

The result was announced—yeas 22, nays 71, as follows:

[Rollcall Vote No. 142 Leg.]

## YEAS—22

Allard	Feingold	Martinez
Burr	Graham	McCaskill
Chambliss	Grassley	Sununu
Coburn	Hagel	Thomas
Cornyn	Inhofe	Thune
DeMint	Isakson	Vitter
Dole	Kyl	
Ensign	Lugar	

## NAYS—71

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Gregg	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Inouye	Salazar
Bunning	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shelby
Casey	Landrieu	Smith
Clinton	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Tester
Corker	Lott	Warner
Craig	McConnell	Webb
Crapo	Menendez	Whitehouse
Dodd	Mikulski	Wyden
Domenici	Murkowski	

## NOT VOTING—7

Biden	Johnson	Voinovich
Brownback	McCain	
Carper	Rockefeller	

The amendment (No. 930) was rejected.

Mr. REID. Mr. President, we have a briefing at 4 o'clock. We are going to do this next vote and complete that. We have scheduled another vote right at 5:30. We are going to finish this bill tonight. If people have amendments, they should offer them.

These two managers have worked extremely hard to finish this bill. This will be a feather in the cap for bipartisanship. We are going to stay here tonight until we finish this bill. We have, as I understand it, about three amendments left after we do this one, but we should all have the opportunity to go to that briefing. So we will be back here at 5:30 after this next vote.

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

## AMENDMENT NO. 942

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Kohl amendment No. 942 be the pending amendment.

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

Mr. BINGAMAN. I am informed that additional debate on this amendment is not needed and that there is no request for a rollcall vote, so I ask we proceed to a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 942.

The amendment (No. 942) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I believe we can proceed to the second rollcall vote, which is the Coburn amendment No. 918.

## AMENDMENT NO. 918

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 918 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Mr. President, this amendment is one which I think would be bad policy, a bad precedent for us here in the Senate. It basically puts a hard and fast, drop-dead date on any legislation contained in this bill and says there is a sunset provision so that any program authorized here, any kind of activity permitted under this legislation, would be prohibited following that date in 2011. It is not the kind of sunset we would normally adopt on legislation. I don't think it is appropriate here. I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Who yields time in support of the amendment?

Mr. ALEXANDER. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 918.

Mr. COBURN. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Arkansas Mr. (STEVENS).

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

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 143 Leg.]

## YEAS—27

Allard	Ensign	Lott
Bayh	Enzi	Martinez
Burr	Graham	McCaskill
Chambliss	Grassley	Sessions
Coburn	Gregg	Shelby
Corker	Hagel	Specter
Cornyn	Inhofe	Sununu
DeMint	Isakson	Thomas
Dole	Kyl	Thune

## NAYS—67

Akaka	Brown	Clinton
Alexander	Bunning	Cochran
Baucus	Byrd	Coleman
Bennett	Cantwell	Collins
Bingaman	Cardin	Conrad
Bond	Carper	Craig
Boxer	Casey	Crapo

Dodd	Leahy	Roberts
Domenici	Levin	Salazar
Dorgan	Lieberman	Sanders
Durbin	Lincoln	Schumer
Feingold	Lugar	Smith
Feinstein	McConnell	Snowe
Harkin	Menendez	Stabenow
Hatch	Mikulski	Tester
Hutchison	Murkowski	Vitter
Inouye	Murray	Voinovich
Kennedy	Nelson (FL)	Warner
Kerry	Nelson (NE)	Webb
Klobuchar	Obama	Whitehouse
Kohl	Pryor	Wyden
Landrieu	Reed	
Lautenberg	Reid	

## NOT VOTING—6

Biden	Johnson	Rockefeller
Brownback	McCain	Stevens

The amendment (No. 918) was rejected.

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

Mr. BINGAMAN. 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.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following the disposition of the previously ordered amendments, the only other amendments in order be Senator LANDRIEU's amendment No. 975, Senator DORGAN's amendment No. 958, and a managers' amendment, which must be cleared by both managers; that after disposition of the above amendments, the bill be read the third time, and the Senate, without any intervening action or debate, vote on final passage of S. 761.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## RECESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:30 p.m.

There being no objection, the Senate, at 4:10 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. OBAMA).

## AMERICA COMPETES ACT—Continued

AMENDMENTS NOS. 915, AS MODIFIED; 916, AS MODIFIED; 924, AS MODIFIED; 926, AS MODIFIED; 944, AS MODIFIED; 950, 951, 952, AS MODIFIED; 957, AS MODIFIED; 958, 965, AS MODIFIED; 970, AS MODIFIED; 975, 977, AND 980

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have a managers' package of amendments which have been cleared and which are at the desk. Some are in modified form. Let me go through the list and then ask consent for their approval:

Amendment No. 915, as modified, by Senator GRASSLEY; amendment No. 916, as modified, by Senator GRASSLEY; amendment No. 924, as modified, by Senator OBAMA; amendment No. 926, as modified, by Senator MENENDEZ; amendment No. 944, as modified, by Senator COLEMAN; amendment No. 950 by Senator BAUCUS; amendment No. 951

by Senator BAUCUS; amendment No. 952, as modified, by Senator BAUCUS; amendment No. 957, as modified, by Senator HATCH; amendment No. 958 by Senator DORGAN; amendment No. 965, as modified, by Senator MURRAY; amendment No. 970, as modified, by Senator FEINGOLD; amendment No. 975 by Senator LANDRIEU; amendment No. 977 by Senator MURRAY; and amendment No. 980 by Senators ALEXANDER and BINGAMAN.

I ask unanimous consent that these amendments, as modified, if modified, be agreed to and that the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 915, AS MODIFIED

On page 120, strike lines 1 through 8, and insert the following:

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(1) are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(2) make Advanced Placement math, science, and critical foreign language courses available to students who are prepared for such work in earlier grades than traditionally made available.

On page 127, line 6, insert “by the grade the student is enrolled in,” after “subject.”

On page 127, line 12, insert “by the grade the student is enrolled in at the time of the examination” before the semicolon.

AMENDMENT NO. 916, AS MODIFIED

On page 62, insert after line 14:

(c) be of at least 2 weeks in duration.

On page 63, after line 2 insert:

(3) STUDENT ACHIEVEMENT.—The Director may consider the academic achievement of middle and secondary school students in determining eligibility under this section, in accordance with subsection (1) and (2).

AMENDMENT NO. 924, AS MODIFIED

On page 145, between lines 13 and 14, insert the following:

**SEC. 3202. SUMMER TERM EDUCATION PROGRAMS.**

(a) PURPOSE.—The purpose of this section is to create opportunities for summer learning by providing students with access to summer learning in mathematics, technology, and problem-solving to ensure that students do not experience learning losses over the summer and to remedy, reinforce, and accelerate the learning of mathematics and problem-solving.

(b) DEFINITIONS.—In this section:

(1) EDUCATIONAL SERVICE AGENCY.—The term “educational service agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that—

(A) desires to participate in a summer learning grant program under this section by providing summer learning opportunities described in subsection (d)(4)(A)(ii) to eligible students; and

(B) is—

(i) a high-need local educational agency; or

(ii) a consortium consisting of a high-need local educational agency and 1 or more of the following entities:

(I) Another local educational agency;

(II) A community-based youth development organization with a demonstrated record of effectiveness in helping students learn;

(III) An institution of higher education;

(IV) An educational service agency; or

(V) A for-profit educational provider, non-profit organization, science center, museum, or summer enrichment camp, that has been approved by the State educational agency to provide the summer learning opportunity described in subsection (d)(4)(A)(ii).

(3) ELIGIBLE STUDENT.—The term “eligible student” means a student who—

(A) is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) is served by a local educational agency identified by the State educational agency in the application described in subsection (c)(2).

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term high-need local educational agency means a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

(A) that serves not less than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(C) with a total of not less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8 as determined by the Secretary of Education.

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

(8) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) STATE EDUCATIONAL AGENCY.—The term “State educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) DEMONSTRATION GRANT PROGRAM.—

(11) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—From the funds appropriated under subsection (f) for a fiscal year, the Secretary shall carry out a demonstration grant program in which the Secretary awards grants, on a competitive basis, to State educational agencies to enable the State educational agencies to pay the Federal share of summer learning grants for eligible students.

(B) NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award not more than 5 grants under this section.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall identify the areas in the State where the summer learning grant program will be offered and the local educational agencies that serve such areas.

(3) AWARD BASIS.—

(A) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to a State educational agency that agrees, to the extent possible, to enter into agreements with eligible entities that are consortia described in subsection (b)(2)(B)(iii) and that propose to target services to children in grades K–8.

(B) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration an equitable geographic distribution of the grants.

(d) SUMMER LEARNING GRANTS.—

(1) USE OF GRANTS FOR SUMMER LEARNING GRANTS.—

(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (c) for a fiscal year shall use the grant funds to provide summer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under paragraph (4)(A).

(B) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(i) AMOUNT.—The amount of a summer learning grant provided under this section shall be—

(I) for each of the fiscal years 2008 through 2011, \$1,600; and

(II) for fiscal year 2012, \$1,800.

(ii) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under clause (i).

(iii) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under clause (i), and shall be provided from non-Federal sources.

(2) DESIGNATION OF SUMMER SCHOLARS.—Eligible students who receive summer learning grants under this section shall be known as “summer scholars”.

(3) SELECTION OF SUMMER LEARNING OPPORTUNITY.—

(A) DISSEMINATION OF INFORMATION.—A State educational agency that receives a grant under subsection (c) shall disseminate information about summer learning opportunities and summer learning grants to the families of eligible students in the State.

(B) APPLICATION.—The parents of an eligible student who are interested in having their child participate in a summer learning opportunity and receive a summer learning grant shall submit an application to the State educational agency that includes a ranked list of preferred summer learning opportunities.

(C) PROCESS.—A State educational agency that receives an application under subparagraph (B) shall—

(i) process such application;

(ii) determine whether the eligible student shall receive a summer learning grant;

(iii) coordinate the assignment of eligible students receiving summer learning grants with summer learning opportunities; and

(iv) if demand for a summer learning opportunity exceeds capacity, the State educational agency shall prioritize applications to low-achieving eligible students.

(D) FLEXIBILITY.—A State educational agency may assign a summer scholar to a summer learning opportunity program that is offered in an area served by a local educational agency that is not the local educational agency serving the area where such scholar resides.

(E) REQUIREMENT OF ACCEPTANCE.—An eligible entity shall accept, enroll, and provide the summer learning opportunity of such entity to, any summer scholar assigned to such

summer learning opportunity by a State educational agency pursuant to this subsection.

