

“(III) gasoline;
 “(IV) heating oil;
 “(V) diesel fuel;
 “(VI) electricity;
 “(VII) propane; and
 “(VIII) natural gas.

“(iii) REPORTABLE CONTRACT.—The term ‘reportable contract’ means—

“(I) a contract, agreement, or transaction involving an energy commodity, executed on an electronic trading facility, or

“(II) a contract, agreement, or transaction for future delivery involving an energy commodity for which the underlying energy commodity has a physical delivery point within the United States and that is executed through a domestic terminal.

“(B) RECORD KEEPING.—The Commission, by rule, shall require any person holding, maintaining, or controlling any position in any reportable contract under this section—

“(i) to maintain such records as directed by the Commission for a period of 5 years, or longer, if directed by the Commission; and

“(ii) to provide such records upon request to the Commission or the Department of Justice.

“(C) REPORTING OF POSITIONS INVOLVING ENERGY COMMODITIES.—The Commission shall prescribe rules requiring such regular or continuous reporting of positions in a reportable contract in accordance with such requirements regarding size limits for reportable positions and the form, timing, and manner of filing such reports under this paragraph, as the Commission shall determine.

“(D) OTHER RULES NOT AFFECTED.—

“(i) IN GENERAL.—Except as provided in clause (ii), this paragraph does not prohibit or impair the adoption by any board of trade licensed, designated, or registered by the Commission of any bylaw, rule, regulation, or resolution requiring reports of positions in any agreement, contract, or transaction made in connection with a contract of sale for future delivery of an energy commodity (including such a contract of sale), including any bylaw, rule, regulation, or resolution pertaining to filing or recordkeeping, which may be held by any person subject to the rules of the board of trade.

“(ii) EXCEPTION.—Any bylaw, rule, regulation, or resolution established by a board of trade described in clause (i) shall not be inconsistent with any requirement prescribed by the Commission under this paragraph.

“(E) CONTRACT, AGREEMENT, OR TRANSACTION FOR FUTURE DELIVERY.—Notwithstanding sections 4(b) and 4a, the Commission shall subject a contract, agreement, or transaction for future delivery in an energy commodity to the requirements established by this paragraph.”.

(b) CONFORMING AMENDMENTS.—Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended—

(1) in the first sentence—

(A) by inserting “or by an electronic trading facility operating in reliance on section 2(h)(3)” after “registered by the Commission”; and

(B) by inserting “electronic trading facility,” before “or such board of trade”; and

(2) in the second sentence, by inserting “or by an electronic trading facility operating in reliance on section 2(h)(3)” after “registered by the Commission”.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. HARKIN, Mr. BINGAMAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. DODD, Mr. DURBIN, Mrs. BOXER, Mr. KERRY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LEVIN, Mr. AKAKA, Ms. CANTWELL, and Mr. MENENDEZ):

S. 578. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's a privilege to join my Senate and House colleagues in introducing the “Protecting Children's Health in Schools Act of 2006.” This bill will ensure that the Nation's 7 million school children with disabilities will have continued access to health care in school.

In 1975, the Nation made a commitment to guarantee children with disabilities equal access to education. For these children to learn and thrive in schools, the integration of education with health care is of paramount importance. Coordination with Medicaid makes an immense difference to schools in meeting the needs of these children.

This year, however, the Bush Administration has declared its intent to end Medicaid reimbursements to schools for the support services they need in order to provide medical and health-related services to disabled children. The Administration is saying “NO” to any further financial help to Medicaid-covered disabled children who need specialized transportation to obtain their health services at school. It is saying “NO” to any legitimate reimbursement to the school for costs incurred for administrative duties related to Medicaid services.

It's bad enough that Congress and the Administration have not kept the commitment to “glide-path” funding of IDEA needs in 2004. Now the Administration proposes to deny funding to schools under the Federal program that supports the health needs of disabled children. It makes no sense to make it so difficult for disabled children to achieve in school—both under IDEA and the No Child Left Behind.

