S. 1766

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1766, a bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes.

S. 1771

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1771, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease, improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

AMENDMENT NO. 2262

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2262 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA:

S. 1818. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, today I reintroduce legislation initially inspired by an indepth report published in late 2005 by the Chicago Tribune that highlighted the extent of mercury contamination in the fish eaten by the American people.

Mercury is a potent neurotoxin that can cause serious developmental problems in children, ranging from severe birth defects to mental retardation. As many as 630,000 children born annually in the U.S. are at risk of neurological afflictions related to mercury. In adults, mercury can cause problems affecting vision, motor skills, blood pressure and fertility. As many as 10 percent of women in the U.S. of childbearing age have mercury in their blood at a level that could put a baby at risk.

Sampling conducted by the Tribune showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by Chicago area consumers, fish like tuna, swordfish, orange roughy, and walleye. The Tribune also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

For all Americans, especially pregnant women and other at-risk groups, there are risks to eating fish with high mercury levels. That is why we need to work harder to get at the root causes of mercury contamination. In the short term, some have proposed strategies that include eating less fish, or issuing consumption advisories, or printing labels on tuna cans, or posting placards at the supermarket. Each of those strategies have their respective merits, but if we are really serious about making fish safer to eat, we need to actually reduce the amount of mercury in fish, and that means reducing the amount of mercury used in industry.

When policymakers focus on addressing mercury sources, often coal-fired power plants and incinerators are at the top of the list. I think it is important that we not overlook other sources, however, where new policies could yield notable mercury reductions in the short term using methods that are achievable and affordable. One such source is the chlor-alkali industry.

Chlor-alkali facilities manufacture chlorine gas and caustic soda, important chemicals that serve as the building blocks of many of the products and plastics essential to modem everyday life. For more than 100 years, mercury has been a key component in the chlorine process. Since 1974, however, about 115 plants worldwide have converted to better technologies such as membrane and diaphragm cells. Today in the U.S. more than 90 percent of the chlor-alkali industry has switched from using mercury to using these alternative catalysts. Moreover, of the 8 plants in the U.S. that still use mercury, 3 are in the process of stopping. The remaining 5, however, have made no such commitment. It is also worth noting that in 2005 alone, the 5 uncommitted mercury using plants released more than 4,400 pounds of mercury into the air, on average four times the average mercury releases of a standard coal-fired power plant.

The time has come to finish these upgrades and end the use of mercury in the chlor-alkali process, especially since these remaining plants rank among the largest mercury emitters in their respective states.

The bill I introduce today, the Missing Mercury in Manufacturing Monitoring and Mitigation Act, or M5 Act, prohibits using mercury cells in the chlorine or caustic soda manufacturing process by the year 2012. The M5 Act also puts procedures in place by midyear 2008 to track and report mercury input and output in the chlor-alkali industry. The evidence suggests that between 2000 and 2004, the industry could not account for more than 130 tons of mercury. The EPA calls this ''an enigma.'' The M5 Act addresses this enigma by tightening up mercury tracking requirements. My bill also establishes an advisory committee to study and recommend methods for transfer and long-term storage of mercury from closed or closing facilities. And the bill directs the Agency for Toxic Substances and Disease Register to conduct a health assessment at those facilities that still use mercury after 2008.

It is important to point out that there are alternatives to mercury in the chlor-alkali process, more than 100 plants worldwide have converted to better technologies. We also know that these alternatives are not cost-prohibitive. Statistics compiled in a recent report by the group Oceana demonstrate that conversion costs are substantially similar to the cost of the continued use of mercury, for example, the cost of waste disposal, treatment, monitoring, fines, and higher energy consumption associated with using the old technology.

If there were simply no alternatives to mercury for this industry, if other technologies had not been proven on a commercial scale, or if switching from mercury was simply too expensive, then I could understand if there were strong arguments against this legislation. But here we actually have a situation where mercury use could actually be phased out within a rather short period of time, improving the health of children and families. So the choice is whether we want to wait another decade and hope that improvements happen, or whether we want to ensure that mercury is phased out beginning today. I hope my colleagues will choose the latter, and I urge their support of this bill.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1820. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to enable hundreds of former Santa Susana Field Laboratory workers or their survivors

to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

These benefits have long been denied them due to flaws in the Energy Employees Occupational Injury Compensation Act of 2000.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

Specifically, this bill will provide a special status designation, under the Energy Employees Occupational Illness Compensation Act, to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

The bill would extend the ''special exposure cohort'' status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2006.

This revision will provide the act's benefits to any of those workers who contracted a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

Workers at the Santa Susana Field Laboratory played a significant role in keeping our Nation secure during the Cold War. They helped develop our nuclear weapons program, a cornerstone of our national defense.

Sadly, many workers of this era were exposed to radiation on a regular basis. But the records are incomplete and inaccurate. Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if there were records kept, they can't be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no preventative equipment like respirators, gloves, or body suits were provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers. Mr. President, 90 percent of those have been denied due to lack of documentation, or inability to prove exposure thresholds.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with no documentation.

The case of my constituent, Betty Reo, provides a stunning example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957, until May 17, 1960. Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichlorethylene and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Injury Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation, which is virtually nonexistent, she has repeatedly been denied benefits.

This bill would help people like Betty Reo.