(4) AGREEMENT WITH ELIGIBLE ENTITY.—

(A) IN GENERAL.—A State educational agency shall enter into an agreement with one or more eligible entities offering a summer learning opportunity, under which—

(i) the State educational agency shall agree to make payments to the eligible entity, in accordance with subparagraph (B), for a summer scholar; and

(ii) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(I) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(II) employs small-group, research-based educational programs, materials, curricula, and practices;

(III) provides a curriculum that—

(aa) emphasizes mathematics, technology, engineering, and problem-solving through experiential learning opportunities;

(bb) is primarily designed to increase the numeracy and problem-solving skills of the summer scholar; and

(cc) is aligned with State academic content standards and goals of the local educational agency serving the summer scholar;

(IV) measures student progress to determine the gains made by summer scholars in the summer learning opportunity, and disaggregates the results of such progress for summer scholars by race and ethnicity, economic status, limited English proficiency status, and disability status, in order to determine the opportunity's impact on each subgroup of summer scholars;

(V) collects daily attendance data on each summer scholar;

(VI) provides professional development opportunities for teachers to improve their practice in teaching numeracy, and in integrating problem-solving techniques into the curriculum; and

(VII) meets all applicable Federal, State, and local civil rights laws.

(B) AMOUNT OF PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), a State educational agency shall make a payment to an eligible entity for a summer scholar in the amount determined under paragraph (1)(B)(i).

(ii) ADJUSTMENT.—In the case in which a summer scholar does not attend the full summer learning opportunity, the State educational agency shall reduce the amount provided to the eligible entity pursuant to clause (i) by a percentage that is equal to the percentage of the summer learning opportunity not attended by such scholar.

(7) ADMINISTRATIVE COSTS.—A State educational agency or eligible entity receiving funding under this section may use not more than 5 percent of such funding for administrative costs associated with carrying out this section.

(e) EVALUATIONS; REPORT; WEBSITE.—

(1) EVALUATION AND ASSESSMENT.—For each year that an eligible entity enters into an agreement under subsection (d)(4), the eligible entity shall prepare and submit to the Secretary a report on the activities and outcomes of each summer learning opportunity that enrolled a summer scholar, including—

(A) information on the design of the summer learning opportunity;

(B) the alignment of the summer learning opportunity with State standards; and

(C) data from assessments of student mathematics and problem-solving skills for the summer scholars and on the attendance of

the scholars, disaggregated by the subgroups described in subsection (d)(4)(A)(ii)(IV).

(2) REPORT.—For each year funds are appropriated under subsection (f) for this section, the Secretary shall prepare and submit a report to the HELP Committee of the Senate and the Education & Labor Committee of the House on the summer learning grant programs, including the effectiveness of the summer learning opportunities in improving student achievement and learning.

(3) SUMMER LEARNING GRANTS WEBSITE.—The Secretary shall make accessible, on the Department of Education website, information for parents and school personnel on successful programs and curricula, and best practices, for summer learning opportunities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

AMENDMENT NO. 926, AS MODIFIED

(b) GRANT PROGRAM.—Section 8(8) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and indenting appropriately;

(2) by moving the flush language at the end 2 ems to the right;

(3) in the flush language at the end, by striking “paragraph” and inserting “subparagraph”;

(4) by striking “INITIATIVE.—A program of” and inserting “INITIATIVE.—

“(A) IN GENERAL.—A program of”; and

(5) by inserting at the end the following:

“(B) PILOT PROGRAM.—

“(i) IN GENERAL.—In accordance with subparagraph (A)(v), the Director shall establish a pilot program designated as ‘Partnerships for Access to Laboratory Science’ to award grants to partnerships to pay the Federal share of the costs of improving laboratories and providing instrumentation as part of a comprehensive program to enhance the quality of mathematics, science, engineering, and technology instruction at the secondary school level. Grants under this subparagraph may be used for—

“(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

“(II) Acquire appropriate nanotechnology equipment and software designed for teaching students about nanotechnology in the classroom;

“(III) professional development and training for teachers aligned with activities supported under section 2123 of the ESEA of 1965;

“(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with State mathematics and science, and to the extent applicable, technology and engineering, academic achievement standards;

“(V) training in laboratory safety for relevant school personnel;

“(VI) design and implementation of hands-on laboratory experiences to encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology and help prepare such individuals to pursue postsecondary studies in these fields; and

“(VII) assessment of the activities funded under this subparagraph.

“(ii) PARTNERSHIP.—Grants awarded under clause (i) shall be to a partnership that—

“(I) includes an institution of higher education or a community college;

“(II) includes a high-need local educational agency;

“(III) includes a business or eligible nonprofit organization; and

“(IV) may include a State educational agency, other public agency, National Laboratory, or community-based organization.

“(iii) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts from a grant under clause (i) shall not exceed 30 percent.”

(c) REPORT.—The Director of the National Science Foundation shall evaluate the effectiveness of activities carried out under the pilot projects funded by the grant program established pursuant to the amendment made by subsection (b) in improving student performance in mathematics, science, engineering, and technology and recommend whether such activities should continue. A report documenting the results of that evaluation shall be submitted to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Science and Technology of the House of Representatives not later than 3 years after the date of enactment of this Act. The report shall identify best practices and materials for the classroom developed and demonstrated by grant awardees.

(d) SUNSET.—The provisions of this section shall cease to have force or effect at the beginning of fiscal year 2012.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section and the amendments made by this section such sums for fiscal year 2008 and each of the 3 succeeding fiscal years.

AMENDMENT NO. 944, AS MODIFIED

At the end of Division C, insert the following:

**TITLE —MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.**

**SEC. 01. MATHEMATICS AND SCIENCE PARTNERSHIP BONUS GRANTS.**

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary of Education shall award a grant—

(1) for each of the school years 2007–2008 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in mathematics, as measured by the improvement in the students' average score on the State's assessments in mathematics for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded; and

(2) for each of the school years 2008–2009 through 2010–2011, to each of the 3 elementary schools and each of the 3 secondary schools each of which has a high concentration of low income students as defined in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) in each State, whose students demonstrate the most improvement in science, as measured by the improvement in the students' average score on the State's assessments in science for the school year for which the grant is awarded, as compared to the school year preceding the school year for which the grant is awarded.

(b) GRANT AMOUNT.—The amount of each grant awarded under this section shall be \$50,000.

**SEC. 02. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this section such sums for fiscal years 2008 through 2011.

## AMENDMENT NO. 950

(Purpose: To provide that 21st century learning skills are included in the alignment of education programs)

On page 163, between lines 6 and 7, insert the following:

(v) incorporating 21st century learning skills into the State plan, which skills shall include critical thinking, problem solving, communication, collaboration, global awareness, and business and financial literacy.

## AMENDMENT NO. 951

(Purpose: To allow distance learning projects as an optional activity for the foreign language partnership program)

On page 153, between lines 12 and 13, insert the following:

(M) distance learning projects for critical foreign language learning.

## AMENDMENT NO. 952, AS MODIFIED

At the end, add the following:

**DIVISION E—GENERAL PROVISIONS****SEC. 5001. COLLECTION OF DATA RELATING TO TRADE IN SERVICES.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program within the Bureau of Economic Analysis to collect and study data relating to export and import of services. As part of the program, the Secretary shall annually—

(1) provide data collection and analysis relating to export and import of services;

(2) collect and analyze data for service imports and exports in not less than 40 service industry categories, on a state-by-state basis;

(3) include data collection and analysis of the employment effects of exports and imports on the service industry; and

(4) integrate ongoing and planned data collection and analysis initiatives in research and development and innovation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce such sums for each of the fiscal years 2008, 2009, 2010, 2011, 2012, to carry out the provisions of this section.

## AMENDMENT NO. 957, AS MODIFIED

On page 99, line 5, strike “critical foreign language” and insert the following: “a critical foreign language, or on behalf of a department or school with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification.”

Beginning on page 100, strike line 16 and all that follows through page 101, line 3, and insert the following:

(ii)(I)(aa) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or a critical foreign language; and

(bb) a school or department within the eligible recipient that provides a teacher preparation program, or a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; or

(II) a department or school within the eligible recipient with a competency-based degree program (in mathematics, engineering, science, or a critical foreign language) that includes teacher certification; and

(iii) not less than 1 high-need local

On page 103, line 13, insert before the semicolon the following: “or how a department or school participating in the partnership with a competency-based degree program has ensured, in the development of a baccalaureate degree program in mathematics, science, engineering, or a critical foreign language, the provision of concurrent teacher certification, including providing student teaching and other clinical classroom experiences”.

On page 109, line 24, insert before the semicolon the following: “, or how a department or school with a competency-based degree program has ensured, in the development of a master's degree program, the provision of rigorous studies in mathematics, science, or a critical foreign language that enhance the teachers' content knowledge and teaching skills”.

## AMENDMENT NO. 958

(Purpose: To provide for a feasibility study with regard to a free online college degree program)

At the appropriate place, insert the following:

**SEC. . FEASIBILITY STUDY ON FREE ONLINE COLLEGE DEGREE PROGRAM.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct and complete a feasibility study on creating a national, free online college degree program that would be available to all individuals described under section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) who wish to pursue a degree in a field of strategic importance to the United States and where expertise is in demand, such as mathematics, sciences, and foreign languages. The study shall look at the need for a free college degree program as well as the feasibility of—

(1) developing online course content;

(2) developing sufficiently rigorous tests to determine mastery of a field of study; and

(3) sustaining the program through private funding.

(b) STUDY.—The study described in subsection (a) shall also include a review of existing online education programs to determine the extent to which these programs offer a rigorous curriculum in areas like mathematics and science and the National Academy of Sciences shall make recommendations for how online degree programs can be assessed and accredited.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 2008.

## AMENDMENT NO. 965, AS MODIFIED

At the end of title II of division C, insert the following:

**SEC. 3202. MATH SKILLS FOR SECONDARY SCHOOL STUDENTS.**

(a) The purposes of this section are—

(1) to provide assistance to State educational agencies and local educational agencies in implementing effective research-based mathematics programs for students in secondary schools, including students with disabilities and students with limited English proficiency;

(2) to improve instruction in mathematics for students in secondary school through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness;

(3) to provide targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level; and

(4) to provide in-service training for mathematics coaches who can assist secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that is eli-

gible to receive funds, and that is receiving funds, under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(2) MATHEMATICS COACH.—The term “mathematics coach” means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics and improving student academic achievement in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students who need remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after-school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) SECONDARY SCHOOL.—The term “secondary school” means a school that provides secondary education, as determined under State law.

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as be necessary for fiscal year 2008 and each of the 3 succeeding fiscal years.

(d) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under subsection (c) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this section, that will provide grants on a competitive basis to State educational agencies to award grants and subgrants to eligible local educational agencies for the purpose of establishing mathematics programs to improve the overall mathematics performance of secondary school students in the State.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this section shall be awarded for a period of 4 years.

