestive and Kidney Diseases.

AMENDMENT NO. 3379, AS MODIFIED

On page 3, line 24, strike "\$125,000,000" and insert "\$150,000,000".

AMENDMENT NO. 3344, AS MODIFIED

On page 34, lines 8 and 9, strike "*Provided,*" and insert the following: ", and of which \$250,000 shall be for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana: \$250,000: *Provided further,*".

Mr. HARKIN. Mr. President, for Mr. BAUCUS, I ask unanimous consent to have printed in the RECORD a letter dated October 17, 2007.

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

U.S. SENATE,

Washington, DC, October 17, 2007.

Hon. ROBERT C. BYRD,
Chairman, Senate Appropriations Committee,
Washington, D.C.

Hon. THAD COCHRAN,
Ranking Member, Senate Appropriations Committee,
Washington, D.C.

DEAR MR. CHAIRMAN AND RANKING MEMBER: As part of the FY 2008 appropriations process, I have submitted requests for earmarks for FY 2008 appropriations bills or reports as required by the Senate Appropriations Committees and the individual Subcommittees.

I am writing you to certify that neither I nor a family member has a pecuniary interest in the FY 2008 earmark request I submitted in an October 17, 2007 amendment to H.R. 3043, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008. This

is in compliance with Senate Rule XXXVII (4).

Thank you for your leadership on the Appropriations Committee. If you or your staff has any questions or concerns, please do not hesitate to contact Will Sehestedt of my staff.

With best personal regards, I am

Sincerely,

MAX BAUCUS

Mr. HARKIN. Mr. President, we have worked through four more amendments. We are still working on others. Hopefully, soon we will have a unanimous consent proposal for tomorrow morning and linking up the votes beginning at 10 o'clock.

I say to Senators, if anyone out there has an amendment, there is no one on the floor. If anyone has an amendment they want to have offered, you would be well advised to do it tonight or you may not be able to do it tomorrow.

SANTA SUSANA FIELD LABORATORY

Mrs. FEINSTEIN. Mr. President, I would like to enter into a colloquy with Senators HARKIN and SPECTER concerning my amendment to the underlying bill, amendment 3403, which would provide compensation to qualifying individuals injured in the course of employment at the Santa Susana Field Laboratory in California. This amendment mirrors legislation I introduced in July to correct longstanding injustices to these nuclear workers and their families. Because of the revenue impact of this amendment, I have chosen not to call it up at this time. However, the plight of the Santa Susana Field Laboratory employees deserves mention as we debate this important bill.

In 1999, Congress approved the Energy Employee Occupational Compensation Program to provide a \$150,000 payment and medical benefits to workers who developed serious illnesses as a result of their work for the Department of Energy. The program has been plagued by slow processing times and roundly criticized by the families struggling to receive compensation for the deaths of loved ones.

I believe it is the responsibility of Congress to expand the Special Exposure Cohort to include qualifying Santa Susana Field Laboratory employees. This would allow eligible claims to be compensated without the completion of a radiation dose reconstruction or determination of the probability of causation. I would like to ask Senator HARKIN the chairman of the Appropriations Subcommittee Labor, Health and Human Services, Education, and Related Agencies, and Senator SPECTER, the ranking member of this subcommittee, whether they agree with me that Congress should expand the Special Exposure Cohort so that the claims of qualifying individuals can be processed more efficiently?

Mr. HARKIN. I believe it is important to compensate workers who have suffered as a result of their employment with the Department of Energy, and although the Energy Employee Occupational Compensation Program pro-

vides a process for compensating these victims, this process is often far too burdensome.

Mr. SPECTER. I agree with the senior Senator from California.

Mrs. FEINSTEIN. Santa Susana Field Laboratory employees played a significant role in keeping our Nation secure during the Cold War era. For example, many of these workers were instrumental in developing our nuclear weapons program. Unfortunately, many workers were not aware of the hazards at their workplace. Remarkably, no preventative equipment like respirators, gloves, or body suits was provided to workers.

Currently, over 600 claims for compensation have been filed by Santa Susana Field Lab workers. Ninety percent of those have been denied due to a lack of documentation or their inability to prove that they meet exposure thresholds. Santa Susana Field Lab workers and their families are faced with the burden of having to reconstruct exposure scenarios that existed nearly 40 years ago, in most cases with no records or documentation.

My amendment would cut the red tape by amending section 3621 of the Energy Employee Occupational Compensation Program Act of 2000 to treat employees of Santa Susana Field Laboratory as members of the Special Exposure Cohort. Individuals would be eligible for benefits if they worked at Santa Susana Field Lab for a total of 250 days and developed a serious illness that is known to be a result of exposure to radiation or other toxins at the Lab before January 1, 2006.