I urge my colleagues to join me in correcting these injustices and cutting through the ''red tape'' that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(14)) is amended by adding at the end the following new subparagraph:

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

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

By Mrs. CLINTON (for herself and Mr. BOND):

S. 1823. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, supporting our children and early childhood education are critical to keeping America competitive. Today I am pleased to introduce the Ready to Learn Act, legislation that will help families in New York and across the country by preparing children for kindergarten. I am pleased my colleague Senator BOND, a long-time leader in early childhood development, has partnered with me in introducing this essential legislation.

Since my time as a law student, I have worked to spread information about the importance of care and education for our children, especially our youngest children. It is critical that we provide them with every possible opportunity to learn, grow, and develop early on, not just once they start kindergarten, but before they arrive. This is a cause I have believed in and fought for over the past 35 years, as an advocate, a lawyer, First Lady, a Senator, and most important of all, as a mother.

The Ready to Learn Act will help prepare children for kindergarten by providing funding for States to establish high-quality early learning programs to promote school readiness for four-year-olds in their State. States will apply for funding through a competitive process to establish and administer voluntary preschool programs; this legislation will allow governors to build on pre-existing early childhood systems. Schools, child care entities, Head Start programs, or other community providers of pre-kindergarten programs are all eligible for funding.

To ensure high-quality programs that properly prepare children to be ready to learn, State plans will require qualified teachers, a developmentally, culturally and linguistically appropriate early learning curriculum and support for professional development.

Research has shown the early years are critical in a child's development and that pre-kindergarten education offers benefits that extend through the first years of school and beyond. Children who attend high-quality pre-k programs are less likely to be held back a grade or to need special education, and they are more likely to graduate from high school. They also have higher earnings as adults and are less likely to become dependent on welfare or involved in crime.

While some parents can afford high-quality pre-kindergarten opportunities for their children, so many hard working families simply can't. As a result, in today's current education system, it is not unusual for children to arrive at kindergarten already behind their peers. Nearly 50 percent of all kindergarten teachers report that at least half of their students come to school with problems that hinder their success. One in every six kindergartners needs specialized one-on-one tutoring or special instruction in a small group. Each year, more than 200,000 children repeat kindergarten.

Back when I was First Lady, I hosted a White House Conference on Early Childhood Development and Learning, where expert after expert emphasized the importance of these early years. A child who arrives at kindergarten ready to learn has a far greater chance of excelling, not only in his or her early years, but far into his academic career. Studies show that children who learn the names and sounds of letters before entering kindergarten are 20 times more likely to read simple words by the end of kindergarten than children who enter kindergarten not knowing the letters of the alphabet. Children who do not know their letters prior to kindergarten too often fail to catch up with their peers who do. Eighty-eight percent of children who

are poor readers in first grade remain poor readers by the fourth grade. Children who are not at least modestly skilled readers by the end of third grade are unlikely to graduate from high school.

Like many of my colleagues, I have seen what happens when we invest in our children. We already know that for every one dollar we spend on early childhood education, we reap seven dollars as a society. I have seen what happens when caring adults come together and make the commitment to ensuring that our children can fulfill their Godgiven potential.

I saw it back in Arkansas when we brought HIPPY to America to teach parents how they could educate their children. We taught them about the importance of reading to their children, and using household objects to teach basic lessons.

I have seen it in visiting Head Start programs where children were learning to read, learning to count and solve problems, learning to share and interact with others and thrive in a structured environment.

We are seeing it around the country in States that have already started investing in early childhood programs. The Ready to Learn Act will support and build on that success.

Supporting our children and early childhood education are critical to keeping America competitive. It is my hope that my colleagues will join Senator BOND and I in supporting this important legislation.

By Mr. OBAMA:

S. 1824. A bill to amend title XVIII of the Social Security Act to establish a Hospital Quality Report Card Initiative under the Medicare program to assess and report on health care quality in hospitals; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise today to reintroduce the Hospital Quality Report Card Act, a quality-focused initiative that will actively engage all relevant stakeholder groups—patients, providers, administrators, and payers—and increase availability of information about the quality of health care services in local hospitals and health systems.

We know that overall performance in our Nation's hospitals can vary tremendously, and is mediocre at best in many institutions. The academic literature has documented serious issues in health care quality for treatment of a number of conditions, including cardiac arrhythmias, hip replacements, and alcohol dependence to name just a few. But discussions of health care quality are not limited to academic exercises; patients and their families experience medical errors and substandard hospital care every day. Just last month, the L.A. Times reported an extreme case involving Ms. Edith Isabel Rodriguez. Ms. Rodriguez, a 43-year old American woman with a perforated bowel, suffered an excruciating and possibly preventable death, after lying unattended on the floor of an emergency room for 45 minutes. Our Nation's hospitals can do better and must do better.

One step towards improving health care quality is collecting, analyzing, and reporting on health care quality, using measures that have been developed, validated, and accepted by the medical community. Not only will such measures assist hospitals by identifying problem areas and facilitating monitoring for improvement, but the transparency through public reporting will also help consumers and payers make informed decisions about where to obtain health services.

The Hospital Quality Report Card Act grants the Secretary of Health and Human Services the power to collect hospital information related to the staffing levels of nurses and health professionals, the accreditation of hospitals, the quality of care for vulnerable populations, the availability of specialty services and intensive care units, hospital acquired infections, measures of crowding in emergency rooms, and other indicators of quality care. This information—focused on health care effectiveness, safety, timeliness, efficiency, patient-centeredness, and equity—will be electronically accessible to the public. The report card initiative builds upon current work at the Centers for Medicare and Medicaid Services, as well as initiatives in a number States including my own home State of Illinois. I am proud to report that I was the primary sponsor of the Illinois Hospital Report Card Act that passed into law in 2003 and took effect in 2004.