(e) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under subsection (c) for a fiscal year, the Secretary may reserve—

(1) not more than 3 percent of such amounts to fund national activities in support of the programs assisted under this section, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) not more than ½ of 1 percent of such amounts for the Bureau of Indian Education of the Department of the Interior to carry out the services and activities described in subsection (1)(3) for Indian children.

(f) GRANT FORMULAS.—

(1) COMPETITIVE GRANTS TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (c) and not reserved under subsection (e), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs for the purpose of improving overall mathematics performance among students in secondary school in the State.

(2) MINIMUM GRANT.—The Secretary shall ensure that the minimum grant made to any

state educational agency under this section shall be not less than \$500,000.

(g) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this section in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include assurances that such application and any technical assistance provided by the State will be guided by a peer review team, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(C) The State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this section.

(D) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this section—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for secondary school students;

(III) will improve student academic achievement in mathematics; and

(IV) is coordinated with professional development activities funded through other programs, including section 2113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction and improve student academic achievement.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction and student academic achievement, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this section.

(h) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this section shall—

(1) establish a peer review team comprised of researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools, to provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for secondary school students;

(2) use 80 percent of the grant funds received under this section for a fiscal year to fund high-quality applications for subgrants to eligible local educational agencies having applications approved under subsection (1); and

(3) use 20 percent of the grant funds received under this section—

(A) to carry out State-level activities described in the application submitted under subsection (g);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches in the State;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in subsection (1)(3); and

(D) for administrative costs, of which not more than 5 percent of the grant funds may be used for planning, administration, and reporting.

(i) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this section.

(j) PROHIBITIONS.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) CONFLICT OF INTEREST.—Any federal employee, contractor, or subcontractor involved in the administration, implementation, or provision of oversight or technical assistance duties or activities under this section shall—

(A) disclose to the Secretary any financial ties to publishers, entities, private individuals, or organizations that will benefit from funds provided under this section; and

(B) be prohibited from maintaining significant financial interests in areas directly related to duties or activities under this section, unless granted a waiver by the Secretary.

(3) REPORTING.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives, on each of the waivers granted under paragraph (2)(B).

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or permit the Secretary, Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(k) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this section shall use the grant funds to supplement, not supplant, State funding for activities authorized under this section or for other educational activities.

(l) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) APPLICATION.—

(A) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subsection shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(B) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(i) Development or selection and implementation of research-based mathematics assessments.

(ii) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(iii) Selection of instructional materials based on mathematics research.

(iv) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(v) Evaluation and assessment strategies.

(vi) Reporting.

(vii) Providing access to research-based mathematics materials.

(C) CONSORTIA.—Consistent with State law, an eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium of local educational agencies if each member of the consortium is an eligible local educational agency.

(2) AWARD BASIS.—

(A) PRIORITY.—A State educational agency awarding subgrants under this subsection shall give priority to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(B) AMOUNT OF GRANTS.—Subgrants under this subsection shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subsection.

(3) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to carry out, at the secondary school level, the following services and activities:

(A) Hiring mathematics coaches and providing professional development for mathematics coaches—

(i) at a level to provide effective coaching to classroom teachers;

(ii) to work with classroom teachers to better assess student academic achievement in mathematics;

(iii) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(iv) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, so that those teachers can provide intensive, research-based instruction, including during

after-school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(v) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(B) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within other core academic subjects.

(C) Providing mathematics professional development for all relevant teachers in secondary school, as necessary, that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(D) Providing professional development for teachers, administrators, and paraprofessionals serving secondary schools to help the teachers, administrators, and paraprofessionals improve student academic achievement in mathematics.

(E) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction with demonstrated effectiveness in improving mathematics instruction and student academic achievement.

(F) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in—

(i) improving mathematics instruction; and

(ii) increasing student academic achievement, including for students with disabilities and students with limited English proficiency.

(G) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant; and

(H) Measuring improvement in student academic achievement, including through progress monitoring or other assessments.

(4) **SUPPLEMENT NOT SUPPLANT.**—Each eligible local educational agency receiving a subgrant under this subsection shall use the subgrant funds to supplement, not supplant, the eligible local educational agency's funding for activities authorized under this section or for other educational activities.

(5) **NEW SERVICES AND ACTIVITIES.**—Subgrant funds provided under this subsection may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

(6) **EVALUATIONS.**—Each eligible local educational agency receiving a grant under this subsection shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

(m) **MATCHING REQUIREMENTS.**—

(1) **STATE EDUCATIONAL AGENCY REQUIREMENTS.**—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in-kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) **WAIVER.**—The Secretary may waive all or a portion of the matching requirements described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(n) **PROGRAM PERFORMANCE AND ACCOUNTABILITY.**—

(1) **INFORMATION.**—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school districtwide, or classroom-based monitoring reports or assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at the proficient or advanced level on the State student academic achievement standards in mathematics under section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii));

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving proficiency or advanced levels on such State academic content standards in mathematics;

(III) significantly increased the number of students making significant progress toward meeting such State academic content and achievement standards in mathematics; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in advanced mathematics courses in grades 9 through 12, including the percentage of such students who pass such courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) **REPORTING AND DISAGGREGATION.**—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

AMENDMENT NO. 970, AS MODIFIED

On page 164, strike lines 11 through 22 and insert the following:

(C) **PRIVACY AND ACCESS TO DATA.**—

(i) **IN GENERAL.**—Each State that receives a grant under subsection (c)(2) shall implement measures to—

(I) limit the State's use of information in the statewide P-16 education data system to

the purposes and functions for use of such information set forth in Federal or State law regarding education and allow access to the information in the statewide data system only to those State employees, and only on such terms, as may be necessary to fulfill those purposes and functions;

(II) prohibit the disclosure of information in the statewide P-16 education data system to any other person, agency, institution, or entity, except to the extent necessary to assist the State in fulfilling the purposes and functions for use of such information set forth in Federal or State law regarding education, and only if such party has signed a data use agreement that—

(aa) prohibits the party from further disclosing the information;

(bb) prohibits the party from using the information for any purpose other than the purpose specified in the agreement, which purpose must relate to assisting the State in carrying out the purposes and functions for use of such information set forth in Federal or State law regarding education; and

(cc) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(III) keep an accurate accounting of the date, nature, and purpose of each disclosure of information in the statewide P-16 education data system, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(IV) maintain adequate security measures to ensure the confidentiality and integrity of the data system;

(V) ensure that the statewide P-16 education data system meets any further requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(VI) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(VII) ensure adequate enforcement of the requirements of this clause.

(ii) **USE OF UNIQUE IDENTIFIERS.**—

(I) **GOVERNMENTAL USE OF UNIQUE IDENTIFIERS.**—It shall be unlawful for any Federal, State, or local governmental agency to use the unique identifiers employed in the statewide P-16 education data systems for any purpose other than as authorized by Federal or State law regarding education, or to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

(II) **REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations governing the use by governmental and non-governmental entities of the unique identifiers employed in statewide P-16 education data systems, including, where necessary, regulations requiring States desiring grants for statewide P-16 education data systems under this section to implement specified measures, with the goal of safeguarding individual privacy to the maximum extent practicable consistent with the uses of the information authorized in this Act or other Federal or State law regarding education.

On page 169, strike lines 15 through 17 and insert the following:

(i) a description of the privacy protection and enforcement measures that the State has implemented or will implement pursuant to subparagraph (C), and assurances that these measures will be in place prior to the



establishment or improvement of the statewide P-16 education data system; and

AMENDMENT NO. 975

(Purpose: To require the Secretary of Energy, acting through the Director of Mathematics, Science, and Engineering Education, to provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses)

On page 78, strike line 21 and insert the following:

“(D) \$27,500,000 for fiscal year 2011.

**“CHAPTER 6—NATIONAL ENERGY EDUCATION DEVELOPMENT**

**“SEC. 3195. NATIONAL ENERGY EDUCATION DEVELOPMENT.**

“(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to enhance the knowledge of the students of the science of energy, the sources of energy, the uses of energy in society, and the environmental consequences and benefits of all energy sources and uses by—

“(1) improving instruction in science related to energy for students in kindergarten through grade 9 through the implementation of energy education programs and with the support of comprehensive science education initiatives that are based on the best available evidence of effectiveness; and

“(2) providing professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

“(A) to improve the understanding of students of the scientific, economic, and environmental impacts of energy;

“(B) to improve the knowledge of teachers, administrators, and other school staff related to the scientific content of energy;

“(C) to increase the use of effective instructional practices; and

“(D) to reflect science content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

“(b) PROGRAM.—The Secretary (acting through the Director) (referred to in this section as the ‘Secretary’) shall provide grants to States to assist the States in establishing or expanding programs to enhance the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses.

“(c) COORDINATION.—In carrying out this section, the Secretary shall use and coordinate with existing State and national programs that have a similar mission.

“(d) GRANTS.—The Secretary shall award grants, on a competitive basis, under this section to States to pay the Federal share of the costs of establishing or expanding high-quality energy education curricula and programs.

“(e) PROGRAMS.—In carrying out this section, the Secretary shall award grants to establish or expand programs that enhance—

“(1) the quality of science education in elementary schools with respect to conventional and emerging energy sources and uses; and

“(2) the understanding of students of the science, economics, and environmental impacts of energy production and consumption.

“(f) FEDERAL AND NON-FEDERAL SHARES.—

“(1) FEDERAL SHARE.—The Federal share of the costs of carrying out a program under this section shall be 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out a program

under this section may be provided in the form of cash or in-kind contributions, fairly evaluated, including services.

“(g) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

“(1) ensure a wide, equitable distribution of grants among States that propose to serve students from urban and rural areas; and

“(2) provide equal consideration to States without National Laboratories.

“(h) USES OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), States, or other entities through States, that receive grants under this section shall use the grant funds to—

“(A) employ proven strategies and methods for improving student learning and teaching regarding energy;

“(B) integrate into the curriculum of schools comprehensive, science-based, energy education, including instruction and assessments that are aligned with—

“(i) the academic content and student academic achievement standards of the State (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311));

“(ii) classroom management;

“(iii) professional development;

“(iv) parental involvement; and

“(v) school management; and

“(C) provide high-quality and continuous teacher and staff professional development.

“(2) REQUIREMENTS.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement related to—

“(A) the science of energy;

“(B) the sources of energy;

“(C) the uses of energy in society; and

“(D) the environmental consequences and benefits of all energy sources and uses.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$1,000,000 for each of fiscal years 2008 and 2009; and

“(2) \$2,000,000 for each of fiscal years 2010 and 2011.”.