Employees who contracted specified cancers from exposure to radiation would receive at least \$150,000, and employees exposed to toxic chemicals would receive \$250,000. Additionally, my amendment would allow previously denied Santa Susana Field Lab claimants under the Energy Employee Occupational Compensation Program Act of 2000 the opportunity to reapply for compensation and medical benefits.

This is a matter that this body needs to address before it is too late. Do the chairman and ranking member of the subcommittee agree?

Mr. HARKIN. I agree with the remarks of the senior Senator from California.

Mr. SPECTER. I agree.

Mrs. FEINSTEIN. I thank my colleagues for their support. It is my hope that the Senate will soon address this matter so Santa Susana Field Laboratory workers and their families can finally receive the compensation they deserve.

COPD

Mr. CRAPO. Mr. President, my distinguished friend and colleague from Arkansas, Mrs. LINCOLN, and I rise to engage our colleague from Iowa Chairman HARKIN and our colleague from Pennsylvania in a colloquy.

I would like to share with my colleagues a pressing health concern facing the American public—COPD.

Chronic obstructive pulmonary disease, or COPD, is a growing public health threat in America. It is the fourth leading cause of death in the U.S. and is a major source of serious long-term disability. COPD kills more than 120,000 Americans each year—an average of one every 4 minutes.

Despite these alarming statistics, the United States does not have a coordinated approach to tracking COPD morbidity and mortality trends, identifying people at risk for COPD and ensuring they are evaluated by their physicians, and educating the public about the causes and symptoms of COPD.

Mr. HARKIN. I thank Senator CRAPO for his remarks. I agree that COPD is an important health threat facing the American public. In part that is why Senator SPECTER and I have fought hard to increase funding for the National Institutes of Health and the Centers for Disease Control and Prevention to address COPD and other pressing public health issues. Since 2003, the year after the NIH doubling was complete, funding into research on COPD has continued to increase by \$13 million at the National Institutes of Health. The bill before us, our Senate Labor-HHS bill includes a \$4.4 million increase for the CDC to work with at least seven additional States in fiscal year 2008 on preventing heart disease and stroke. I am very proud of these increases and I thank my colleague Senator SPECTER for helping to make them possible.

Mrs. LINCOLN. I thank the chairman for his thoughtfulness and dedication and would like to recognize the leadership of my colleague from Idaho on this important issue. I share Senator CRAPO's concern that COPD is a growing and largely unrecognized health problem in America. Today more than 12 million Americans are diagnosed with COPD, and research published by the CDC suggests that an additional 12 million Americans have undiagnosed COPD. That is 12 million Americans who have a debilitating and lethal disease but don't know it.

Equally alarming is the impact COPD is having on women. For several years, COPD was largely considered a disease of men. However, in 2000, the mortality rate for women for COPD exceeded that of men. Today, COPD is an equal opportunity killer.

I too am concerned that despite these statistics, the U.S. does not have a coordinated public health strategy to address COPD. Senator CRAPO and I would like to urge the CDC to begin developing a COPD response plan.

Mr. HARKIN. I thank the Senator from Arkansas for her consideration and I assure her that I will work with her and Senator CRAPO to ensure that the CDC is responsive to their concerns.

Mr. SPECTER. I appreciate Senator LINCOLN and Senator CRAPO for continuing to advocate on this important issue. I too will work with Chairman

HARKIN to ensure CDC is responsive to this issue and begins developing a national plan to address COPD.

LOW INCOME HOME ENERGY ASSISTANCE

Mr. REED. Mr. President, I would like to engage my colleagues, Senator HARKIN and Senator SPECTER, in a colloquy on the Fiscal Year 2008 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill.

I want to thank Senator HARKIN and Senator SPECTER for their work on this bill. The bill restores cuts proposed in the President's budget while balancing many important national priorities. The President's proposed budget request of \$141 billion for the programs funded by this bill is clearly inadequate and I am glad the Committee on Appropriations allocated additional funding to this bill. However, even with this additional funding, I recognize the difficult budget constraints facing the subcommittee as it tries to reverse previous funding cuts to important education, labor, and health and human service programs.

One program particularly important to working Americans families and seniors is the Low-Income Home Energy Assistance Program, or LIHEAP. I know the chairman and ranking member are strong supporters of this program. Studies have shown that energy insecurity affects the health, nutrition, and learning of children. LIHEAP provides vital assistance to families, disabled individuals, and seniors so they don't have to choose between eating and paying an energy bill. With utility shutoffs and arrears on the rise, we cannot afford to support the President's cut of \$379 million to the program. In my home State, utility shutoffs for nonpayment are at their highest level in 10 years. The State's data shows that through August, there were 20,326 shutoffs for the year. If this is not bad enough, the Energy Information Administration's Winter Outlooks estimates that the average household will spend \$891 to heat with natural gas this winter and a family heating with oil can expect to spend \$1,785 this winter. We need to increase LIHEAP funding, not cut it as proposed in the President's budget. I want to thank the chairman and ranking member for restoring funding to the Fiscal Year 2007 level, but it is my hope that in conference we will be able to raise LIHEAP funding to \$2.662 billion, the level provided in the House.