Our Nation's reputation of having one of the best health care systems in the world needs to be restored, and this won't happen until we can assure the American people that our hospitals are doing a better job offering top-notch quality care. The Hospital Quality Report Card Initiative will help by expanding and reporting quality measurement, which will provide an incentive for hospitals to do better and valuable information to patients and consumers. I ask that you support the Hospital Quality Report Card Act and help my efforts to pass this legislation.

By Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. DURBIN, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Ms. LANDRIEU):

S. 1825. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Therebeing no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commission on Wartime Contracting Establishment Act''.

SEC. 2. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, and practices of the Department of Defense and the Department of State for handling contingency contract management and support.

(4) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

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

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under subparagraph (A) only—

(aa) by the agreement of the chairman and the vice chairman; or

(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under clause (i), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution and conviction that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training

of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

By Mr. MCCONNELL:

S. 1826. A bill to add Kentucky State University to the list of schools eligible for assistance under part B of title III of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KENTUCKY STATE UNIVERSITY QUALIFIED GRADUATE PROGRAM.

Section 326(e)(1) of the Higher Education Act of 1965 (20 U.S.C. 1063b(e)(1)) is amended—

(1) in subparagraph (Q), by striking ''and'' after the semicolon;

(2) in subparagraph (R), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(S) Kentucky State University qualified graduate program.''.

By Mr. COCHRAN (for himself, Mr. PRYOR and Mr. ENZI):

S. 1827. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

Mr. COCHRAN. Mr. President, implementation of the Medicare prescription drug plan has helped provide prescription drug coverage for millions of Medicare beneficiaries who previously did not have access to medications. Many seniors are now paying less for prescription drugs and the savings for the prescription drug program are even greater than expected. The Centers for Medicare and Medicaid Services, CMS, and health care providers worked together to plan and implement this program and from the beginning, pharmacists played a significant role in making this benefit successful. Pharmacists assisted their Medicare patients in the selection and enrollment process and filled prescriptions for patients, regardless of the guarantee of timely reimbursement. Pharmacists continue to be diligent in serving their patients and providing much-needed medications, despite financial difficulties they have encountered in providing these services.

We are introducing a bill today to assist pharmacists as they continue to serve their patients and as they help to continue the success of the Medicare drug benefit. This bill will allow pharmacists to achieve efficiencies in reimbursement for the products they provide to Medicare beneficiaries. This is especially important to the small, rural independent pharmacies in my State. This legislation will also provide incentives for pharmacists and other providers to help beneficiaries better use their medications, adhere to their drug regimens, and utilize cost saving medication therapy management programs.

I am pleased to offer this legislation that will help continue the success of the Medicare prescription drug benefit.

Mr. PRYOR. Mr. President, earlier today I joined with Senators COCHRAN and ENZI to introduce the Pharmacist Access and Recognition in Medicare Act of 2007. This is bipartisan legislation that will help ensure patients have access to local pharmacies.

I am concerned that the Medicare Modernization Act that was enacted in 2003 failed to sufficiently ensure Medicare patients would have quality access to prescription medicines available at local pharmacies.

The new drug program took effect at the beginning of 2006. We now know that during that year over 1,100 community pharmacies across the country closed their doors according to the National Community Pharmacists Association.

It is critical to me that patients living in small towns throughout Arkansas and across America have access to community pharmacies.

While I believe major reforms need to be made in the Medicare prescription drug benefit, I believe that the bipartisan bill I introduced with Senator COCHRAN and ENZI today is an achievable first step in making the Medicare drug benefit work better for patients and pharmacists who are local front line health care providers.

This bill will ensure that pharmacies are paid on a timely basis for prescriptions that are filled for Medicare beneficiaries. It can take a month for pharmacies to be paid now, and this bill will ensure that pharmacies get paid electronically for clean claims within 10 business days.

Seniors should have a choice concerning what pharmacy they use. Our bill codifies regulations ensuring that Medicare drug cards are not cobranded with the name of a pharmacy, leaving beneficiaries under the impression that the card may only be good at a single, large chain pharmacy.

Cards could be cobranded in the first year of the program. Regulations prohibit that happening this year, but our bill ensures this will not be a problem in the future.

The bill will also help ensure that medicines are used appropriately. Pharmacists are the best trained providers in our health care system to ensure prescribed medications are used correctly. The bill creates a 2 year community-based medication therapy management demonstration program using pharmacists to provide services.

By Mr. INHOFE:

S. 1828. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce a small but important bill that seeks to improve the quality of the air we breathe and increase the level of public involvement under the Clean Air Act.

The senior Senator from Rhode Island joined me in sponsoring an identical version of this bill as an amendment to the energy bill. Unfortunately, there was an objection to clearing that amendment for unknown reasons.

The objection was a surprise, particularly given the widespread support across a variety of industries and advocacy groups. In fact, the Natural Resources Defense Council and American

Lung Association sent Senator REED and me a letter of support.

Under current law, the Clean Air Act allows a petition for a new renewable fuel or renewable fuel additive, including mid-level ethanol blends, to be approved without EPA taking any action whatsoever, not asking for public comment, not conducting studies on the safety or emissions impacts and not reviewing existing emissions or safety studies. In fact, current law provides that a petition is deemed approved even if EPA fails to act or make a determination one way or another.