AMENDMENT NO. 977

(Purpose: To encourage members of the Armed Forces to participate in programs for master's degrees in mathematics, science, or critical foreign languages education)

On page 113, between lines 2 and 3, insert the following:

(B) members of the Armed Forces who are transitioning to civilian life; and

AMENDMENT NO. 980

(Purpose: To express the sense of Senate regarding policies related to deemed export control)

At the appropriate place in the bill, add the following:

**“SEC. \_\_\_\_ . SENSE OF THE SENATE.**

It is the Sense of Senate that—

U.S. government policies related to deemed exports should safeguard U.S. national security and protect fundamental research;

The Department of Commerce has established the Deemed Export Advisory Committee to develop recommendations for improving current controls on deemed exports;

The Administration and Congress should consider the recommendations of the Deemed Export Advisory Committee in its development and implementation of export control policies.”.

AMENDMENT NO. 921

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No.

921 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, let me use the minute in opposition to the amendment. The Senator from Oklahoma may wish to speak in favor of his amendment.

This is the amendment to strike the funding and the provisions in the bill for the Advanced Technology Program. In my view, this would be a very bad step for us to take. I know there are some Members who do not believe this is a worthwhile use of taxpayers' dollars. I am not one of those. I believe the Federal Government should partner with industry to assist in the early stages of technology development, and particularly that is important when we compete with other countries that spend heavily to assist their industrial sectors to compete in world markets.

So I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no question the ATP program has had some successes. The fact is that over \$2.5 billion has gone to Fortune 500 companies over the last 14 years for research they would have done otherwise. This is a program which is outmoded. We have a way to help businesses do research and development. It is called the R&D tax credit. This is not effective. It is a poor way to spend our money.

I yield back the remainder of my time. 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 amendment No. 921. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) 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 39, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—39

Alexander	DeMint	Kyl
Allard	Domenici	Lott
Bennett	Ensign	Martinez
Bunning	Enzi	McConnell
Burr	Feingold	Murkowski
Chambliss	Graham	Roberts
Coburn	Grassley	Sanders
Cochran	Gregg	Sessions
Collins	Hagel	Shelby
Corker	Hatch	Sununu
Cornyn	Hutchison	Thomas
Craig	Inhofe	Thune
Crapo	Isakson	Vitter

## NAYS—57

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Inouye	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Clinton	Lincoln	Stevens
Coleman	Lugar	Tester
Conrad	McCaskey	Voinovich
Dodd	Menendez	Warner
Dole	Mikulski	Webb
Dorgan	Murray	Whitehouse
Durbin	Nelson (FL)	Wyden

## NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 921) was rejected.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 956

Mr. BINGAMAN. Mr. President, we inadvertently left a cleared amendment off the list I read describing the managers' package. I ask unanimous consent that amendment No. 956 be agreed to and that the motion to reconsider be laid on the table.

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

The amendment (No. 956) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding concerns that United States capital markets are losing their competitive edge in intensifying global competition, and to recommend that Congress and the Administration take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING CAPITAL MARKETS.**

(a) FINDINGS.—The Senate finds that—

(1) United States capital markets are losing their competitive edge in the face of intensifying global competition, posing a risk to economic growth, a problem that is well-documented in initial public offerings (IPO), over-the-counter (OTC) derivatives, securitization, and traditional lending;

(2) according to the Senator Charles E. Schumer and Mayor Michael R. Bloomberg report, entitled "Sustaining New York's and the U.S.'s Global Financial Services Leadership", "In looking at several of the critical contested investment banking and sales and trading markets—initial public offerings (IPOs), over-the-counter (OTC) derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction.";

(3) further, the report referred to in paragraph (2) stated that—

(A) "The IPO market also offers the most dramatic illustration of the change in capital-raising needs around the world, and U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega-IPOs—those over \$1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006.";

(B) "London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation.";

(4) on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness, where—

(A) key policymakers, consumer advocates, members of the international community, business representatives, and academic experts, each with different perspectives, discussed ways to keep United States capital markets the strongest and most innovative in the world; and

(B) conference delegates examined the impact of the United States regulatory structure and philosophy, the legal and corporate governance environment, and the auditing profession and financial reporting on United States capital markets competitiveness;

(5) the foundation of any competitive capital market is investor confidence, and since 1930, the United States has required some of the most extensive financial disclosures, supported by one of the most robust enforcement regimes in the world;

(6) a balanced regulatory system is essential to protecting investors and the efficient functioning of capital markets; and

(7) too much regulation stifles entrepreneurship, competition, and innovation, and too little regulation creates excessive risk to industry, investors, and the overall system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

Mr. SCHUMER. Mr. President, I rise to join my colleague Senator CRAPO in offering our Sense of the Senate to express that the Congress and the administration take the necessary steps to sustain the United States' position as the global leader in financial services to S. 761.

We can all agree that the U.S. is the financial capital of the world. Today, Wall Street is booming, and our Nation's short-term economic outlook is strong. But to maintain our success far into the future we must immediately address a real and growing concern: our global competitive position in the capital markets is being threatened.

The evidence is quite clear.

London, certainly our greatest competitor, has been working hard to gain on us in financial services in the last few years. And, although London has not overtaken us, it is no longer a distant second.

While New York is still the dominant global exchange center, we have been losing ground as the leader in capital formation. In 2005, only one out of the top 24 IPOs was registered in the U.S. and four were registered in London.

Sadly, the problem is not just IPOs. Our competitive position is being challenged in most businesses that are globally contestable.

Today London leads in some of the fastest growing and innovative areas in the financial services. They account for 70 percent of the global secondary bond market, 40 percent of the derivatives market, 30 percent of foreign exchange activity, and 30 percent of cross border equities trading.

Why is this happening? Not because London is more innovative—New York City is and 49 percent of the top CEOs say so. But, what they also say is—given the risks associated with developing innovative financial instruments and the importance of attracting talent in finance—the U.S.'s legal, regulatory and immigration policies are not attractive and it only makes sense to pursue cutting edge activity overseas. To make matters even worse, it is not only London. As technology has virtually eliminated barriers to the flow of capital, it now freely flows to the most efficient markets, in all corners of the globe. So, in addition to London we're increasingly competing for position against cities like Hong Kong, Tokyo and Bombay.

My concern about this issue has been keeping me awake at night. For over a year now I have been racking my brain, trying to understand the causes and fixes needed to keep us No. 1.

Well . . . that is precisely what Mayor Bloomberg and I set out to do in



a more formal way when we commissioned McKinsey Consulting to conduct a study to examine the competitive position of New York City's financial services industry, specifically in comparison to London's. The study identified the drivers that might cause New York City to lose its competitive edge, but more importantly provided recommendations and an action plan to correct the problem.

We gathered detailed analyses of market conditions here and abroad. McKinsey interviewed and consulted more than 50 respected leaders from the financial services industry, consumer and labor groups, and other stakeholders.

Our report which was released in January illustrated the reality of the situation. The U.S., New York in particular, is in grave danger of losing its status as the financial capital of the world without a major change in policy and regulation. If we continue on with the status quo, within the next ten years we will go from being number one, to becoming a marginalized regional market—spelling disaster for New York and the entire country.

Financial services comprise 8 percent of the U.S. economy—the third fastest growing sector of the U.S. economy. The industry also plays an important intermediary role in promoting economic activity and creating jobs (savings, investment, borrowing, capital formation, wealth accumulation, transactions). 1 in every 19 jobs in the U.S. is in financial services.

This clearly is not just a New York issue. Many of you will be surprised to learn, just as I was—that seven states (Connecticut, Massachusetts, Delaware, Rhode Island, North Carolina, South Dakota), including New York, have more than 10 percent of their State's GDP devoted to financial services.

Resolving this issue will require all hands on deck. In New York we already recognize that—the Mayor, the Governor, and I have already joined forces.

I strongly believe that we are in a good position to act now in order to lessen the damage that could be waiting for us 10 years down the road.

Clearly, this is an issue that will take some time to work through—taking on our country's regulatory regime, legal system and immigration policies will be no easy undertaking. In recognizing the complexities, our report focused on near term recommendations that are mostly administrative and the longer term recommendations that are legislative.

I want to commend Secretary Paulson and the Department of Treasury for convening a conference on United States capital markets' competitiveness. I hope this will build more momentum for other financial services regulators and Congress to take action and send a signal that we are in need of a renewed U.S. focus on competitiveness.

We need to take action to level the playing field for both domestic and for-

eign companies doing business in the United States, to address more complex policy, legal, regulatory and other structural issues affecting the U.S. position as the world's leading financial center. We must create a responsive, market-oriented regulatory framework, moving closer towards a fair and predictable legal environment, and provide access to skilled professionals from outside of the U.S.

I want to thank my friend and colleague Senator CRAPO for his commitment and leadership on this issue. I look forward to working with you over the next several months to protect our capital markets—this is not a Democrat or Republican issue, it's an American issue.

The bottom line is that we, in New York and in the U.S., literally cannot afford to lose our place as the global leader in financial services and we must examine which factors impede our competitive standing.

At the same time, we have to be smart, careful, and balanced as we seek to continue to redefine the exquisite balance of innovation and regulation as markets evolve internationally.

We know that addressing these challenges and ensuring that we do so in a way that continues to offer strong protections to consumers and investors will be a huge undertaking. But if all stakeholders—industry, consumer advocates, labor, and government—come together in the name of securing our economic future, we can do it.

Failing to do so would be dereliction of duty.

We must all commit to seeking a shift in national policy in a direction that will ensure that New York and America retain its leadership position in the financial services industry well into the 21st Century.

I thank my colleagues for joining us in support of this amendment.

Mr. CRAPO. Mr. President, I rise today in support of this global competitiveness amendment with the senior Senator from New York to S. 761 and to call attention to the challenges facing U.S. financial markets. I really appreciate the leadership role the senior Senator from New York has taken in the global capital markets competitiveness debate and I really appreciate our working relationship.

The first part of the amendment highlights findings that U.S. capital markets are losing their competitive edge in the face of intensifying global competition in initial public offerings, IPOs, over-the-counter, OTC, derivatives, securitization, and traditional lending. The second half of the amendment expresses the sense of the Senate about what steps should be taken to bolster the competitiveness of this essential sector of the U.S. economy.

According to the Schumer/Bloomberg report entitled Sustaining New York's and the U.S.' Global Financial Services Leadership, "In looking at several of the critical contested investment banking and sales and trading mar-

kets—initial public offering, over-the-counter derivatives, and debt—it is clear that the declining position of the U.S. goes beyond this natural market evolution to more controllable, intrinsic issues of U.S. competitiveness. As market effectiveness, liquidity and safety become more prevalent in the world's financial markets, the competitive arena for financial services is shifting toward a new set of factors—like availability of skilled people and a balanced and effective legal and regulatory environment—where the U.S. is moving in the wrong direction."