I would also like to bring another issue to your attention. The House bill contains report language that would direct the national center for public health informatics to continue to fund the establishment of a nationwide database of contact information for practicing physicians. In the event of a terrorist attack, natural disaster, or a pandemic, Federal agencies and State and local health departments could use this database to contact physicians to request their help. In my State of Rhode Island, the Rhode Island Medical

Board participated in the pilot project of this program. Based on the success of that pilot project, I support its expansion nationwide. I hope that in conference, we can keep this House report language.

Mr. HARKIN. Mr. President, I thank my colleague from Rhode Island for sharing his views with me on LIHEAP and the national center for public health informatics.

We are facing a real crisis in Iowa and across the Nation. Last year in Iowa the average LIHEAP benefit was reduced by 30 percent. With record energy costs projected for this winter, many Iowa families are worried about how they will pay their heating bills. No family should have to choose between paying an energy bill and putting food on the table for their children. For this reason I look forward to working with my colleague to increase funding for the LIHEAP program in conference.

Mr. SPECTER. Mr. President, the LIHEAP program benefits many families and seniors in Pennsylvania. It provides a vital safety net for these households so they do not have to make the choice between prescription drugs and heat, or paying a grocery bill or energy bill. I look forward to working with Chairman HARKIN and Senator REED on increasing funding for this program in conference.

GME PROGRAM

Mr. BOND. Mr. President, I wish to thank everyone for all their work in putting this bill together. I fully appreciate the significant challenges that Chairman HARKIN and Ranking Member SPECTER face in balancing spending priorities with limited resources. I want to thank them for restoring \$99 million in funding for the Children's Hospital GME program. Unfortunately, that level is still almost \$200 million below last year's level.

CHGME is a valuable investment. It made it possible for children's hospitals to sustain and expand their teaching programs without having to sacrifice their commitments to clinical care for all children and research to improve children's care. These hospitals are major safety net providers of inpatient and community-based ambulatory care for low-income children and—as most of us know—the hospitals we depend on to care for seriously and chronically ill children.

Spending has grown less than 4 percent over 5 years since the program was fully funded. Congress reauthorized the program with overwhelming bipartisan support last year and set a new funding level at \$330 million, which is based on continuing equity with Medicare GME. The House Labor-HHS appropriations bill funds the program at the \$307 million level, which I hope we can achieve in conference.

I know that both the chairman and the ranking member are strong supporters of this program, and it is my hope that we will be able to work together to secure the House number in conference.

Mrs. HUTCHISON. I join Senator BOND in his recognition of the challenges that Labor-HHS appropriations presents, and I sincerely appreciate the continued efforts of my colleagues to emphasize the importance of increased funding for CHGME. I support an increase in funding for CHGME to \$307 million, and I thank the chairman and ranking member for their support in trying to increase funding in conference.

The number of children throughout our country is rapidly increasing, and we must provide the necessary funding to train pediatricians and pediatric subspecialists at a pace that reflects the child population growth. For example, from 2000 to 2006, the number of children in my home State of Texas increased by an astounding 501,800, and the projected increase of children in Texas from 2006 to 2010 is over 346,000. CHGME funding helps provide access to pediatric medical services and ensures the needs of children are addressed with specialized health care.

CHGME is essential to ensuring that pediatricians and pediatric subspecialists in cardiology, emergency care, gastroenterology and other fields receive the necessary medical training to provide the best level of care to our children. In Texas, 60 percent of pediatric residents and 84 percent of pediatric subspecialists are trained at children's hospitals, and CHGME funding supports children's hospitals. Without this funding, we risk facing a national decline and ultimate shortage in the number of physicians that have received the specialized training to treat our smallest and youngest patients.

I support an increase in funding because CHGME strengthens each State's ability to retain pediatricians after completion of the residency program. Of the residents and fellows trained by CHGME hospitals, nearly 60 percent remain to practice in the State in which they completed their pediatric residency. In some States, this percentage is even higher.

Texas and the Nation depend heavily on children's hospitals to care for critically and seriously ill children, as well as the low-income children in their communities. Increasing CHGME funding is an investment in children's health. For these reasons, I proudly join my colleagues in emphasizing the importance of this issue, and I hope we can increase the funding for CHGME when we conference with the House of Representatives.

Mr. VOINOVICH. Mr. President, I join my colleagues in support of the Children's Hospital Graduate Medical Education Program, known by many as CHGME.

Medicare is the only provider of graduate medical education funding, but because children's hospitals care for the young not the elderly, they are unable to access funding provided by Medicare. To correct the disparity of

Federal support between adult teaching hospitals and freestanding children's teaching hospitals, Congress created the Children's Hospitals Graduate Medical Education Program in 1999.