At stake is an estimated \$3.6 billion in Medicaid funds over the next five years. Such funding is essential to help identify disabled children and connect them to services that can meet their special health and learning needs during the school day.

This decision by the Administration follows years of resisting Medicaid reimbursements to schools that provide these services, without clear guidance on how schools should appropriately seek reimbursement.

The “Protecting Children's Health in Schools Act” recognizes the importance of schools as a site of delivery of health care. It ensures that children with disabilities can continue to obtain health services during the school day. The bill also provides for clear and consistent guidelines to be established, so that schools can be held accountable and seek appropriate reimbursement.

The legislation has the support of over 60 groups, including parents,

teachers, principals, school boards, and health care providers—people who work with children with disabilities every day and know what is needed to facilitate their growth, development, and long-term success.

I urge all of our colleagues to join us in supporting these children across the Nation, by providing the realistic support their schools need in order to meet these basic health care requirements of their students.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—DESIGNATING APRIL 2007 AS “NATIONAL AUTISM AWARENESS MONTH” AND SUPPORTING EFFORTS TO INCREASE FUNDING FOR RESEARCH INTO THE CAUSES AND TREATMENT OF AUTISM AND TO IMPROVE TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. FEINGOLD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 78

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is 4 times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately \$80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-aged children with autism is often more than \$30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of \$90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas designating April 2007 as “National Autism Awareness Month” will increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2007 as “National Autism Awareness Month”;;

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best

methods of early intervention and treatment, expand programs for individuals with autism across their lifespans, and promote understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) supports the Federal Government's more than 30-year-old commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(6) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(7) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

SENATE RESOLUTION 79—RELATIVE TO THE DEATH OF REPRESENTATIVE CHARLES W. NORWOOD, JR., OF GEORGIA

Mr. REID (for himself, Mr. McCONNELL, Mr. CHAMBLISS, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 79

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Charles W. Norwood, Jr., late a Representative from the State of Georgia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 80—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF OREGON V. REBECCA MICHELSON, MICHELE DARR, AND VERNON HUFFMAN

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 80

Whereas, in the cases of *State of Oregon v. Rebecca Michelson* (2101093-1), *Michele Darr* (2101093-2), and *Vernon Huffman* (2101093-3), pending in Multnomah County Circuit Court in Portland, Oregon, testimony and documents have been requested from Kellie Lute, an employee in the office of Senator Gordon Smith;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any

subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Kellie Lute and any other employees or Senator Smith's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of *State of Oregon v. Rebecca Michelson*, *Michele Darr*, and *Vernon Huffman*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Kellie Lute and other employees of Senator Smith's staff in the actions referenced in section one of this resolution.

SENATE CONCURRENT RESOLUTION 11—PROVIDING THAT ANY AGREEMENT RELATING TO TRADE AND INVESTMENT THAT IS NEGOTIATED BY THE EXECUTIVE BRANCH WITH ANOTHER COUNTRY COMPLY WITH CERTAIN MINIMUM STANDARDS

Mr. FEINGOLD submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 11

Whereas there is general consensus among the people of the United States and the global community that, with respect to international trade and investment rules—

(1) global environmental, labor, health, food security, and other public interest standards must be strengthened to prevent a global "race to the bottom";

(2) domestic environmental, labor, health, food security, and other public interest standards and policies must not be undermined, including those based on the use of the precautionary principle (the internationally recognized legal principle that holds that, when there is scientific uncertainty regarding the potential adverse effects of an action, a product, or a technology, a government should act in a way that minimizes the risk of harm to human health and the environment);

(3) provision and regulation of public services such as education, health care, transportation, energy, water, and other utilities are basic functions of democratic government and must not be undermined;

(4) raising standards in developing countries requires additional assistance and respect for diversity of policies and priorities;

(5) countries must be allowed to design and implement policies to sustain family farms and achieve food security;

(6) healthy national economies are essential to a healthy global economy, and the right of governments to pursue policies to maintain and create jobs must be upheld;