This is a very alarming trend because IPOs and OTC derivatives contribute to a robust and dynamic capital market which is a tremendously beneficial force for our economy and an empowerment to our citizens. It is critical to ensuring economic growth, job creation, low costs of capital, innovation, entrepreneurship, and a strong tax base in key areas of the country. The U.S. financial sector acts as a catalyst for all other sectors in the U.S. economy. That is why the decline in global initial public offerings in the United States, and the fact that London already enjoys clear leadership in the fast growing OTC derivatives market, are such worrying trends.

The report further states, "The IPO market also offers the most dramatic illustration of the change in capital raising needs around the world, and the U.S. exchanges are rapidly losing ground to foreign rivals. When looking at all IPOs that took place globally in 2006, the share of IPO volume attracted by U.S. exchanges is barely one-third of that captured in 2001. By contrast, the global share of IPO volume captured by European exchanges has expanded by more than 30 percent over the same period, while non-Japan Asian markets have doubled their equivalent market share since 2001. When one considers mega IPOs—those over \$1 billion—U.S. exchanges attracted 57 percent of such transactions in 2001, compared with just 16 percent during the first ten months of 2006."

It further notes: "London already enjoys clear leadership in the fast-growing and innovative over-the-counter derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasing use derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives market can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America's competitiveness in both cash and derivatives flow trading is at risk, as its position as a center for financial innovation."

One of the common themes we are seeing in terms of movement of business away from the United States to

London and other capital markets are the regulatory burdens and the regulatory regime that we impose here in the United States. I do not think anybody would say that we should simply take down our regulatory position, because we do have one of the strongest markets in the world. But the question is are we over-regulating.

Fortunately, academics, business leaders, and politicians are working together to study this issue. They have identified several specific problems that hinder the competitiveness of the U.S. capital markets and have issued reports outlining possible solutions:

Interim Report of the Committee on Capital Markets Regulation, November 2006; Schumer/Bloomberg report entitled: "Sustaining New York's and U.S.' Global Financial Services Leadership, January 2007; Commission on the Regulations of U.S. Capital Markets in the 21st Century, March 2007.

I would especially like to commend the senior Senator from New York for his efforts in this project. All three reports add considerably to the understanding of the challenges that American capital markets face and offer solutions that could help American markets, companies, and workers to better compete.

Additionally, on March 13, 2007, the Department of the Treasury convened a conference on United States capital markets competitiveness where conference delegates discussed ways to keep U.S. capital markets the strongest and most innovative in the world. This problem is well-documented and it is time that we take the necessary steps to restore America's leadership position in the global financial services marketplace.

This amendment states it is the sense of the Senate

(1) Congress, the President, regulators, industry leaders, and other stakeholders should take the necessary steps to reclaim the preeminent position of the United States in the global financial services marketplace;

(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets;

(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations, while ensuring that necessary investor protections are not compromised.

This amendment is supported by the American Bankers Association, the Business Roundtable, United States Chamber of Commerce, Financial Services Forum, Investment Company Institute, International Swaps and Derivatives Association, Securities Industry and Financial Markets Association, NASDAQ, and NYSE.

I also thank my colleagues for joining me in supporting this amendment, and I thank the senior Senator from New York for working with me on this amendment

#### AMENDMENT NO. 922

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 922, offered by the Senator from Oklahoma.

Mr. INOUE. Mr. President, I wish to speak against this amendment. This amendment will increase the work of the inspector general because of its mandatory nature, but it will not add any additional results.

Secondly, it provides that audits be posted on the Web within 60 days without any safeguards for proprietary information that may be gathered as a result of the audit, and it provides no protections under existing information privacy laws.

Then there is the word "conference," which I think is too broad and has implications for existing and future educational activities, which is the major part of the underlying bill.

For this reason, and many others, I am opposed to it.

I yield back my remaining time.

The PRESIDING OFFICER. Does the Senator from Oklahoma wish to be heard?

Mr. COBURN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 922.

Mr. COBURN. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 145 Leg.]

#### YEAS—82

Alexander	Bennett	Brown
Allard	Bingaman	Bunning
Baucus	Bond	Burr
Bayh	Boxer	Cantwell

Cardin	Hagel	Reed
Carper	Harkin	Reid
Casey	Hatch	Roberts
Chambliss	Hutchison	Salazar
Clinton	Inhofe	Sanders
Coburn	Isakson	Schumer
Cochran	Klobuchar	Sessions
Coleman	Kohl	Shelby
Collins	Kyl	Smith
Conrad	Landrieu	Snowe
Corker	Lautenberg	Specter
Cornyn	Leahy	Stabenow
Craig	Lott	Sununu
Crapo	Martinez	Tester
DeMint	McCaskill	Thomas
Dole	McConnell	Thune
Domenici	Menendez	Vitter
Dorgan	Mikulski	Voinovich
Durbin	Murkowski	Warner
Ensign	Murray	Webb
Enzi	Nelson (FL)	Whitehouse
Feinstein	Nelson (NE)	Wyden
Graham	Obama	
Grassley	Pryor	

#### NAYS—14

Akaka	Inouye	Lincoln
Byrd	Kennedy	Lugar
Dodd	Kerry	Rockefeller
Feingold	Levin	Stevens
Gregg	Lieberman	

#### NOT VOTING—4

Biden	Johnson
Brownback	McCain

The amendment (No. 922) was agreed to.

Mr. LEVIN. Madam President, I voted against Senator COBURN's amendment, No. 922, because it will place a difficult burden on grant activities of the National Oceanic and Atmospheric Administration, NOAA. The amendment as drafted has disturbing privacy implications. The inspector general's audits must be posted on the Web within 60 days without any safeguards for proprietary information. Further, the amendment is drafted so broadly that some reasonable uses of grant awards would be jeopardized. Researchers might be restrained from attending peer conferences which are a part of the scientific process. NOAA awards grants throughout Michigan in order to protect and restore the Great Lakes, and I want to ensure that this amendment does not interfere with NOAA's mission in the Great Lakes and our Nation's waters. I support the goal of the amendment to provide for accountability and transparency, and I hope that my concerns with the amendment will be addressed in conference so that I can support the provision in the conference report.

#### NANOTECHNOLOGY IN THE SCHOOLS

Mr. WYDEN. Madam President, I would like to thank the distinguished Senator from New Mexico, Mr. BINGAMAN, and the distinguished Senator from Tennessee, Mr. ALEXANDER, for their leadership in crafting the America COMPETES Act and managing it on the Senate floor. I would also like to thank Senator INOUE and Senator KENNEDY for their roles in developing and moving this bill. It is a critical piece of legislation that will help ensure our great Nation remains competitive in the global economy.

I would also like to thank my distinguished colleague from Oregon, Mr. SMITH, the distinguished Senator from Massachusetts, Mr. KERRY, and the distinguished Senator from Arkansas, Mr.

PRYOR, for working with me to draft language to enable high schools and colleges to purchase nanotechnology equipment through grants from the National Science Foundation. And I thank the distinguished Senator from New Jersey, Mr. MENENDEZ, for working with us to add some of that language to his important amendment to this fine bill.

Nanotechnology involves the understanding and control of matter at dimensions of roughly 1 to 100 nanometers—as small as a single molecule. At that scale, unique phenomena enable novel applications. The rapidly growing field of nanotechnology is generating scientific and technological breakthroughs that will benefit society by improving the way many things are designed and made. It will continue to be at the heart of innovation in a wide range of sectors for decades to come.

With the inclusion of the language that we proposed, partnerships between low income school districts, colleges and universities, and businesses will be able to secure funds to purchase classroom versions of scanning electron microscopes and other tools that are fundamental to the study of nanotechnology.

Mr. SMITH. Madam President, I thank my distinguished colleague and the Senators from New Mexico, Tennessee, Massachusetts, Arkansas, and New Jersey.

Nanotechnology will have a significant, positive impact on the security, economic well-being, and health of Americans as fields related to nanotechnology expand. In order to maximize the benefits of nanotechnology to our citizens, the United States must maintain world leadership in the field.

According to the National Science Foundation, foreign students on temporary visas earned 32 percent of all science and engineering doctorates awarded in the United States in 2003, the last year for which data is available. Foreign students earned 55 percent of the engineering doctorates. Many of these students expressed an intent to return to their country of origin after completing their study.

To maintain world leadership in nanotechnology, the United States must make a long-term investment in educating U.S. students in high schools and colleges, so that our students are able to conduct nanoscience research and develop and commercialize nanotechnology applications.

Preparing students for careers in nanotechnology requires they have access to the necessary scientific tools, including scanning electron microscopes designed for teaching, and involves training to enable teachers and professors to use the tools in classrooms and laboratories.

Mr. WYDEN. I agree with my colleague. It is well documented that America needs to address the science, technology, engineering and math deficit—this entire bill is a reflection of that understanding. This deficit is pos-

sibly greatest in the Nation's poorest school districts. Yet these school districts also offer a reservoir of potential—potential, if properly tapped, that could generate hundreds of thousands of scientists and engineers who can help ensure that America can compete in the global marketplace, and harness the economic promise—and good paying jobs—of emerging fields like nanotechnology.

I have seen some of the nanotechnology equipment that folks will be able to use these funds to purchase. And honestly, it is exciting stuff. I expect that it will help generate the enthusiasm, as well as the knowledge and understanding, necessary to attract and retain America's future nanotechnologists.

So I would urge the Director of the National Science Foundation, as he is implementing this program, to give special attention to grant proposals that include a nanotechnology element.

Mr. SMITH. I agree with my colleague from Oregon and I also hope that the Director will give special attention to grant proposals that include a nanotechnology element. Nanotechnology is not a specific technology, but a descriptive term encompassing a range of fields from biology to computer science, and from medicine to engineering. This legislation will enable high schools and colleges, in partnership with local businesses, to purchase basic tabletop nanotechnology tools for classroom use—not laboratory use for research, but classroom use for education—to help create the next generation of scientists of all kinds, and to ensure that they will have the skills to apply nanotechnology to whatever specific scientific field they enter.

Mr. WYDEN. I would like to make one last point—the 21st Century Nanotechnology Research and Development Act will come up for reauthorization next year. As one of the authors of the act, and as one of the cochairmen of the Congressional Nanotechnology Caucus, I am looking forward to hearing my colleagues' thoughts about how the act might be amended to further promote American competitiveness in the vitally important field of nanotechnology.

