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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

The PRESIDING OFFICER. Today's opening prayer will be offered by Captain Margaret Kibben, United States Navy.

PRAYER

The guest chaplain offered the following prayer:

Let us pray.

Gracious Creator, whose presence permeates like sunlight, whose mercy is revealed through Your ceaseless compassion, and whose authority has called the world into being, we call on You to bring forth this day in accordance with Your grace plan.

As the men and women who serve in the Senate gather together in this Chamber to exercise the processes of power and politics, remind them that it is Your transcendence that presides over today's deliberations, Your merciful will that guides the political debate, and Your ultimate authority that is the source and foundation of their objectives.

So reminded, ordain these elected officials this day to wield this Nation's legislative power guided by Your presence; to engage in partisan discourse in response to Your mercy; and to align their objectives in accordance with Your authority, so that all that is said and done here may reflect Your presence, Your mercy, and Your power.

We stand in Your grace and pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 23, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MARKING THE 24TH ANNIVERSARY OF THE U.S. MARINE BARRACKS BOMBING IN BEIRUT, LEBANON

Mr. McCONNELL. Mr. President, normally the majority leader would proceed first. Since he is not on the floor at the moment, I wish to make a few remarks on leader time here as we get started.

I rise today in honor of the 241 U.S. marines, sailors, and soldiers who were killed in a despicable suicide bombing attack on the U.S. Marine barracks in Beirut, Lebanon. That attack occurred 24 years ago today on October 23, 1983.

President Ronald Reagan had dispatched U.S. forces in 1982 to maintain the peace in Lebanon. On the morning of October 23, one Lebanese terrorist drove a truck packed with explosives through three guard posts and a barbed-wire fence, straight into the

lobby of the U.S. Marine Corps' headquarters. The bomb exploded with the force of 18,000 pounds of dynamite. It transformed the four-story cinder block building into rubble.

It was so powerful, the U.S. District Court for the District of Columbia later described it as "the largest non-nuclear explosion that had ever been detonated on the face of the Earth."

Some of the men and women lost that day were murdered in their sleep. Others who saw the truck come crashing in may have seen the face of the enemy as their last sight on Earth. Either way, 241 Americans wearing their country's uniform were killed in a brutal attack that shocked America and the world.

Five Kentuckians were among the 241 who died in that attack. They were: PFC Sidney James Decker, U.S. Marine Corps, of Clarkson, KY; LCpl Virgil D. Hamilton, U.S. Marine Corps, of McDowell, KY; Hospital Corpsman 3rd Class Robert S. Holland, U.S. Navy, of Gilbertsville, KY; SGT Thomas C. Keown, U.S. Marine Corps, of Louisville, KY; and SGT Daniel S. Kluck, U.S. Army, of Owensboro, KY.

Terrorists and their favorite tactic—the suicide attack—are still with us today. Thankfully for America, so are the U.S. Marines.

Founded in 1775, the U.S. Marine Corps has been "at the tip of the spear" in every one of this Nation's wars, and they will never be stopped by a terrorist's suicide attack. This November, the country will celebrate the Corps' 232nd birthday, and thank them for defending our freedoms.

By taking the fight to the terrorists wherever they hide, the Marines have put terrorists on the defensive, making it less likely they will hit us again here at home. By their courage on the battlefield and constant risk of danger, today's Marines honor every one of their forebears who died defending our country.

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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America still remembers her brave men and women lost in the Marine barracks bombing of 1983. We honor them and their families for their sacrifice. We continue to fight terror today with a steady hand, even if it is at times paired with a heavy heart. And we are proud of the brave men and women who fight for their country against the would-be terrorists of today and tomorrow.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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 assistant 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. 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.

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 childcare grant program.

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.

Chambliss modified amendment No. 3391 (to amendment No. 3325), to provide for a declaration of a public health emergency with respect to Sumter County, GA.

Cardin amendment No. 3400 (to amendment No. 3325), to provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program.