CHGME allows our Nation's independent children's hospitals to train many of the pediatricians American children visit each day as well as almost all of the pediatric sub-specialists who care for our Nation's most fragile children. And through stabilizing pediatric education, CHGME has also advanced the patient care and research missions of some of the Nation's most trusted hospitals for children. Without this Federal assistance, these hospitals might be forced to sacrifice a part of their critical missions.

In the current fiscal year, the program is funded at \$297 million. I am proud to say that that over \$30 million of those funds—more than 10 percent of the total—has supported the training of pediatricians and pediatric specialists at six outstanding children's hospitals in Ohio. But more must be done, and I urge my colleagues to provide \$307 million for this program in fiscal year 2008.

In our country today there is a shortage in virtually every subspecialty of pediatrics. So it is noteworthy that the CHGME has led to the creation of fellowship programs to train pediatric specialists in areas of need such as pediatric endocrinology, surgical critical care, pediatric neurology, and child abuse and neglect—to name just a few.

The CHGME Program needs to be maintained as a sustainable and reliable source of funding for children's hospitals across the Nation.

Mr. SPECTER. I thank Senator BOND, Senator HUTCHISON, and Senator VOINOVICH. As I said in committee, I am committed to providing an increased level of funding for Children's Hospitals GME in conference. The children's hospitals in Pennsylvania exemplify everything they have said. They have been both regional and national leaders in centers of excellence in pediatric care and pediatric research—while meeting the needs of vulnerable and low income children across our State. Their teaching programs are an integral part of all they do—in providing services and making sure that children have the doctors they need.

My colleagues may not realize the continuing shortages in pediatric specialty care—which is centered in these institutions—or the waiting periods that all children and families face for nonemergency specialty care. CHGME has provided a cost effective and valuable program in providing enormous assistance to these children's hospitals and their ability to continue services and teaching. Most importantly, it directly benefits children's health care.

Mr. HARKIN. Children's Hospitals GME provides freestanding children's hospitals with the same support for graduate medical education that all other teaching hospitals receive through Medicare—as my colleagues

have said. In Iowa, we don't have freestanding children's hospitals—instead our children's hospitals are part of larger systems or institutions. Yet I have heard from our hospitals and pediatricians about the workforce shortages they face and how important this program is in making sure the children of my State get the best care possible. For that reason, I join Senator SPECTER in our commitment to working toward a higher level of funding for this program.

FUNDING FOR THE ORGAN DONATION AND RECOVERY ACT

Mr. DORGAN. Mr. President, I commend Chairman HARKIN and Ranking Member SPECTER for putting together a funding bill for the Departments of Labor, Health and Human Services, and Education that reflects our Nation's priorities making college more affordable, increasing our investment in medical research at the National Institutes of Health, restoring funding for critical rural health programs, and increasing our investment in a number of proven education programs.

I was pleased that the bill includes a \$2 million increase for the Division of Transplantation at the Health Resources and Services Administration to implement the Organ Donation and Recovery Act. There are currently more than 97,000 Americans on the organ transplant waiting list. Unfortunately, nearly 6,000 people on the list die every year while waiting for a transplant.

More than two-thirds of those on the waiting list suffer from end stage renal disease and are in need of a kidney transplant. The good news is that patients with end stage renal disease who require a kidney transplant no longer need to wait for a kidney from a deceased donor or from a blood relative. Advances in medical science now make it possible for friends and spouses to donate a kidney to a patient in need. The \$2 million increase provided in the bill for the Organ Donation and Recovery Act will help increase the number of donations from living donors by reimbursing travel and subsistence expenses for donors who could not otherwise afford to donate.

This modest investment will save lives. It also makes economic sense. Patients with end stage renal disease require dialysis, which is covered by Medicare. According to the Centers for Medicare and Medicaid Services, Medicare spends about \$55,000 per patient per year for dialysis. On average, patients with end stage renal disease wait four years before receiving a kidney transplant. This means that every kidney donation made from a living donor has the potential to reduce the number of people on the waiting list and save the government as much as \$220,000.

I hope the chairman and ranking member will continue to support this important program in conference and support maintaining the Senate funding level.

Mr. HARKIN. I share the Senator's support for organ donation, and I

thank my friend from North Dakota for his leadership on this issue. This program is a smart investment and one that I will work to sustain in conference. By helping pay the travel and subsistence costs of donors who could not otherwise afford to donate, we will save lives and reduce the number of people on the organ transplant waiting list.

Mr. SPECTER. I also strongly support efforts to increase the number of organ donors and will work to maintain this funding in conference.

Mr. DORGAN. I appreciate the Senators' support, and I look forward to working with them to support this program and other initiatives to increase the number of organ donors.

OBESITY

Mr. SPECTER. Mr. President, as you know, the rate of obesity, particularly in children, has reached epidemic proportions across our country. According to the Centers for Disease Control and Prevention, more than 60 percent of children between the ages of 9 and 13 do not participate in any organized physical activity outside of school hours.