(7) the right of State and local and comparable regional governments of all countries to create and enforce diverse policies must be safeguarded from imposed downward harmonization; and

(8) rules for the global economy must be developed and implemented democratically and with transparency and accountability;

Whereas many international trade and investment agreements in existence and currently being negotiated do not serve these interests; and

Whereas many international trade and investment agreements in existence have caused substantial harm to the health and well-being of communities in the United States and within countries that are trading partners of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That any agreement relating to trade and investment that is negotiated by the executive branch with another country should comply with the following:

(1) REQUIREMENTS APPLYING TO ALL COUNTRIES.—

(A) INVESTOR AND INVESTMENT POLICY.—If the agreement includes any provision relating to foreign investment, the agreement may not permit a foreign investor to challenge or seek compensation because of a measure of a government at the national, State, or local level that protects the public interest, including a measure that protects public health, safety, and welfare, the environment, and worker protections, unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against a foreign investor or foreign investment.

(B) SERVICES.—The agreement, to the extent applicable, shall comply with the following:

(i) IN GENERAL.—The agreement may not provide for disciplinary action against a government measure relating to—

(I) a public service, including public services for which the government is not the sole provider;

(II) a service that requires extensive regulation;

(III) an essential human service; and

(IV) a service that has an essentially social component.

(ii) SERVICES DESCRIBED.—A service described in clause (i) includes a public benefit program, health care, health insurance, public health, child care, education and training, the distribution of a controlled substance or product (including alcohol, tobacco, and firearms), research and development on a natural or social science, a utility (including an energy utility, water, waste disposal, and sanitation), national security, maritime, air, surface, and other transportation services, a postal service, energy extraction and any related service, and a correctional service.

(iii) REVISION OF COMMITMENTS.—The agreement shall permit a country that has made a commitment in an area described in clause (i) to revise that commitment for the purposes of public interest regulation without any financial or other trade-related penalty.

(iv) SUBSIDIES AND GOVERNMENT PROCUREMENT.—The agreement shall ensure that any rule governing a subsidy or government procurement fully protects the ability of a government to support and purchase a service in a way that promotes economic development, social justice and equity, public health, environmental quality, human rights, and the rights of workers.

(v) REGULATION OF FOREIGN INVESTORS.—The agreement shall guarantee that all governments that are parties to the agreement may regulate foreign investors in services and other service providers in order to protect public health and safety, consumers, the environment, and workers' rights, without requiring the governments to establish their regulations to be the least burdensome option for foreign service providers.

(C) ENVIRONMENTAL, LABOR, AND OTHER PUBLIC INTEREST STANDARDS.—The agreement—

(i) may not supersede the rights and obligations of parties under multilateral environmental, labor, and human rights agreements;

(ii) shall, to the extent applicable, include commitments—

(I) to adhere to specified workers' rights and environmental standards;

(II) to enforce existing domestic labor and environmental provisions; and

(III) to abide by the core labor standards of the International Labor Organization; and

(iii) shall subject the commitments described in clause (ii) to binding enforcement on the same terms as commercial provisions.

(D) **FOOD SAFETY.**—The agreement may not—

(i) require international harmonization of food safety standards in a manner that undermines the level of human health protection provided under the laws of a country; or

(ii) restrict the ability of governments to enact policies to guarantee the right of consumers to know where and how food is produced.

(E) **AGRICULTURE AND FOOD SECURITY.**—The agreement may not, with respect to food and other agricultural commodities—

(i) contain provisions that prevent countries from—

(I) establishing domestic and global reserves;

(II) managing supply;

(III) enforcing antidumping provisions;

(IV) ensuring fair market prices; or

(V) vigorously enforcing antitrust laws, in order to guarantee competitive markets for family farmers; or

(ii) prevent countries from developing the necessary sanitary and phytosanitary standards to prevent the introduction of pathogens or other potentially invasive species that may adversely affect agriculture, human health, or the environment.