Environmental law and the Clean Air Act specifically, is premised upon public input and involvement. It is critical that this section of the Act, as elsewhere, provide for adequate stakeholder involvement. My bill would force EPA to give public notice and seek public comment from all interested persons on any petition for a new renewable fuel or renewable fuel additive.

Safeguarding air quality is critical, but guaranteeing that the engines that consumers rely on is important as well. Studies done by Australia's EPA found that mid-level ethanol blends can cause the following problems with motor vehicle and small, off-road engines: failure of exhaust components, for example catalyst, due to heat/durability, engine damage and seizure, engine stalling and stopping, failure of engine cut-off switches, unexpected engagement of cutting blades/chains, and fuel leaks and blockage of fuel lines. My bill directs EPA, with DOE's and USDA's assistance, to study whether the use of higher ethanol blends pose safety, air quality, or engine operability concerns in motor vehicle and nonroad engines, and equipment.

Ethanol proponents should support this bill. The ethanol industry cannot afford to have consumers turn against their product if higher levels of ethanol blends cause their snowmobile, chainsaw, or boat engine to shut down. If EPA's study shows that these higher blends are safe for all engines, then the ethanol industry will benefit from the study.

This bill is about good Government and transparent Government. EPA should not be permitted to approve these petitions ''in the dark of night,'' without public participation.

The bill that I am introducing today, like the amendment that Senator REED and I offered during the energy bill, will simply make sure that EPA carries out its duty to protect human health and the environment, increase the public's role under the Clean Air Act, and shed light on a currently private process.

Mr. LEAHY (for himself, Mr. HATCH, Mrs. LINCOLN, and Mr. SHELBY:

S. 1829. A bill to reauthorize programs under the Missing Children's Assistance Act; to the Committee on the Judiciary.

Mr. LEAHY. I am pleased to introduce the Protect Our Children First Act of 2007, which will reauthorize funding for the National Center for Missing and Exploited Children, NCMEC through fiscal year 2013, and increase Federal support and coordination to help NCMEC programs to find missing children across the Nation. I am glad that Senator HATCH has joined me in introducing this bill, along with Senators LINCOLN and SHELBY. As members of the Missing and Exploited Children's Caucus, we have all worked together on numerous pieces of legislation to protect the safety and welfare of our children, and I thank them for their continued leadership and for joining me in introducing this bill.

Just a few months ago, we commemorated the 25th National Missing Children's Day, when our Nation particularly remembers our commitment to work together in locating and recovering missing children. It pains us all to see on TV, in the newspapers or on milk cartons photo after photo of missing children from various comers of our country. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 percent and 90 percent of missing person reports. These families deserve the assistance of the American people and a helping hand from the Congress and from Federal agencies.

As the Nation's top resource center for child protection, the National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation and sexual exploitation. NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights. The center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, the U.S. Marshals Service, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children. Child advocates like John Walsh, who worked hard in helping Congress enact the National Center's charter, also continue to support the center's vital work.

The center's professionals have disturbingly busy jobs, they have worked on more than 127,700 cases of missing and exploited children since its 1984 founding, helping to recover more than 110,200 children. The center raised its recovery rate from 64 percent in the 1990s to 96 percent today. The center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and it serves as a vital resource for the 17,000 law enforcement agencies located throughout the Nation in the search for missing children and in the pursuit of adequate child protection.

The center has also developed a ''Cold Case Unit'' within the Missing Children Division that focuses on long-term missing children cases. By using age progression technology, NCMEC has recovered 741 missing children. NCMEC forensic artists have also identified 24 missing children by using facial reconstructions of unidentified remains.

In order to help the center solve these long-term cases, Section 5 of this bill would allow an Inspector General to provide staff support to NCMEC for the purpose of conducting reviews of inactive case files to develop recommendations for further investigation. The Inspector General community has one of the most diverse and talented criminal investigative cadres in the Federal Government. A vast majority of these special agents have come from traditional law enforcement agencies, and they are highly trained and extremely capable of dealing with complex criminal cases.

Under current law, an Inspector General's duties are limited to activities related to the programs and operations of an agency. Our bill would allow an Inspector General to permit criminal investigators under his or her supervision to review cold case files, so long as doing so would not interfere with normal duties. An Inspector General would not conduct actual investigations, and any Inspector General would only commit staff when the office's mission-related workloads permitted. At no time would these activities be allowed to conflict with or delay the stated missions of an Inspector General.

The Protect Our Children First Act also gives the Center better tools for working in coordination with Federal, State, and local law enforcement agencies to find missing children. This bill would provide analytical and technical support to assist law enforcement agencies in searching public databases to identify missing children and to locate abductors and would facilitate the deployment of the National Emergency Child Locator Center to assist in locating children in times of national disasters. In addition, the bill would allow

NCMEC to work in conjunction with the FBI to provide fitness determinations based on criminal history of volunteers in child-serving organizations and track the incidence of attempted child abductions to report any links or patterns to law enforcement agencies.

NCMEC is headquartered in Alexandria, VA, and operates branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The international division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with an annual DOJ grant, which expires after fiscal year 2008. We must act now to extend its authorization so that it can continue to help keep children safe and families intact around the Nation. There is so much more to be done to ensure the safety of our children, and the legislation we introduce today will help the center in its efforts to prevent crimes that are committed against them.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and the House. The children we seek to protect through legislation like this should not be used as pawns by groups who would play politics by saddling such efforts with controversial measures. I applaud the ongoing work of the center and hope both the Senate and the House will promptly pass this bill to show our support for the NCMEC to continue to find our missing children and to protect exploited children across the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protect our Children First Act of 2007''.