Mr. HARKIN. I agree with the concerns raised by the Senator from Pennsylvania. Since the 1970s, the percentage of obesity has more than doubled for preschool children ages 2–5 years and adolescents aged 12–19 years, and more than tripled for children aged 6–11 years. As you know, I have a particular interest in fighting the obesity epidemic and have been very supportive of programs that increase physical activity and good nutrition, especially in children. The Centers for Disease Control and Prevention reported in 2000 that only 8 percent of elementary schools, 6.4 percent of middle/junior high schools and 5.8 percent of senior high schools offer daily physical education for the entire school year for students in all grades of the school.

Mr. SPECTER. The Centers for Disease Control and Prevention is doing significant work in this area, and I urge the Director to increase awareness in the area of obesity and work cooperatively with organizations that are researching, testing and developing innovative approaches to get children more physically active.

Mr. HARKIN. I agree with the recommendation from my colleague from Pennsylvania. Experts predict that the current generation of children could be the first in history to live shorter lives than their parents' generation. To fight this public health epidemic, it is going to take collaboration and partnership amongst all levels of government, community organizations, and businesses.

TEACHER QUALITY ENHANCEMENT PARTNERSHIP GRANTS

Mr. OBAMA. Mr. President, I wish to engage in a colloquy with the distinguished Senator from Iowa, Mr. HARKIN. I appreciate his efforts, as chairman of the Subcommittee on Labor, Health and Human Services, and Education, on the appropriations bill before us today. I commend his continual

efforts over the years to expand educational opportunities and to provide adequate funding and resources for all students.

The most important resource a school can offer is good teaching, which necessitates bringing more quality teachers into our classrooms, and making certain that when we recruit and prepare good teachers, we do so in a way that best ensures their success. This means providing them adequate preparation and ongoing support, especially in those pivotal first years in the classroom.

And so, I am grateful for the work of Senator HARKIN in our collaborative and bipartisan efforts on the Senate Committee on Health, Education, Labor, and Pensions, to strengthen provisions to realign the teacher enhancement partnership grants in the Higher Education Amendments with what we know works best in preparing teachers. We must recruit the best talents to become teachers, and we must work to provide adequate preparation and support, so that when talented individuals become teachers, they are successful and want to stay in the classroom. Research shows that new teachers are often less effective than teachers with even a few years of experience. But recent experience also shows that good preparation programs can accelerate the rate at which novice teachers become effective.

We must help new teachers get the preparation and mentoring they need. Teacher preparation too seldom provides the opportunity to learn under the guidance of expert mentors working in schools that effectively serve high-need students. Most new teachers lack this type of support, and so leave the profession before they experience the rewards of the profession. One effective way to provide such preparation is through teaching residency programs, which are established in partnerships among colleges or universities, school districts, and other community partners. It is essential that we provide support for such partnerships.

Even as colleges realize the effectiveness of mentoring and induction in preparing teachers, and in working with high-needs school districts to tailor programs to prepare prospective teachers for the challenges they will face, it is regrettable that the President proposed eliminating support for the partnership grants that fund these needed and innovative approaches. I commend the Senator from Iowa for working to safeguard funding at \$28.5 million, a level that ensures at least that current partnership grants can continue. But this level of funding is less than half of what was available last year, and \$11.5 million below what our colleagues in the House proposed. It is clearly inadequate for encouraging the types of partnerships, such as residencies, that are developing at several sites across the country. So I hope the Senator from Iowa can continue his efforts to make sure that teachers get the train-

ing they need, and can meet the funding level proposed by our colleagues in the House.

Mr. HARKIN. I appreciate the remarks of the Senator from Illinois, as well as his work in championing partnerships, such as teacher residencies, on the HELP Committee. I realize the importance of having a quality teacher in every classroom. I know that too many students in high-need schools, both in cities and in rural areas, are sometimes taught by inadequately prepared teachers. These teachers are asked to take on challenges that can be discouraging, or even overwhelming. And so we lose too many teachers, often before we find out how good they could become.

I thank the Senator from Illinois for recognizing what we have done to avoid the elimination of funding for these partnership programs. When this bill goes to conference, I look forward to working with my colleague from Illinois, and I will continue to try to increase the level of funding available for colleges and universities to partner, in new ways, to improve teacher preparation. Bringing more quality teachers into classrooms is a priority for me, and I agree with the Senator from Illinois that it is important to find resources to support effective programs to better prepare and to better support teachers.

Mr. SPECTER. I thank my colleagues for raising this issue, and agree to try to help support teacher preparation, using methods that are shown to be effective. We all recognize the importance of teacher quality, and I will continue to work with my colleagues on this issue.

Mr. OBAMA. I commend the work of the Senator from Iowa, and the Senator from Pennsylvania, in working to ensure that funding for education continues to be a priority. I look forward to continuing to work with them on this important issue.