#### AUTHORIZATION FOR DEPARTMENT OF ENERGY BASIC RESEARCH, SECTION 2006

Mr. DOMENICI. Madam President, I wish to commend the managers of the bill for continuing here on the floor the remarkable cooperative effort that characterized the development of this legislation by the three Senate committees. That said, I want to note that I think we need to give further consideration to the funding pattern for basic research within the Department of Energy in Section 2006. We have responded to the Augustine Report's call for increasing our commitment to basic research in the physical sciences by doubling funding over the next decade, but we need to make sure that those funds are distributed over the

years in a manner that will maximize the effectiveness of those programs. I suggest that we need to increase and accelerate funding for these basic research programs. I request that the managers agree to work with me to accomplish that as this bill works its way through conference.

Mr. BINGAMAN. I share my colleague's concern. We must ensure that the funding increases for the Office of Science at the Department of Energy are sufficient and that they are allocated to specific years so that there is a nexus between the needs of each of the various research programs and the amounts provided for each fiscal year. I will be pleased to work with my colleagues in conference to refine further these authorizations.

Mr. ALEXANDER. I thank the senior Senator from New Mexico for bringing this matter to our attention. I, too, recognize the significant contributions of the Department of Energy Office of Science to our Nation's commitment to basic research. It is the largest Federal funding source of basic research in the physical sciences. So it is, of course, extremely important that we get the funding right. I will also be pleased to work with my colleagues to make certain we provide optimal support for these programs.

Mr. DOMENICI. I thank my colleagues for their willingness to work with me on this issue, and I am hopeful that the conference report we ultimately consider will have the best funding scenario we can provide for these basic research programs.

#### AUTHORIZATION OF THE ATP PROGRAM

Mr. LEVIN. Madam President, I had intended to call up amendment No. 969 which sets forth authorization levels for the Advanced Technology Program, ATP, to restore the ATP program to its historic funding levels. The Senate's defeat of the Coburn amendment expresses the will of the Senate to support the ATP program. I am also confident that the chairman and the committee can accomplish in conference what this amendment intended to do.

Again, by defeating the Coburn amendment to repeal the authorization for the Advanced Technology Program, ATP, the Senate has again expressed its support for ATP.

This body understands the importance of this program. In the past the Senate has, on numerous occasions, supported amendments to the budget resolution to provide for ATP. Every time we have had an appropriations vote on this program we have retained funding for ATP.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is one of the key Federal programs available to help U.S. manufacturers remain competitive in a global economy.

I have spoken with the chairman of the Senate Energy Committee and I am confident he will support strong funding for the ATP program in conference.

Mr. BINGAMAN. I will support efforts to authorize this important program which the Senate has so often voted to support, consistent of course with our ability to get a conference report that the Senate can pass.

I thank Senator LEVIN for bringing this matter to the attention of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, if all of the Members are here now, I want to express thanks—I think I speak for the whole Senate—for the work done by Senators BINGAMAN and ALEXANDER. It is a very important piece of legislation. This is the fifth day we have worked on this piece of legislation; this is only the floor days. We spent hours and hours coming up with the idea, having meetings, meeting with individual Senators.

It is a good piece of legislative work. As we know, legislation is the art of compromise. They have made the compromises which improved the legislation. They were assisted by the chair and ranking member of the HELP Committee, KENNEDY and ENZI; Commerce Committee, INOUE and STEVENS; and, of course, Senator BINGAMAN's housemate from New Mexico, Senator DOMENICI, has been on the floor a lot these past few days. It is good to see him up around, back in his fighting form. He has done very good work as usual.

I also express my appreciation to Senator MCCONNELL for allowing us to move forward. This is a good bipartisan piece of legislation. I said when this legislation started we were going to do something on a bipartisan basis. Recognizing that although there was a little bit of downtime on a few occasions, I made the decision before we went to this bill there would be no procedural cloture votes filed. I thought it was good to let everybody know we can work through these bills if we have to with a little cooperation from everybody.

Thank you very much.

Let me finally say, the House is going to complete the work on the supplemental sometime late tonight. We will get that sometime late tomorrow. We are going to try to have the final passage of this about a quarter to 1 tomorrow. I am assuming it will be final passage: we will have the vote, anyway. Then that will be the last vote for this week.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me join my good friend the majority leader, and say this is a good example of the Senate, a broad bipartisan bill of consequence, with spectacular, widespread participation led by Senator ALEXANDER, Senator DOMENICI, Senator STEVENS, and others on this

side; Senator BINGAMAN and others on that side. This is a proud moment for the Senate. I congratulate all of those who spent a couple of years crafting this measure and putting it together so it can enjoy this large vote it is about to receive.

The PRESIDING OFFICER. The Senator from New Mexico.

#### AMENDMENT NO. 973

Mr. BINGAMAN. Madam President, we did inadvertently leave one additional amendment off the list that I read describing the managers' package. I ask unanimous consent that amendment No. 973 be agreed to, and the motion to reconsider be laid on the table.

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

The amendment (No. 973) was agreed to, as follows:

(Purpose: To include the Administrator of the Small Business Administration on the President's Council on Innovation and Competitiveness)

On page 16, strike lines 15 and 16 and insert the following:

(P) The Small Business Administration.

(Q) Any other department or agency designated by the President.

Mr. BINGAMAN. Madam President, let me say very briefly that I very much appreciate Senator REID's leadership in setting time aside and making this a priority for the Senate, and Senator MCCONNELL as well. And, of course, I acknowledge the great work Senator ALEXANDER has done at every stage in this process. He has done a terrific job, and he has been the persistent impetus for getting this legislation to this point and deserves great credit for it. Senator DOMENICI does as well. He took a very strong leadership role in the last Congress and again in this Congress in getting this done.

Of course, Senator ENSIGN and Senator LIEBERMAN have been real leaders on the issue, and Senator MIKULSKI, Senator INOUE, Senator STEVENS, Senator HUTCHISON, Senator KENNEDY, and Senator ENZI. All of them have played a major part.

This is multicommittee legislation and multi-Senator legislation. It is bipartisan, as was said. It is a good step for the Senate to be taking. I appreciate everyone's cooperation and help.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, out of respect to our colleagues, I am going to defer my remarks until after the vote except to say—all of the thank-yous, except to say one thing: There are a number of issues before this body that are too big for one party to solve. This has been one of them. But after 2 years of work across party lines, we ended up with 63 cosponsors, 208 pages of legislation. We dealt with 40 amendments in the last 3 days without any cloture. I hope this sets an example for dealing with some of the other large issues we have that are too big for one party to solve.

I thank my colleagues for working with us in this way. I will be more spe-

cific about those thanks to the leaders and the other Senators after the vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, fellow Senators, I have been involved in the last 2 years in two major legislative efforts; both of them have been bipartisan, extremely bipartisan. I don't know how far that will carry us, but it certainly is a good feeling. It is different to know that Senators on both sides of the aisle support the effort you are making when you work hard for something like we did for this one.

The brain power of our youth is the salvation of our country. It is the source of innovation and the source of our economic power. It is failing because we are not educating our children properly. That is the heart of the recommendation given to us. It is the heart of what they gave us as their recommendations, the great American leaders who volunteered, and we were able to keep most of it regardless of how difficult the committee jurisdictions are. Three major committees getting together to fix this is pretty good work.

I thank everyone. There are more that I want to thank one on one. I will thank them later. But it has been a great effort. I thoroughly enjoyed it after these many years of being a Senator. The last couple of years have been absolutely terrific when you can get a couple of major bills done with both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) 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 88, nays 8, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—88

Akaka	Baucus	Bennett
Alexander	Bayh	Bingaman

Bond	Feinstein	Nelson (NE)
Boxer	Grassley	Obama
Brown	Hagel	Pryor
Bunning	Harkin	Reed
Burr	Hatch	Reid
Byrd	Hutchison	Roberts
Cantwell	Inouye	Rockefeller
Cardin	Isakson	Salazar
Carper	Kennedy	Sanders
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Clinton	Kohl	Shelby
Cochran	Landrieu	Smith
Coleman	Lautenberg	Snowe
Collins	Leahy	Specter
Conrad	Levin	Stabenow
Corker	Lieberman	Stevens
Cornyn	Lincoln	Sununu
Craig	Lott	Tester
Crapo	Lugar	Thune
Dodd	Martinez	Vitter
Dole	McCaskill	Voinovich
Domenici	McConnell	Warner
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Ensign	Murkowski	Wyden
Enzi	Murray	
Feingold	Nelson (FL)	

## NAYS—8

Allard	Graham	Kyl
Coburn	Gregg	Thomas
DeMint	Inhofe	

## NOT VOTING—4

Biden	Johnson
Brownback	McCain

The bill (S. 761), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Madam President, I speak today in support of the America Competes Act, ACA, a bill designed to increase math and science opportunities for our Nation's youth, an issue of great importance in our increasingly global economy. I have heard from Wisconsinites at the K-12 education level as well as members of my State's higher education community who have voiced support for the ACA and the boost it provides to math and science programming. I am particularly pleased the Senate accepted my amendment to improve education privacy protections in the P-16 database component of this legislation.

For decades, America has dominated the science and technological fields both in the higher education community and the business sector. As the National Academy of Sciences', NAS, report "Above the Gathering Storm: Energizing and Employing America for Brighter Future" outlined, the United States is facing some important challenges that need to be addressed if our country wishes to remain the worldwide economic and scientific leader. The report made clear that the science and technology preeminence that we have enjoyed for decades should not be taken for granted and deserves serious attention.

The NAS report also highlights the need for supporting basic and applied research as a foundation for America's continued competitive edge. The America COMPETES Act follows through on these suggestions by boosting funding

for competitive basic research through the NSF and other agencies. I have long been a strong supporter of competitive research funding, cultivating young researchers, graduate students and professionals, and creating an overall environment that encourages innovation, so I was glad to see these provisions in the legislation. While this legislation provides a Federal emphasis, this effort is going to have to be a partnership with public and private universities and colleges to be successful. Knowing Wisconsin, I am sure our institutions and higher education and companies will step up to the plate and embrace this partnership.

Keeping America competitive globally is particularly relevant as manufacturing and industrial plants have closed in the United States and been rebuilt in other nations where the cost of hiring technical experts like engineers and chemists are often one-fifth or even one-tenth that in the US. While we need to boost education and employment training for these workers, I am concerned that retraining and major investment in the science and technology arena will not be enough to make a long-term difference without improved trade agreements. I continue to be troubled by the trade agreements into which our country has entered in recent years. Too often, they lack even the most basic labor and environmental standards needed to prevent a race to the bottom, and to ensure that our businesses and workers can compete on an equal footing. The unfortunate result of these flawed agreements has been the flight of jobs overseas and downward pressure on wages and benefits for those jobs that remain. If agreements such as these continue to be the rule, I am afraid that even with significant investment in science and technology our global position will continue to erode.