SEC. 2. AMENDMENT TO FINDINGS.

Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended to read as follows:

''SEC. 402. FINDINGS.

''Congress finds that—

''(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place the child in grave danger;

''(2) many missing children are at great risk of both physical harm and sexual exploitation;

''(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

''(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

''(5) growing numbers of children are the victims of child sexual exploitation, increasingly involving the use of new technology to access the Internet;

''(6) children may be displaced from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

''(7) sex offenders pose a threat to children; and

''(8) the National Center for Missing and Exploited Children—

''(A) serves as the national resource center and clearinghouse;

''(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, the Department of Homeland Security's Bureau of Immigration and Customs Enforcement, the United States Secret Service, and many other agencies in the effort to find missing children and prevent child victimization; and

''(C) operates a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing and exploited children to law enforcement across the United States and around the world instantly.''.

SEC. 3. AMENDMENTS TO DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

(a) IN GENERAL.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) striking paragraph (3); and

(2) redesignating paragraph (4) as paragraph (3).

(b) ANNUAL GRANT TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) in cooperation with the Department of Justice and the Department of State and local law enforcement, develop and present an annual report on the actual number of children nationwide who are reported missing each year, the number of children who are victims of nonfamily abductions, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year;

''(G) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

''(H) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally;

''(I) provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors;

''(J) provide direct on-site technical assistance and consultation to law enforcement agencies in child abduction and exploitation cases;

''(K) provide forensic technical assistance and consultation to law enforcement and other agencies in the identification of unidentified deceased children through facial reconstruction of skeletal remains and similar techniques;

''(L) track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies;

''(M) facilitate the deployment of the National Emergency Child Locator Center to assist in reuniting missing children with their families during periods of national disasters;

''(N) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation in the areas of—

''(i) possession, manufacture and distribution of child pornography;

''(ii) online enticement of children for sexual acts;

''(iii) child prostitution;

''(iv) sex tourism involving children;

''(v) extrafamilial child sexual molestation; and

''(vi) unsolicited obscene material sent to a child;

and subsequently to transmit such reports, including relevant images and information, to the appropriate international, Federal, State or local law enforcement agency for investigation;

''(O) work with law enforcement, electronic service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of images and videos of sexually exploited children;

''(P) operate the Child Victim Identification Program in order to assist the efforts of

law enforcement agencies in identifying victims of child pornography and other sexual crimes;

''(Q) develop and disseminate programs and information for the general public to educate families and children regarding the prevention of child abduction and sexual exploitation; and

''(R) develop and disseminate programs and information to local communities, schools, public officials, nonprofit organizations, and youth-serving organizations to help parents and children use the Internet safely.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL GRANT TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking ''$20,000,000 for each of the fiscal years 2004 through 2008'' and inserting ''$ 20,000,000 for fiscal year 2008 and such sums as are necessary for each of the fiscal years 2009 through 2013''.

(b) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking ''2004 through 2008'' and inserting ''2008 through 2013.''.

SEC. 5. AUTHORITY OF INSPECTORS GENERAL .

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

''SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

''(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

''(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

''(2) by engaging in similar activities.

''(b) LIMITATIONS.—

''(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

''(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.''.

By Mr. ENZI:

S. 1834. A bill to improve the health of Americans through the gradual elimination of tobacco products; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise today to address a serious and deadly health issue. I am talking about tobacco, a scourge on our society.

Smoking kills. There is no such thing as a safe cigarette. These are not mere platitudes. They are the deadly truth. Tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, car accidents, fire and AIDS combined.

My colleague Senator KENNEDY has proposed dealing with this shocking statistic by having the Food and Drug Administration regulate tobacco. I suggest my colleagues ask themselves: What will it mean to have cigarette and tobacco products regulated by the FDA?

The FDA is the gold standard among public health regulators the world over. For the past century, the FDA has protected the public, from filthy conditions in meat packing plants to thalidomide, which caused thousands of birth defects in Western Europe. The FDA's constant vigilance is not just an historical artifact. It seems like every day there is something new for the FDA to protect us from. The headlines behind me show how we have come to depend on the FDA every day to protect us and our children from poisons that could harm or even kill us.

It is evident that the FDA is overworked and underfunded. We, as a nation, currently ask the FDA to be responsible for so many things: ensuring that new drugs and medical devices are safe and effective; safeguarding the Nation's food supply; regulating the manufacture and distribution of food additives and drugs that will be given to animals; and, increasing the security of our blood supply.

In each of these key activities, the role of the FDA is to protect our health. In providing that protection, the FDA examines key scientific facts and weighs the balance of benefit to our society and risk to our health. It is incomprehensible to me to extend that critical role to an FDA risk/benefit analysis of tobacco and cigarettes.

I will say it again: Smoking kills. There is no such thing as a ''safe'' cigarette. Any public statement by the FDA under their current authority would necessitate the finding that there is no benefit to the use of cigarettes, only harm.

The Kennedy-Cornyn bill would establish the FDA as the regulator for tobacco products. However, the bill explicitly states that the FDA will not be permitted to prohibit the sale of any tobacco product to adults. That is not true regulation. The bill would gut the authority that Congress has bestowed and staunchly defended for the FDA, the authority to remove health threats from the marketplace. This approach is so flawed that I believe the bill cannot be fixed.