CHILDHOOD LEAD POISONING PREVENTION

Mr. OBAMA. Mr. President, I wish to engage in a colloquy with the distinguished chairman from Iowa, Mr. HARKIN, and ranking member Mr. SPECTER from Pennsylvania. I appreciate their continued efforts to ensure fair allocation of funding for the health programs outlined in the bill before us. I also understand the difficulties in making these determinations. However, the recent recalls of child products have highlighted the continued threat of lead poisoning to children, and I believe that child lead poisoning prevention activities at the Centers for Disease Control would benefit dramatically from increased funding.

Lead is highly toxic, especially to young children. It can harm a child's brain, kidneys, bone marrow, and other organs. At high levels, lead can cause coma, convulsions, and death. The National Academy of Sciences has reported that comparatively low levels of lead exposure are harmful. Even low levels of lead found in blood of infants,

children, and pregnant women have been associated with impaired cognitive function, behavior difficulties, fetal organ development, and other problems. In addition, low levels of lead in children's blood can cause reduced intelligence, impaired hearing and reduced stature.

In the past 6 months, millions of products, primarily children's toys, have been recalled due to potentially harmful levels of lead. These sources of lead exposure are in addition to dangers of lead poisoning that already exist in the home from lead-based paints and lead plumbing. It is my belief that we should do more to support programs that target reduction of lead exposure and toxicity.

Towards that end, the Centers for Disease Control and Prevention through the National Center for Environmental Health has created the Childhood Lead Poisoning Prevention Program. The CLPPP plays a major role in the Federal interagency mission to eliminate childhood lead poisoning by 2010. The efforts put forth by the CLPPP include assistance in completing and implementing a Federal strategic plan to eliminate non-essential uses of lead in consumer items and to support State and local efforts to identify and treat children exposed to lead.

I thank the chairman for the increased funding this bill provides for the National Center for Environmental Health, and I hope he will work in conference to provide an increase for the CLPPP.

Mr. HARKIN. I share the concerns of my colleague from Illinois, Senator OBAMA, about lead poisoning in children. Despite the considerable progress made over the past few decades, much work remains to be done to protect our Nation's children. I am encouraged that the CDC is developing a hand-held lead screening device that will help to increase testing in underserved communities, who are especially at high risk for lead poisoning. This effort and other initiatives at CDC merit greater support and I will do my best in conference to increase funding for this important work.

Mr. SPECTER. I agree with the comments made by my distinguished colleague, Chairman HARKIN.

Mr. OBAMA. I commend the chairman and ranking member on their work and congratulate them on passage of this bill. We all agree that every child with lead poisoning is a preventable and needless tragedy, and I look forward to working with both of them to identify additional funds for the CLPPP during conference.

PUBLIC CHARTER SCHOOL FUNDING

Ms. LANDRIEU. Mr. President, I appreciate all of Chairman HARKIN's efforts in bringing this bill forward and thank him for his continued support of the Nation's public schools, including charter schools, which increase the academic achievement of our Nation's most low-income students. Unfortunately, the committee did not provide

enough funding for public charter schools.

Charter schools are public schools created by teachers, parents, and other community stakeholders to educate students of all backgrounds and educational abilities. In exchange for greater accountability for student achievement, these schools are free from many local and State regulations. This flexibility and accountability has allowed individuals with nontraditional backgrounds to create cultures that have made charter schools top academic performers often in some of the Nation's largest urban centers. Because of this unique approach to education, demand for these schools has been remarkable over the last decade. In New Orleans, charters schools have been an engine of our school systems rebirth. For the 2006-2007 school year almost 60 percent of New Orleans' public schools students were enrolled in charter schools, the largest market share of any city in the country. Charter schools are not a panacea, but they are a tremendously valuable piece of education reform, and we should be cautiously optimistic about their potential to help close the achievement gap. In my State, charter schools have come in and filled the intense need we faced following the hurricanes of 2006.

As the chairman knows, I have filed an amendment to restore funds to the Credit Enhancement Program. I understand the chairman is not in a position to be able to support that amendment at this time. Before I withdraw my amendment, I hope that the chairman will commit to support as much funding as possible for Public Charter Schools.

Mr. ALEXANDER. I join the Senior Senator from Louisiana in asking Chairman HARKIN and Senator SPECTER to provide as much funding as possible for public charter schools.

One of my last official acts as U.S. Secretary of Education in 1992 was to write a letter to every school superintendent in America urging them to create charter schools. I saw these charter schools as ways to remove burdensome rules, regulations, and overhead so that teachers could have more opportunities to use their good judgment to help children and so parents could have more choices of schools.

Today, there are over 4,000 charter schools serving more than 1.15 million students in 40 States and the District of Columbia. Over half of these schools report having waiting lists, averaging 166 students.