(F) **GOVERNMENTAL AUTHORITY.**—The agreement may not contain provisions that bind national, State, local, or comparable regional governments to limiting regulatory, taxation, spending, or procurement authority—

(i) without sufficient transparency as described in paragraph (4), including an opportunity for public review and comment; and

(ii) without the explicit, informed consent of the national, State, local, or comparable regional legislative body concerned.

(G) **ACCESS TO MEDICINES AND SEEDS.**—

(i) **MEDICINES.**—The agreement may not contain provisions that prevent countries from taking measures to protect public health by ensuring access to medicines.

(ii) **SEEDS.**—The agreement may not constrain the rights of farmers to save, use, exchange, or sell farm-saved seeds and other publicly available seed varieties.

(2) **REQUIREMENTS APPLYING TO ONLY THE UNITED STATES.**—

(A) **TEMPORARY ENTRY OF WORKERS.**—The agreement may not—

(i) make a new commitment on the temporary entry of workers, because such policies should be determined by the Congress, after consideration by the congressional committees with jurisdiction over immigration, to avoid an array of inconsistent policies; or

(ii) include any policy that fails to—

(I) include labor market tests that ensure that the employment of temporary workers will not adversely affect other similarly employed workers;

(II) involve labor unions in the labor certification process implemented under the immigration program for temporary workers granted nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(H)(i)(b)), including the filing by an employer of an appli-

cation under section 212(n)(1) of that Act (8 U.S.C. 1182(n)(1)); or

(III) guarantee the same workplace protections for temporary workers that are available to all workers.

(B) **POLICIES TO SUPPORT UNITED STATES WORKERS AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES.**—The agreement shall preserve the right of Federal, State, and local governments to maintain or establish policies to support United States workers and small, minority, or women-owned businesses, including policies with respect to government procurement, loans, and subsidies.

(C) **UNITED STATES TRADE LAWS.**—The agreement may not—

(i) contain a provision that modifies or amends, or requires a modification of or an amendment to, any law of the United States regarding safeguards from unfair foreign trade practices, including any law providing for—

(I) the imposition of countervailing or antidumping duties;

(II) protection from unfair methods of competition or unfair acts in the importation of articles;

(III) relief from injury caused by import competition;

(IV) relief from unfair trade practices; or

(V) the imposition of import restrictions to protect national security; or

(ii) weaken the existing terms of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, or the Agreement on Subsidies and Countervailing Measures, of the World Trade Organization, including through the domestic implementation of rulings of dispute settlement bodies.

(D) **FOOD SAFETY.**—The agreement may not—

(i) restrict the ability of the United States to ensure that food products entering the United States are rigorously inspected to establish that they meet all food safety standards in the United States, including inspection standards; or

(ii) force the United States to accept different food safety standards as "equivalent", in a manner that undermines the level of human health protection provided under domestic law.

(3) **TREATMENT OF DEVELOPING COUNTRIES.**—The agreement shall grant special and differential treatment for developing countries with regard to the timeframe for implementation of the agreement as well as other concerns.

(4) **TRANSPARENCY.**—

(A) **IN GENERAL.**—The process of negotiating the agreement shall be open and transparent, including through—

(i) prompt and regular disclosure of full negotiating texts; and

(ii) prompt and regular disclosure of negotiating positions of the United States.

(B) **PUBLIC AVAILABILITY OF OFFERS AND REQUESTS.**—In negotiating the agreement, any request or offer relating to investment, procurement, or trade in services must be made public within 10 days after its submission if such request or offer—

(i) proposes that specific Federal, State, or local laws or regulations in the United States, including subsidies, tax rules, procurement rules, professional standards, and rules on temporary entry of persons, be changed, eliminated, or scheduled under the agreement;

(ii) proposes to cover under the agreement—

(I) specific essential public services, including public benefits programs, health care, education, national security, sanitation, water, energy, and other utilities; or

(II) private service sectors that require extensive regulation or have an inherently social component, including maritime, air transport, trucking, and other transportation services, postal services, utilities such as water, energy, and sanitation, corrections, education and childcare, and health care; or

(iii) proposes an action or process of general application that may interfere with the ability of the United States or State, local, or tribal governments to adopt, implement, or enforce laws and regulations identified in clause (ii)(I) or to provide or regulate services identified in clause (ii)(II).