Even having the FDA review and approve cigarettes sends mixed and confusing messages to the public, creating the sense that cigarettes are safe or can be made safer. The FDA cannot be put in the position of approving a product which years of science and the personal experience of far too many Americans has shown to be dangerous. Simply put, tobacco kills people. Piling on regulations and bureaucracy won't change that.

I commend my colleague Senator KENNEDY for trying to do something about the evil of tobacco. But this bill is a dinosaur. It has been introduced year after year, with barely any changes. In fact, the bill would have FDA issue a regulation from 1996 completely intact. A regulation, I might add, that was overturned by the Supreme Court. But that is beside the point. Instead of resurrecting broken, outdated legislation, we should be aiming to make tobacco extinct.

While some in the tobacco industry claim to share my views on smoking, I do not believe they have actually bought in to the idea of getting people to stop using tobacco. A case in point is the new $350 million facility Philip Morris has built in Richmond, VA. I ask unanimous consent to have printed in the RECORD the following classified ad from the journal Science.

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

(See exhibit 1.)

Mr. ENZI. Mr. President, this ad calls for the recruitment of scientists to work at this facility, studying how to ''develop relevant exposure models'' for smoking related diseases. Or to do large scale epidemiology studies on ''the cause of cigarette smoke-related diseases.'' Here I thought the cause of cigarette smoke-related diseases was smoking. Silly me.

Clearly, Philip Morris believes it will still be able to operate under the Kennedy bill. It will be business as usual for the Marlboro Man, and more Americans will die needlessly.

Trying to make cigarettes safer through a billion-dollar bureaucracy is a waste of time and money. The right approach is to get people to stop smoking, or better yet, to never start.

The key failing of the Kennedy dinosaur legislation is that it will not reduce smoking. In 2004, this bill did pass the Senate, as part of FSC-ETI. The Congressional Budget Office, in scoring the Senate-passed bill, examined the tobacco provisions. I suggest my colleagues study that score carefully. CBO suggested there would be essentially no reduction in adult smoking, and only a 12.5 percent reduction in youth smoking. The bill assesses user fees in excess of $450 million a year. There are currently 2.7 million youth smokers. When you do the math, it comes out to nearly $1,500 per year per youth smoker to achieve these reductions. I don't know if you've talked to any teenagers recently, but they are pretty entrepreneurial. I bet a lot of them would quit smoking if you just paid them to give it up, or even to stay off the stuff in the first place.

In another example of very little bang for very big bucks, a recent Institute of Medicine report from May says that if we keep doing what we are doing, we will reduce smoking from the current 20 percent of the population to about 15 percent over the next 20 years. If we do everything in the report, which is basically the Kennedy bill plus a number of other steps, some of which maybe unconstitutional, we might reduce it to 10 percent. At an unknown, but likely very high, cost.

This bill can't be fixed. I know we can do better. We just have to think bigger. We must win the war on tobacco, not sign a peace treaty with Phillip Morris.

I have developed my own tobacco legislation that would truly have an impact on the number of smokers in this country, and I am pleased to introduce today the Help End Addiction to Lethal Tobacco Habits or HEALTH Act.

My bill contains a novel cap-and-trade program—guaranteeing that

fewer people suffer the deadly consequences of smoking, while providing flexibility in how those reductions are achieved.

Cap-and-trade programs have a proven track record in the environmental arena. In the 1980s, lakes and forests were dying from acid rain. The acid rain was caused by emissions of sulfur and nitrogen oxides from power generation at electrical plants. The Clean Air Act amendments of 1990 instituted a system of allowances for emissions of sulfur and nitrogen oxides that could be used, banked, traded or sold freely on the open market. The number of allowances decreased each year. This system achieved the desired results faster and at lower cost than had been anticipated. The cap-and-trade program for sulfur and nitrogen oxides has made dramatic differences in our air quality over the past 15 years, and is a resounding success. I propose to carry this market-oriented system over to the tobacco control arena. Although this has never been tried for a health issue, I think it will work.

My legislation will contain a cap-and-trade system for shrinking the size of the tobacco market over the next 20 years. Smoking reductions are guaranteed, and companies are given time and flexibility to make the reductions or divest. In addition, small tobacco companies would have a valuable asset in their allocations, leveling the playing field a bit between the smaller and larger industry members. Finally, and I think very importantly, public health groups could buy and retire allowances to achieve the reductions in tobacco use even faster than specified in my bill. I would like to issue a challenge today to those groups, use your clout to help me make this work. Stand with me to fight tobacco and protect the health of all Americans.

I want to remind my colleagues that the FDA approves cures, not poisons. Forcing the FDA to regulate tobacco but not letting them ban it, as my colleague Senator KENNEDY proposes, would undermine the long history of the agency protecting and promoting the public health.

In closing, every day, we hear about some new problem the FDA faces in protecting our health. From contaminated seafood to tainted toothpaste, this agency is in dire need of congressional support to carry out its mission. We should be focusing our efforts on increasing the number of inspectors, and on renewing the expiring drug and device user fee laws.