While trade policy is an important aspect of our country's competitiveness, maintaining and strengthening America's competitiveness is a multidisciplinary effort. I am pleased that the ACA includes funding for various important education programs including teacher professional development and summer learning institutes for K-12 teachers, and expanded access to AP and IB courses for students in high-need schools. Providing training and support to America's teachers is an essential component of strengthening our nation's educational system and ensuring the educational growth of American students. Teacher quality is one of the biggest factors that impacts student achievement and too many students in our nation's most disadvantaged schools are taught by less experienced and less qualified teachers than their counterparts in our more advantaged schools. The programs provided in the ACA move our country in the right direction towards closing the gap in teacher quality and increasing the number of math and science teachers throughout the country.

I am pleased the Senate adopted my amendment to strengthen the education privacy provisions in the title IV section of the bill which funds alignment of education programs. Under this section, States could apply for grants to improve alignment of the K-12 education standards with the skills that are needed for both the workforce and college. States could also use the grants to create P-16 databases which would compile information on students from kindergarten through college for the purposes of improving education policy in the States. While I fully support better alignment between the K-12 and higher education systems, I was concerned that the privacy provisions of the underlying bill were not strong enough to protect this important student data. As we have seen recently with the unauthorized uses of the federal National Student Loan Data System, these data systems are not completely secure and are potentially subject to abuse by those who have access to such data systems.

My amendment adds some common-sense protections that States would have to comply with in order to receive Federal funding to create or improve education databases. States and third parties will only be able to use the data in the P-16 systems to fulfill purposes set out in State and Federal education law and third parties who access the data must sign a data use agreement prohibiting further disclosure or unauthorized uses. States will also have to account for all disclosures of data and make the accounting available to individuals whose data has been disclosed. Additionally, States must maintain adequate electronic security measures to safeguard the confidentiality and integrity of the data. Databases established with these Federal grant dollars would be subject to the protections of the Family Educational and Privacy Rights Act. Finally, the underlying bill requires States to assign students unique identifiers in the State databases and my amendment would prohibit Federal, State, and local agencies from using the unique identifiers for any purposes except those allowed under Federal and State education law, as well as requiring the Secretary of Education to promulgate regulations to govern the use of unique identifiers in order to safeguard individual privacy.

During consideration of the bill I supported several amendments that would impose greater fiscal responsibility, such as Senator DEMINT's amendment opposing earmarks and Senator COBURN's amendment addressing the Advanced Technology Program. I did not support other amendments that, while well-intentioned, could have undermined the principles and purposes of the bill. I opposed Senator COBURN's amendment to sunset the provisions of the ACA and its amendments because of my concerns that this would nullify positive policy changes made by the ACA. I also opposed his

amendment regarding the grant programs of the National Oceanic and Atmospheric Administration. That amendment would have unduly interfered with grant recipients' ability to meet the objectives of their grants by prohibiting participation in conferences that, for example, could further scientific understanding. Grant recipients from all Federal agencies already must comply with regulations that prohibit the misuse of Federal funds on things such as entertainment and alcohol expenses.

I am pleased we were able to work in a bipartisan manner to pass this important legislation. Improving math and science programs for disadvantaged youth and strengthening professional development opportunities for America's teachers are critically important to our Nation's future. The United States has long been known for its leadership in scientific discoveries and achievement, but our country must continue to improve and strengthen our education programs related to math, science, and technology if the United States wants to remain the world's leader on these issues. I believe the America COMPETES Act moves our country in the right direction towards achieving these important goals.

Mr. REID, Madam President, passing S. 761, the America COMPETES Act, is an important first step towards maintaining our country's competitive advantage in the global economy.

This legislation was written with strong bipartisan cooperation and negotiation. Many competing interests and competing views were heard during an open amendment process with Senators free to offer their ideas for improving the legislation. And, in what I hope is a sign of things to come, we were not forced to file cloture to complete action on this bill. Over the past few days, the Senate worked just as it was designed to do.

We would not have achieved this great bipartisan success were it not for the hard work of Senators BINGAMAN and ALEXANDER. While many Senators played important roles in passing this bill, Senators BINGAMAN and ALEXANDER were responsible for raising the awareness of our diminishing ability to compete, and for bringing a much-needed sense of urgency to this issue. I also want to recognize the hard work of a number of my colleagues, Senators INOUE, STEVENS, KENNEDY, ENZI, LIEBERMAN, ENSIGN, MIKULSKI, and HUTCHISON, who were also instrumental in crafting and now passing this legislation.

I look forward to working with my colleagues to ensure that we follow through on the commitments and investments we made today in passing the America COMPETES Act. And I am hopeful that we can continue to work together in a bipartisan manner to move this country forward.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, let me speak again about the extraor-

dinary effort that went into this legislation and talk particularly about the staff work that has brought us to this point.

I think everyone involved in this legislation knows this represents many days and many nights of hard work by staff people in our personal offices as well as on committee staff. We have seen a great example of how the staffs of the various committees can come together and produce a good product.

I will reiterate the leadership among Senators for this work. Senator ALEXANDER, of course, deserves tremendous credit. Senator DOMENICI deserves tremendous credit. Senator LIEBERMAN and Senator ENSIGN have both worked very hard on this legislation and deserve great credit as well. I know Senators REID and MCCONNELL acknowledged their good work. We also, of course, could not have done this without the leadership of Senator KENNEDY and Senator ENZI on the HELP Committee, and without the leadership of Senator INOUE, Senator STEVENS, Senator MIKULSKI, and Senator HUTCHISON. There are several others I am sure I should have on the list as well because this was a combined effort.

The three committees that put this legislation together were the Health, Education, Labor, and Pensions Committee, under the leadership of Senator KENNEDY and Senator ENZI; of course, the Commerce, Science, and Transportation Committee under Senator INOUE and Senator STEVENS; and the Energy and Natural Resources Committee. The portion of this legislation that came from the Energy and Natural Resources Committee was reported out when Senator DOMENICI was the chairman in the last Congress. I was proud to work with him in doing that. I can recall the effort the three of us made—Senator ALEXANDER, Senator DOMENICI, and myself—to persuade the President to make this a priority. He did make it a priority. Of course, he deserves credit for that as well.

Let me also talk for a minute about individual staff members on both sides of the aisle who worked very hard to make this a success—from the Commerce Committee: Jean Toal-Eisen, Jason Mulvihill, Chan Lieu, Beth Bacon, Jeff Bingham, H.J. Derr, Floyd Deschamps, and Christine Kurth; from the HELP Committee: Missy Rohrbach, Lindsay Hunsicker, Michael Yudin; from my staff: Carmel Martin, David Cleary, Anne Clough, Beth Buehlman, Roberto Rodriguez, and Ilyse Schuman; from the Energy Committee: Bob Simon, staff director Jonathan Epstein, who has been working with me tirelessly on this legislation, Sam Fowler, and, of course, our general counsel, Kathryn Clay, and Melanie Roberts; on Senator ALEXANDER's staff: Matt Sonnesyn and Jack Wells are the two with whom I am most familiar who have worked so hard; from Senator LIEBERMAN's staff: Rachel Stotsky, Craig Robinson, and Colleen Shogan; and from on my staff: My legislative

director Trudy Vincent has been extremely involved and helpful in getting this legislation completed. I wish to acknowledge the great work done by Jason Unger and Mark Wetjen on Senator REID's staff and by Libby Jarvis on Senator MCCONNELL's staff.

This is legislation which could not have come together without the good work of all of these people whose names I have mentioned. They can be proud of their success in this venture.

Of course, this is only one hurdle in the process. It seems, in the legislative process, no matter how many hurdles jumped, there is always another ahead. We now have to find a way to reconcile any differences we have with the House on this set of issues. We hope we can do that successfully in the near future and send the bill to the President.

Again, I particularly congratulate Senator ALEXANDER and Senator DOMENICI. I know Senator ALEXANDER has some comments he wants to make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to add the following Senators as cosponsors of S. 761, the America COMPETES Act: Senators SNOWE and HATCH.

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

Mr. ALEXANDER. Madam President, let me say to Senator BINGAMAN, I greatly appreciate working with him. I do not believe there will be a more important piece of legislation to come before Congress this year because it goes right to the heart of something every American understands, which is, How do we keep our jobs? This is the way we do it. We keep our brainpower advantage. We keep our jobs in competition with China and India. There are other factors as well, but what we know is—and we have a broad consensus in the Senate—that most of our remarkable standard of living, a situation where we have 30 percent of all the money in the world produced in this country for about 5 percent of the people, comes from our brainpower advantage, kindergarten through the twelfth grade, a wonderful higher education system, and our research institutes. That is the importance of this legislation.

The second thing about the legislation is that, to a remarkable degree, we rely on the people we ought to rely on in giving the answer to the question, How do we keep our brainpower advantage? Senator BINGAMAN and I, with the encouragement and under the leadership of Senator DOMENICI, who last year was chairman of the Energy Committee, asked the National Academy of Sciences: Please tell us the 10 things we need to do in order to keep our brainpower advantage so we can keep our jobs.

So they asked Norm Augustine, the former head of Lockheed Martin, to chair a distinguished group of about 21, and they gave up their summer 2 years



ago. They included three Nobel laureates, the former head of MIT, and others of that caliber, and they gave us 20—in priority order—things to do. At about that same time, the Council on Competitiveness had finished its work. Senator LIEBERMAN and Senator ENSIGN had introduced their bill.

That legislation, which was the Domenici-Bingaman legislation, after a lot of work with the Bush administration, became the Frist-Reid bill toward the end of last year. Then, when we changed parties in the Senate, the very same bill became the Reid-McConnell bill. So we had worked closely together in a bipartisan way where we were able to overcome differences.

I do not want the 88-to-8 vote to fool anybody. This was not that easy to do. This has been 2 years of work, with lots of different committees, many different ideas. But it has been a successful effort.

As I said, briefly, just before the vote, it is a privilege always to be a Senator. It has especially been a privilege this week because the Senate is acting as the Senate should. We are dealing, first, with one of the biggest issues facing our country. Second, we are recognizing it is one of that handful of big issues that cannot be solved by one party alone. The Democrats could have charged up and down the hill all night long, and they could not have done it. The Republicans could have done the same, and we could not have done it. We could only have done it in the way we did it, and we did.

There are other issues out there like that. I think of immigration, which the majority leader has said we will be moving to soon. There is the question of affordable health insurance for every American. There is the question of energy independence. I hope this is a model for how we can work together and avoid some of the petty bickering we sometimes fall into. I think the American people would appreciate that, and I hope they will appreciate this.

I wish to thank especially the Senators whom Senator BINGAMAN talked about. He and his staff have been a delight to work with. Senator DOMENICI, of course, has been terrific to me as a junior member of his committee last year, allowing me to work on this. But when Senator STEVENS and Senator INOUE and Senator KENNEDY and Senator ENZI, basically, lent their prestige and sense of urgency to this legislation and stepped back and allowed it to proceed and participated rather than claim some jurisdictional advantage, that is what really helped.