I am pleased that 12 charter schools have opened in Tennessee since passage of the State's charter school law in 2002. Ten of these charter schools are located in Memphis, where they enjoy critical support from local school officials, dedicated private partners, and philanthropic organizations.

Charter schools play a unique role in public education by offering students a variety of options to meet their different learning needs and styles. They

vary in specific mission and focus but not in their commitment to excellence and preparing students to succeed. In return for autonomy and freedom from burdensome regulations and policies, they accept strict accountability for academic and fiscal success. If charter schools fail to educate their students well and meet the goals of their charters, they are closed.

I expect that we will see charter schools continue to expand across the Nation as word of their success spreads. Five years ago, the President signed into law the No Child Left Behind Act, which contains several programs that support charter school development and provides school districts with the option of converting low-performing schools into charter schools.

It is my hope that the leadership of the Labor-HHS-Education appropriations subcommittee can look at every possible option, in consultation with the House, to support as much funding as possible for this worthy program.

Mr. HARKIN. Mr. President, I thank the Senators from Louisiana and Tennessee for their interest in this matter and for their request. Yes, I agree to support as much funding as possible for public charter schools.

Ms. LANDRIEU. Mr. President, I thank the chairman.

Mrs. MURRAY. Mr. President, this bill is about making sure families have access to health care and children get a good education. It supports cutting-edge research, helps build a skilled workforce, and ensures that crucial services are in reach for people who most need them. Most important, it gives Americans hope that their Government is working for them.

These programs help every family and every community. They are priorities for me. I know they are priorities back home. So I want to thank Senator HARKIN and Senator SPECTER for their leadership and important work on this bipartisan bill.

These programs should be priorities for this administration too. Unfortunately, President Bush has threatened to veto this legislation. He opposes this bill because it represents an increase over his requested budget. He says it is "irresponsible and excessive." Yet the \$9 billion increase over the President's request represents a fraction of the \$190 billion in emergency spending he wants this year for Iraq and Afghanistan. It is less than the \$10 billion he spends in Iraq in one month alone. As the President has waged war overseas, our education, job training, and health systems have been left to cope with unfunded mandates and empty promises. That—not this bill—is what is "irresponsible and excessive." This bill simply restores some of the money the President cut and takes a modest step forward after years of going in the wrong direction.

Among other things, this bill boosts American competitiveness by investing \$4.8 billion in job training and career and technical education when the

President would have cut these programs by more than \$1 billion. It adds \$1 billion to expand critical research at the National Institutes of Health, reversing years of stagnant budgets. And it strengthens education and health care by providing money for Head Start, school improvement, and community health centers.

This bill recognizes how important access to quality health care is for working families. While the President's budget neglected the uninsured and those with limited access to health care, the Senate bill invests an additional \$250 million over the President's request in the community health center program. This will help those families get medical care without having to seek it in the emergency room. We have all heard stories about how overburdened emergency rooms are by patients who seek care there because they don't have health insurance or are underinsured. But access to a doctor can prevent a child's earache from turning into a serious infection, and it can make sure a father gets screening and preventive care so that he doesn't develop a serious and expensive form of cancer.

This bill also makes investments in another critical health care concern—making sure we have enough doctors and nurses and other health care professionals. Last week, I heard about it again in roundtables I held across the State.

This bill provides \$357 million for the Health Professions and Nursing Programs to recruit and hire new health care professionals—that is \$242 million over the President's proposal. Of this, \$169 million is for nursing education. That is \$20 million over last year's level. Our nurses are the front line of care in hospitals and nursing homes. This will help address the serious nursing shortage we already face.

It is also important that we provide opportunities and encouragement for students who want to go into nursing so that we can replace these retiring caregivers and meet the increasing demand for nursing care. I applaud the committee for recognizing this looming concern, and I repeat that the time to invest in our health care system is now—before these problems become an urgent issue. We can't afford to wait.

This bill also supports our scientists and our biotech industry by funding landmark research. The President's budget would have eliminated hundreds of research grants from the National Institutes of Health—money that could lead to cures or treatments for cancer, MS, and diabetes, among other diseases. This is on top of years of inadequate funding for NIH. The Senate bill adds \$1 billion for NIH funding nationally.

This allows scientists at prestigious universities—including the University of Washington—to continue their innovative medical and biotech research. It also will provide hope for people with serious diseases—hope that they won't

have if this research is cut off because of lack of funding.

We have heard the President say that education is one of his top priorities. That is why it is so frustrating to me that he is threatening to veto this bill. I am committed to ensuring Federal funds are there to help build and improve our Nation's schools. Strong schools make strong communities. We want everyone in this country to have a promising future and a promising job—and education is how you get there.

The Senate bill supports increased funding for Pell grants that help kids afford college when they might not otherwise have had a chance to get a college degree. It increases funding for school improvement by \$500 million. It sends \$1 billion in badly needed money to help schools in low-income communities raise children's achievement levels and provide more opportunities for learning. And it reverses the President's proposed \$100 million cut to Head Start.