I ask my colleagues to think hard about what they are proposing when they suggest FDA regulation is the way to defeat tobacco. My record is clear when it comes to tobacco. I am no friend of big tobacco and I have never taken a dime of tobacco company money for my campaigns. I don't intend to start now. But I absolutely reject the notion that the way to show you're ''for kids'' and ''against Big Tobacco'' is by sending the Nation's premier public health watchdog out to fight for safety with one hand tied behind its back. We must not mandate the FDA seal of approval on a deadly product that has no health benefit whatsoever. We can do better. Will you join me?

HEALTH SCIENCE RESEARCH FOR HARM REDUCTION—NEW POSITIONS AT PHILIP MORRIS USA

The Health Sciences Research Division of PM USA is seeking Leading Scientists in several biomedical-related research areas.

The primary goal of the Health Sciences Research Division (HSR) is to conduct health science research to facilitate the development of new methods and technologies with the potential to reduce harm associated with our products.

In June 2007, PM USA research scientists will begin occupying the new 450,000 sq. ft., state-of-the-art Center for Research and Technology (CRT) facility. HSR scientists will work in collaboration with other PM USA scientists at the CRT to investigate and discover technologies for the reduction of harm associated with our products.

Cigarette Smoke-Related Disease Scientists: Will participate in the development of models and biomarkers of cigarette smoke-related diseases including: *Cancer Scientists* investigating cancer with emphasis on lung cancer. *COPD Scientists* investigating chronic obstructive pulmonary disease. *CVD Scientists* investigating cardiovascular disease.

Experimental Pathologists: Will participate in the development and use of microscopic and imaging techniques to investigate the cause of cigarette smoke-related diseases.

Oxidative Stress Scientists: Will participate in studies investigating the role of oxidative damage and cell death processes in cigarette smoke-related diseases.

Inflammation/Immune System Scientists: Will participate in studies investigating the role of inflammatory/immunological processes in cigarette smoke-related diseases.

Inhalation Toxicologist for Aerosol Dosimetry: Will participate in studies investigating in vitro and in vivo exposure to cigarette smoke to quantify airway smoke deposition and develop relevant exposure models.

Toxicologist for PK-PD Studies: Will study the PK-PD of exposure to cigarette smoke during smoke inhalation for the purpose of developing clinically predictive cell and tissue dose models.

Epidemiologists (Molecular/Genetic and Chronic Disease): Will participate in the design, conduct and analysis of large-scale, high-throughput, molecular and chronic disease epidemiologic studies on the cause of cigarette smoke-related diseases (CVD, COPD, Cancer).

Biostatisticians: Will participate in the design and analysis of large-scale epidemiologic, in vitro and in vivo studies on the cause of cigarette smoke-related diseases (CVD, COPD, Cancer).

Geneticists (Statistical and Population): Will participate in the design and analysis of large-scale, high-throughput, molecular epidemiologic and in vivo studies on cigarette smoke-related diseases (CVD, COPD, Cancer).

Complex Systems Analysts (Systems Biology): Will participate in the integration and modeling of high-throughput, cross-platform, trans-species data on cigarette smoke-related diseases (CVD, COPD, Cancer).

By Mr. BIDEN (for himself, Mr. LEVIN, and Mr. LAUTENBERG):

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce, along with Senators LEVIN and LAUTENBERG, a piece of legislation which I hope will help the American victims of Libyan terrorism and their families move one step closer to receiving justice for the terrible crimes committed against them. Our legislation requires the administration to submit to Congress twice yearly reports on the status of the outstanding legal claims by these American victims and their families against the government of Libya. It also requires the administration to explain its own efforts on their behalf.

I believe it is in the United States' strategic interest to develop better relations with Libya. Colonel Qaddafi renounced terrorism and dismantled Libyan weapons of mass destruction programs. We need to demonstrate to the rogue regimes of the world that there is a path back to the civilized community of nations. Libya is an important country in its own right as a gateway between Europe and Africa, as a country which shares a border with the Darfur region of Sudan, and as an OPEC member.

But for this relationship to advance, we need to come to terms with the past. Several hundred Americans have been killed by Libyan terrorism and scores more have been injured. The Libyan regime has accepted responsibility for the heinous Pan Am 103 bombing, which killed 270 Americans. That admission also helped pave the way to the negotiations that led to Libya's renunciation of its support for terrorism and its WMD programs. But the families of the victims of Pan Am 103 are still waiting for the final settlement of their case. Last year, the Libyan government agreed to terms with the victims of the La Belle discotheque bombing in Germany. But they have since refused to honor the previously agreed upon terms. Other victims of Libyan terror are still waiting for justice. Their cases may be smaller in scale, but pain that the victims and their families have suffered is no less real.

The victims and families deserve to know what their government is doing on their behalf to settle these cases. Colonel Qaddafi needs to understand that the way forward needs to account for the past. And the State Department needs to begin to develop a coherent vision for what we hope to achieve in the Libyan—American relationship.

This piece of legislation we offer is modest, but I believe that it can help us to make progress in each of these three aspects.

Lastly, I would like to say a few words about the human rights conditions inside Libya. Yes, Americans are interested in Libya's external behavior.

But we are also concerned about the human rights conditions within Libya. I am relieved that the death sentence of the six Bulgarian nurses and Palestinian doctor accused of infecting Libyan children with HIV has been commuted. But the case against them is preposterous, as confirmed by rigorous investigations into the allegations by UNESCO and the World Health Organization. That they remain in jail is outrageous.