(C) **REPRESENTATION OF INTERESTS.**—The broad array of constituencies representing the majority of the people of the United States, including labor unions, environmental organizations, consumer groups, family farm groups, public health advocates, faith-based organizations, and civil rights groups, must have at least the same representation on trade advisory committees and the same access to trade negotiators and negotiating fora as those constituencies representing commercial interests.

(D) **DISPUTE RESOLUTION MECHANISMS.**—Any dispute resolution mechanism established in the agreement shall be open and transparent, including through disclosure to the public of documents and access to hearings, and must permit participation by nonparties through the filing of amicus briefs, as well as provide for standing for State and local governments as intervenors.

Mr. FEINGOLD. Mr. President, I am pleased to again submit a measure to begin to address one of the central problems our Nation faces, namely the loss of family-supporting jobs because of our flawed trade policies.

Today's announcement that the U.S. trade deficit for 2006 rose to \$764 billion, setting a record for the fifth consecutive year, is a stark reminder of just how seriously flawed our trade policies are. Those policies have far reaching consequences, and they require a multifaceted response.

One response must be to take on the trade deficit directly, and I have been pleased to join the Senator from North Dakota, Mr. DORGAN, to do just that.

But we also must change the agreements into which we enter with our trading partners.

The record of the major trade agreements into which our Nation has entered over the past few years has been dismal. Thanks in great part to the flawed fast track rules that govern consideration of legislation implementing trade agreements, the United States has entered into a number of trade agreements that have contributed to the significant job loss we have seen in recent years, and have laid open to assault various laws and regulations established to protect workers, the environment, and our health and safety. Indeed, those agreements undermine the very democratic institutions through which we govern ourselves.

The loss of jobs, especially manufacturing jobs, to other countries has been devastating to Wisconsin, and to the entire country. When I opposed the North American Free Trade Agreement, the Uruguay round of the General Agreement on Tariffs and Trade,

Permanent Normal Trade Relations for China, and other flawed trade measures, I did so in great part because I believed they would lead to a significant loss of jobs. But even as an opponent of those agreements, I don't think I could have imagined just how bad things would get in so short a time.

The trade policy of this country over the past several years has been appalling. The trade agreements into which we have entered have contributed to the loss of key employers, ravaging entire communities. But despite that clear evidence, we continue to see trade agreements being reached that will only aggravate this problem.

This has to stop. We cannot afford to pursue trade policies that gut our manufacturing sector and send good jobs overseas. We cannot afford to undermine the safeguards we have established for workers, the environment, and our public health and safety. And we cannot afford to chip away at our democratic heritage by entering into trade agreements that supercede our right to govern ourselves through open, democratic institutions.

The legislation I am introducing today addresses this problem, at least in part. It establishes some minimum standards for the trade agreements into which our Nation enters. It sets forth principles for future trade agreements. It is a break with the so-called NAFTA model, and instead advocates the kinds of sound trade policies that will spur economic growth and sustainable development.

The principles set forth in this resolution are not complex. They are straightforward and achievable. The resolution calls for enforceable worker protections, including the core International Labor Organization standards.

It preserves the ability of the United States to enact and enforce its own trade laws.

It protects foreign investors, but states that foreign investors should not be provided with greater rights than those provided under U.S. law, and it protects public interest laws from challenge by foreign investors in secret tribunals.

It ensures that food entering into our country meets domestic food safety standards.

It preserves the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest.

It requires that trade agreements contain environmental provisions subject to the same enforcement as commercial provisions.

It preserves the right of Federal, State, and local governments to use procurement as a policy tool, including through Buy American laws, environmental laws such as recycled content, and purchasing preferences for small, minority, or women-owned businesses.