As a mom, a former preschool teacher, and school board president, I saw firsthand that giving kids a boost early on can pay off in the future. Reaching kids early makes them more likely to graduate and succeed. This isn't frivolous spending. The money we spend on education today will help children grow into better educated, better prepared workers.

Providing Americans with the skills they need to excel in the global economy while keeping them safe on the job are very basic needs that every working family has the right to expect from their Government. That is why I continue to be baffled by the administration's lack of commitment to workers in our Nation. With strong bipartisan support for this bill, the Senate is proud to stand with working families and support the priorities that shape their daily lives.

When I travel around my home State of Washington, employers tell me they are desperate to find workers with the skills they need to grow their businesses. And we have thousands of people on waiting lists hoping to get trained for these family-wage jobs. Yet for the last 7 years, the President has proposed hundreds of millions of dollars in cuts for job-training programs, shutting the door to millions of dislocated workers, youth and disadvantaged adults who deserve to share in the American dream.

Under his watch, worker safety on the job has also been put at risk. With OSHA's lack of enforcement, workers are unprotected. And today's miners continue to work under an administration that values voluntary compliance above safety and enforcement. This is the wrong direction for working families and the wrong priority for America.

How do we begin to solve it? Well, one thing is clear—it isn't by cutting \$1 billion dollars in job training funds at a critical time in our economic

growth, as the President has proposed, nor is it by proposing hundreds of millions of dollars in cuts to job training programs, as he has one over the last 7 years. This bill rejects the President's misguided cuts and goes to great lengths to maintain a viable workforce and training system. If we want our local businesses and our Nation to be competitive in the global economy, we must make skills training for every worker a national priority. This bill does that.

For some here in the Senate, this might be an abstract debate about Federal funding. But this debate is about real people. It is about 30 kids in a classroom and a teacher struggling to make sure they succeed. It is about hardworking parents searching for a way to get health care for their families when it isn't provided by their employers. And it is about workers who need training that will help them get a job that pays enough to support a family.

When I travel around Washington State, people tell me they want hope and change. Whether it is the war in Iraq or gas prices or access to health insurance—people feel a real weight on their shoulders. They are looking for a light at the end of the tunnel, and by vetoing these important bills—and failing to invest in the health, safety, and economic future of all Americans—the President keeps putting out that light.

Mr. President, in this bill, we are investing more than \$7 billion over last year in the future of our country. I urge all my colleagues to support this legislation on behalf of the millions of American children and families who would benefit.

And I hope the President is listening.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 3043 tomorrow, Senator ENZI be recognized to call up amendment No. 3437 and there be 30 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the amendment be temporarily set aside, and Senator DEMINT be recognized to call up amendment No. 3387, and there be 20 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the amendment be temporarily set aside, and the Senate then resume the Roberts amendment No. 3365, and there be 10 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate resume consideration of the Coburn amendment No. 3358, and there be 20 minutes of debate equally divided and controlled prior to a vote; that upon the use or yielding back of time, the Senate return to the Enzi amendment and vote in relation to the amendment; that upon disposition of that amendment, the Senate resume the DeMint amendment and vote in relation to the amendment; that upon disposition of the DeMint amendment, the Senate

proceed to vote in relation to the Roberts amendment; that upon disposition of that amendment, the Senate proceed to vote in relation to the Coburn amendment No. 3358; that there be 2 minutes of debate prior to each vote, equally divided and controlled, with no amendments in order to any of the amendments covered in this agreement prior to the vote; and that after the first vote, the vote time be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. So, Mr. President, this ends our business for this evening, so that when the Senate comes in tomorrow morning, we will have four amendments that will take about an hour, and then there will be four votes that will start. They will be stacked votes, and they will then take place 1 hour after we come in.

Again, I say that if we come in at 10 in the morning and this takes an hour and then we vote on four amendments, that will take us just about to the noon hour, and we are supposed to finish by 12:30. So I say again, if Senators have amendments, it looks as if they may be getting crowded out, unless they get over here in a hurry.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

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

HONORING OUR ARMED FORCES

STAFF SERGEANT ERIC THOMAS DUCKWORTH

Mr. SALAZAR. Madam President, I want to take a moment to reflect on the life and service of SSG Eric Thomas Duckworth of the 759th Military Police Battalion, 89th Military Police Brigade, stationed at Fort Carson, CO. Sergeant Duckworth was killed when a bomb detonated near his vehicle as he was leading a convoy through Baghdad. He was 26 years old—a father, a son, a husband, and a proud soldier.

Sergeant Duckworth grew up in Plano, TX, an active young man with dreams of serving his country. He played baseball and football in high school and, in the time not devoted to studies and athletics, devoted himself to the ROTC. It was clear from an