Landrieu amendment No. 3446 (to amendment No. 3325), relative to the Elementary and Secondary School Counseling program.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we entered into a unanimous consent agreement last night. I will repeat it for the benefit of Senators.

Senators should be aware that we will now start a series of debates and we will stack the votes. The first amendment will be the amendment of the Senator from Wyoming, Mr. ENZI, amendment No. 3437. There will be 30 minutes of debate equally divided. That will be the first one.

The second one will be the amendment of the Senator from South Carolina, Mr. DEMINT; that is amendment No. 3387. There will be 20 minutes of debate equally divided.

The third one would be the amendment No. 3365 by the Senator from Kansas, Senator ROBERTS. There will be 10 minutes of debate equally divided.

Then the fourth one would be the amendment No. 3358 offered by the Senator from Oklahoma, Senator COBURN. There will be 20 minutes of debate equally divided. At the end of all of that time, the Senate will proceed to vote on and in relation to those amendments.

We are ready for the amendment of the Senator from Wyoming as soon as he arrives, and he is here.

AMENDMENT NO. 3437 TO AMENDMENT NO. 3325

Mr. ENZI. Mr. President, I call up amendment No. 3437.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3437.

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

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

The amendment is as follows:

AMENDMENT NO. 3437

(Purpose: To prohibit the use of funds to modify certain HIV/AIDS funding formulas)

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

SEC. _____. Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

Mr. ENZI. Mr. President, at the present time, the last numbers that I saw, Congress's approval rating was 12 percent. There is a reason for that. We have been nibbling around the edges on a lot of things, and we have been doing earmarks. I have an amendment that deals with one of the most egregious earmarks I have seen.

Less than a year ago we passed a bill in this body unanimously, that the House then passed unanimously, that addressed the Ryan White AIDS program, and it included transparency, it included accountability, and it included a change in the formula. The change in the formula gave some protection to those who have had a declining population, but it allowed the

money to follow the people who had the problem.

Today, in this bill, there is an earmark that provides for money now to go to people who may no longer even exist—people who are dead. It is a way that they are trying to change the authorization process we went through so meticulously, so unanimously, in such a way that it undoes it in an appropriations bill. We shouldn't be changing law in an appropriations bill. We especially shouldn't be changing law for a specific area of the country in an appropriations bill. That is why I bring this amendment.

I want to discuss the Ryan White program and the need to ensure that this Labor-HHS bill does not undo our recent work. Last December, after months of negotiations, the House and the Senate passed a new 3-year Ryan White reauthorization. Most importantly, we ensured that those new formulas focused on the lifesaving treatment by including individuals with HIV, not just AIDS.

One of the key items that delayed this reauthorization for months was the careful negotiations surrounding the funding formulas. In that bipartisan, bicameral agreement, we were very clear about the implications of those new formula changes. We provided GAO data runs that were nearly identical to how the funding has been distributed. I hope everybody takes a look at those GAO data runs.

Those funding formulas also included hold-harmless provisions to ensure the formula funding would not decrease by more than 5 percent from the previous year. While I would have preferred no hold-harmless provisions or ones that allowed for more dramatic fluctuations so the money could follow the HIV-infected person, that was what we agreed upon a few short months ago.

We didn't pull the wool over anyone's eyes; we provided clear information about the implications about those funding formulas. Now, with one simple pen stroke, the House majority would like to undo all of those carefully crafted, bipartisan, bicameral compromises and insert a new hold-harmless provision with little thought to how this change will affect others. I am pleased to note that the Senate did not include this egregious provision, and I hope today the Senate will go on record for opposing doing so.

What is even more ridiculous is that this provision primarily benefits San Francisco, a city that continues to receive funding to care for dead people. San Francisco received two-thirds of the \$9 million available, racking up \$6 million of new dollars. All the while, nearly every other city would have reduced funding just so San Francisco can receive more riches. That additional \$6 million is not based on the number of people they are treating or on how many new cases they have. As a hold-harmless provision, it is related to what that city has received before.