It requires that trade negotiations and the implementation of trade agreements be conducted openly.

These are sensible policies, and will advance the goal of increased international commerce.

The outgrowth of the major trade agreements into which we have entered has been a race to the bottom in labor standards, environmental standards, health and safety standards, in nearly every aspect of our economy. A race to the bottom is a race in which even the winners lose.

For any who doubt this, I invite you to ask the families in Wisconsin who have watched their jobs move to China.

We can't let this continue to happen. We need to turn our trade policies around. We need to pursue trade agreements that will promote sustainable economic growth for our Nation and for our trading partners. This resolution will begin to put us on that path, and I urge my colleagues to support it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 264. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table.

SA 265. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 259 submitted by Mr. WARNER (for himself, Mr. LEVIN, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. HAGEL, Ms. SNOWE, Mr. SMITH, Mr. BIDEN, and Mr. SALAZAR) and intended to be proposed to the joint resolution H.J. Res. 20, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 264. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after “SEC.” and insert the following:

— . ADDITIONAL AMOUNTS TO ADDRESS SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following:

“(i) ADDITIONAL REDISTRIBUTION OF AMOUNTS NECESSARY TO ADDRESS FISCAL YEAR 2007 FUNDING SHORTFALLS.—

“(1) REDISTRIBUTION OF CERTAIN UNUSED FISCAL YEAR 2005 ALLOTMENTS.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), with respect to months beginning during fiscal year 2007 after April 30, 2007, the Secretary shall provide for a redistribution under subsection (f) from amounts made available for redistribution under paragraphs (2) and (3) to each shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

“(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved

under this title for which the Secretary estimates, subject to subsection (h)(4)(B) and on a monthly basis using the most recent data available to the Secretary as of April 30, 2007, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

“(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006;

“(ii) the amount, if any, that is to be redistributed to the State in accordance with subsection (h); and

“(iii) the amount of the State's allotment for fiscal year 2007.

“(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that such amounts are available for such redistributions.

“(D) PRORATION RULE.—If the amounts available for redistribution under paragraph (3) for a month are less than the total amounts of the estimated shortfalls determined for the month under subparagraph (A), the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

“(2) TREATMENT OF CERTAIN STATES WITH FISCAL YEAR 2005 ALLOTMENTS UNEXPENDED AT THE END OF THE FIRST 7 MONTHS OF FISCAL YEAR 2007.—

“(A) IDENTIFICATION OF STATES.—The Secretary, on the basis of the most recent data available to the Secretary as of April 30, 2007—

“(i) shall identify those States that received an allotment for fiscal year 2006 under subsection (b) which have not expended all of such allotment by April 30, 2007; and

“(ii) for each such State shall estimate—

“(I) the portion of such allotment that was not so expended by such date; and

“(II) whether the State is described in subparagraph (B).

“(B) STATES WITH FUNDS IN EXCESS OF 200 PERCENT OF NEED.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data available to the Secretary as of April 30, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2007.

“(C) REDISTRIBUTION AND LIMITATION ON AVAILABILITY OF PORTION OF UNUSED ALLOTMENTS FOR CERTAIN STATES.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the amount described in subparagraph (A)(ii)(I) shall not be available for expenditure by the State on or after May 1, 2007, and shall be redistributed in accordance with paragraph (1).

“(3) TREATMENT OF CERTAIN STATES WITH FISCAL YEAR 2006 ALLOTMENTS UNEXPENDED AT THE END OF THE FIRST 7 MONTHS OF FISCAL YEAR 2007.—

“(A) IDENTIFICATION OF STATES.—The Secretary, on the basis of the most recent data available to the Secretary as of April 30, 2007—

“(i) shall identify those States that received an allotment for fiscal year 2006 under subsection (b) which have not expended all of such allotment by April 30, 2007; and

“(ii) for each such State shall estimate—

“(I) the portion of such allotment that was not so expended by such date; and