Senator ENSIGN made a tremendous difference within the Republican caucus, and Senator HUTCHISON and Senator BOND, and Senator MIKULSKI on that side. Senator CHAMBLISS and others from the very beginning have worked on this issue. That is why we had 70 Senators on the Domenici-Bingaman bill last year—35 Republicans, 35 Democrats. And that is why

we had 63 cosponsors of the Reid-McConnell bill.

Finally, Senator REID allowed this to come forward, and Senator MCCONNELL worked with him in a way that permitted this environment. It is pretty remarkable. We have had nothing like this in the Senate this year. We had no cloture—not one bit of cloture. We had a very complicated bill. We dealt with 40 amendments, and we got it all done within a week—on one of the most important pieces of legislation. That is a significant achievement. We should not forget the role Senator Frist played last year in helping to move things along. So I thank my colleagues for the privilege of being a part of it.

Senator BINGAMAN read the names, I believe, of all of the Democratic staff and Republican staff. I do not think he left anyone out. I want to especially, therefore, say—I hope this is appropriate to do—to Jonathan Epstein and Senator BINGAMAN's staff how much we appreciate all of them. They really have been indispensable to this effort. I also thank Matt Sonnesyn, who has been our lead. He has been indispensable, as well, and David Cleary; and Kathryn Clay on Senator DOMENICI's staff, who has been crucial to the effort. The staff have spent hundreds of hours, literally, in the last 2 years working carefully through the bill.

I might say this, in conclusion—I know Senator DOMENICI has something to say—I took the legislation home over the weekend and reread it, all 208 pages. It is remarkably coherent, well written, and well organized. Maybe this process would be a good model for other legislation.

The House of Representatives is already moving. Congressman GORDON and Congressman Boehlert joined Senator BINGAMAN and me in asking the National Academies for their recommendations 2 years ago. Those recommendations have been introduced in the House. It is my hope that after our legislation goes there, the House will act soon, and we will be able to send this legislation to the President.

Senator DOMENICI took us to the White House last year to talk with the President about this issue. He secured the invitation, and it was not just a Republican Senator or another Republican Senator, it was a Republican senior Senator and a Democratic senior Senator meeting with the President. That is the way we worked on this issue. So we appreciate the President's attention and priority to this issue. It would not have happened without that, either.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I will be very brief because so much has been said, I do not think I should repeat it. I think all of the people who deserve to be thanked have been thanked. I thank Senator BINGAMAN for being so gracious to all of those who worked on this legislation. I say to

Senator BINGAMAN, you always do, and you made sure the RECORD reflects each of their names, including those of my staff. We all thank you for that act of courtesy.

I just want to say, we all knew when we started we were addressing a very big problem. I am sure each of us from time to time has wondered whether what we were doing was going to have as big an effect as we hoped on our children in their ability to improve their brainpower, as we help teachers who teach them be better teachers of the hard subjects of math and science and the like.

I am sure many times we wondered whether this was the right avenue and approach. But once we got into it, it was apparent we had not been led astray, that the leaders who put it together for us—and there is not a large group of them, but they are very talented, and they are very American—sought nothing but to give us the best recommendations for our country. That was a wonderful group in the Academies. Of course, their chairman, the former CEO of Lockheed Martin, just did a marvelous job.

I am very hopeful, now that we have done this, we will get the money appropriated. I pledge here tonight I will do everything I can—and I hope we will muster more help as we go through appropriations—to see that we give this legislative thrust a chance. If you want a shell, you will get a shell. If you do not want to pay for these programs, you will not help your kids, because there is nothing mysterious about this. There is a huge amount of work that has to be done by people and institutions that have to be paid.

This bill says how we are going to pay for it, but it is an authorizing bill. I told the Senate that, and I proved it, there is nothing we could do in terms of the Budget Act for those who wanted to stop it, because it does not spend money. It authorizes a series of new ideas as the program for the country. The program is immobile without the resources that are stated. As we look at it carefully, we might even see we did not put enough in certain areas. I am certainly going to go to conference and work on the Appropriations Committee with the full idea that we must fully fund this bill for the next 3 or 4 years if we are going to get what we want for our young people and the teachers and parents who so anxiously wait for something good and positive.

This day has been a long time coming. For over a year, we have been working to pass a bill that will give America the brain power needed to compete in the global marketplace.

This is a process that began in the Energy Committee, with a request to the National Academy of Sciences to put together a report that told us what needed to be done to help America compete. That report, "Rising Above the Gathering Storm," led by former Lockheed CEO Norm Augustine, serves as the basis for the legislation we just passed.

Last year, the Energy Committee moved forward with legislation that utilizes the Department of Energy and its national labs to train our teachers and rekindle interest in math and science. We called that bill the PACE—Protecting America's Competitive Edge.

At the end of last session, and again this year, we were able to partner with our leaders, Senator REID and Senator MCCONNELL, and our colleagues on the Commerce and HELP Committees, to put together the comprehensive America COMPETES Act.

Less than 6 percent of high school seniors have plans to study engineering, but 50 percent of our current U.S. science and engineering workforce is approaching retirement age.

By bringing our national labs into the classroom, we can begin to address this problem.

Since the Augustine report emphasizes the need for a renewed focus on basic science and research, this bill authorizes doubling the funding for DOE's Office of Science.

I look forward to working with the House in conference to pass a strong, bipartisan bill that will allow America to rise above the gathering storm and compete once again.

With that, Madam President, once again, I thank Senator BINGAMAN. It has been a pleasure to get another bipartisan bill through with you. If we keep doing this, they are going to be mentioning the Senator from New Mexico so much—mentioning you and then me—they are going to think the whole place is full of Senators from New Mexico. We do not have to worry about that. We will take what we can get and do the best we can with it.

I say to the Senator, thank you, LAMAR, for coming to me and asking: Could I push this with you all? It was a pleasure—and under my chairmanship—to push it with you and for you. It came out very well.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

#### MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### JACK HICKMAN'S RETIREMENT

Mr. REID. Mr. President, prior to this job as Democratic leader, I basically lived on the floor for 6 years. I was here from the time the Senate came into session until we went out every day. During that period of time, I got to know staff up here very well because I basically lived with them.

One of the people whom I certainly have gotten to know over that period of time is a man by the name of Jack

Hickman. Since 1996, Jack has worked in the Senate Document Room, has been the executive communications clerk, and is now the morning business editor. When he is here, he sits at the table right in front of me.

Jack is physically a giant of a man, very big. He has a wonderful sense of humor and is very easy to get along with. He loves his alma mater, the University of Wisconsin. One of his sad times was when UNLV beat them once, which was unexpected in a lot of quarters. He follows Wisconsin basketball and all of their sports teams very closely.

Jack has two sons, Paul and Brian. His wife's name is Margaret, and he brags about her all the time.

I want the RECORD to be spread with the fact that it has been an enjoyable experience for me to be able to work with someone of Jack's caliber, to be able to joke with him and make fun of each other in a respectful way on some of our idiosyncracies.

Jack Hickman is going to retire. Tomorrow is his last day here. He and his wife had purchased a place in Florida some time ago. He has been going down there on vacation in our off times. Now he will live there full time.

Jack does, as do all of the Senate personnel, invaluable work for us. He makes sure what we say goes in the right place in the RECORD. He works with the court reporters and the rest of the staff. His work, even though it is not very noteworthy to the public, is essential to the Senate functioning properly.

I will really miss Jack a lot. He is someone with whom I have a real strong comfort level. I look forward, in the years to come, to being able to visit with him again and talk about some of the times we have had. We have spent many hours together on the Senate floor. During those years, I didn't control what we did; I was just here on the floor. We waited for long periods of time for the leader—whether it was a Democratic or Republican leader—to come and take us out at the end of the day. We complained to each other, saying, "I wonder what they are doing." Well, since I got this job, I have a better picture of that. Even though it appears there is nothing going on out here, a lot of times, in the respective leaders' offices, a lot is going on.

Mr. President, I speak about Jack, but in the process I speak of all these people who do so much for us and make us look good.

I wish Jack good luck in his retirement.

#### RECOGNIZING CHARLES A. SCHOLZ

Mr. DURBIN. Mr. President, today I congratulate my good friend Charles A. Scholz. On April 29, he will be honored by the Mississippi Valley Council, Boy Scouts of America and presented with the 2007 Distinguished Citizen Award. This commendation recognizes the im-

portant contributions of American men and women to scouting and their community. Charles A. Scholz is certainly deserving of such an award.

Charlie has spent most of his life in Quincy, IL. At 80, he retains fond memories of his years as a Boy Scout in Quincy. Charlie attended St. Francis Grade School and Quincy Notre Dame High School.

Beginning in July of 1944, he served in the Navy V-12 Program, a unique initiative designed to recruit commissioned officers during World War II and allow young men to pursue college degrees while serving on active duty. Charlie continued his education at Mercer University, ultimately receiving his juris doctorate degree.

After graduation, Charlie returned home to Quincy. On June 10, 1950, he married the late Nancy Wright. Together they raised seven children in Quincy, instilling in each a desire to serve the community. The success achieved by the Scholz children, serves as a testament to Charlie and Nancy's characters, as well as their dedication to the family and their faith.

Charlie has been a successful attorney in Quincy for years; but he is known equally well for his continuing efforts to give back to the community.

For 25 years, Charlie served on the board of directors of the Quincy Free Public Library. During his tenure as president of the library board, volunteers carried out a successful campaign to raise funds for a new library. Charlie also served board of trustees of the former St. Mary's Hospital in Quincy, first as a member and then as the board's president.

Charlie founded the Quincy Notre Dame Foundation to help support his alma mater. He served on the board of governors of the Franciscan Sisters of the Poor Foundation, Inc. and served as a member of the Board of Land of Lincoln Legal Services Foundation. In addition, Charlie was a past member of the Board of directors of the Community Foundation of Quincy.

The late Dr. Martin Luther King, Jr. once said, "Everyone can be great, because everyone can serve." Well, Charlie Scholz has taken that declaration to heart. He lives a life committed to his family, his faith, and his community. I congratulate him on receiving this award and thank him for his years of service.

#### VIRGINIA TECH TRAGEDY

Mr. CHAMBLISS. Mr. President, I wish to express my heartfelt condolences to the family of 35-year-old Christopher James "Jamie" Bishop, one of the victims of the tragic Virginia Tech shooting rampage that occurred this week. He was teaching an introductory German language course in Norris Hall when the shooting occurred.

Jamie Bishop grew up in Pine Mountain and attended the University of Georgia, where he earned a bachelor's