For more than 3 years, years, I have been calling for the release of Fathi Eljahmi, a courageous democracy advocate with serious health problems whose only crime is to speak truth to power. I again call on the Libyan government to release Mr. Eljahmi.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 276—CALLING FOR THE URGENT DEPLOYMENT OF A ROBUST AND EFFECTIVE MULTINATIONAL PEACEKEEPING MISSION WITH SUFFICIENT SIZE, RESOURCES, LEADERSHIP, AND MANDATE TO PROTECT CIVILIANS IN DARFUR, SUDAN, AND FOR EFFORTS TO STRENGTHEN THE RENEWAL OF A JUST AND INCLUSIVE PEACE PROCESS

Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. BROWNBACK, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. DURBIN, Ms. MIKULSKI, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 276

Whereas hundreds of thousands of people have died and approximately 2,500,000 people have been displaced in Darfur, Sudan since 2003;

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas President George W. Bush has repeatedly decried the genocide in Darfur, stating, for example, on April 18, 2007, ''that genocide is the only word for what is happening in Darfur—and that we have a moral obligation to stop it'';

Whereas the crisis in Darfur and the surrounding region continues and has in fact in some ways worsened despite the efforts of the United States, the United Nations, the African Union, and the international community;

Whereas on August 30, 2006, the United Nations Security Council approved United Nations Security Council Resolution 1706 providing that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from [the African Mission in Sudan (AMIS)] responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006'', and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel'', which ''shall begin to be deployed no later than 1 October 2006'';

Whereas the Sudanese President Omar al-Bashir rejected United Nations Security Council Resolution 1706 and refused to allow the United Nations to deploy a peacekeeping force to Darfur;

Whereas Kofi Annan, then Secretary-General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union, led efforts to reach a compromise with President al-Bashir by convening a summit of interested governments and international bodies in Addis Ababa, Ethiopia on November 16, 2006;

Whereas as a result of the Addis Ababa summit an agreement was reached by all parties, including the United Nations, the African Union, the European Union, the Government of Sudan, the United States, and China, which called for a three-phased deployment of a hybrid United Nations-African Union peacekeeping force to Darfur of no less than 17,000 military troops and 3,000 civilian police, with a primarily African character, but open to non-African troop and police contributors;

Whereas the agreement stated that the United Nations-African Union hybrid force would have a strong mandate to protect civilians and that the peacekeeping force must be logistically and financially sustainable, with support from the United Nations;

Whereas President al-Bashir has repeatedly obstructed the Addis Ababa agreement since its signing by reneging on and redefining the terms of his commitment to allow the deployment of the full hybrid United Nations-African Union force;

Whereas on June 11, 2007, President al-Bashir pledged to accept unconditionally the full United Nations-African Union hybrid deployment;

Whereas some subsequent speeches and statements by President al-Bashir have contradicted that claim of acceptance while others have reinforced it;

Whereas diplomatic efforts to secure President al-Bashir's genuine acceptance and facilitation of the full United Nations-African Union hybrid force must not lead to weakening of the structure, capacities, or mandate of that force in exchange for President al-Bashir's full compliance;

Whereas history has repeatedly demonstrated that the ultimate success or failure of any peacekeeping force depends significantly on its size, resources, mandate, mobility, and command structure;

Whereas to establish conditions of peace and security, the peacekeeping mission must be accompanied by a peace-building process among the parties to the conflict;

Whereas such a process will require a sustained, coordinated, and high-level diplomatic attempt to unify the rebel groups in the region and engagement with the rebels and the Sudanese government in order to forge a comprehensive political settlement;

Whereas under the international humanitarian law of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516) and the Protocols Additional to the Geneva Conventions of 12 August 1949, done at Geneva June 8, 1977, all parties to the conflict in Darfur are required to refrain from attacks on civilians and on medical and other humanitarian personnel, and all perpetrators should be held accountable for violations of international humanitarian law; and

Whereas failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations-African Union hybrid peacekeeping force will result in the continued loss of life and further degradation of humanitarian infrastructure in Darfur: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President of the United States to—

(A) work with members of the United Nations Security Council and the African Union to ensure the expeditious deployment of the United Nations-African Union hybrid peacekeeping force under Chapter VII of the United Nations Charter and operating under United Nations guidelines and procedures for command and control with a mandate affirming that civilian protection is a primary mission objective;

(B) strongly encourage the member states of the United Nations that have the capabilities to do so, to contribute collectively approximately 19,500 military personnel and up to 6,500 police to implement the mandate, as is currently under discussion in the United Nations Security Council;

(C) work bilaterally and with member states of the North Atlantic Trade Organization, the United Nations, the European Union, the African Union, and other capable partners to—

(i) rapidly implement pre-deployment programs and provide equipment to United Nations standards, with a special focus on African peacekeepers, in order to ensure that a full complement of peacekeepers can be deployed, sustained, and rotated as necessary; and

(ii) provide the United Nations-African Union hybrid force with—

(I) sufficient logistical support and airlift capacity;

(II) necessary vehicles, fixed-wing aircraft, and helicopters for tactical reconnaissance and armed deterrence; and

(III) other equipment;

(D) work with members of the United Nations and the African Union to—

(i) ensure that substantive civilian mission components are rapidly established and able to capitalize on any opportunities to advance the political and peace processes which the successful deployment of the United Nations-African Union hybrid force may create;

(ii) reinitiate a peace-building process among the parties to the conflict as part of a sustained, coordinated, high-level diplomatic effort to forge a comprehensive political settlement; and

(iii) ensure the security, maintenance, and expansion of humanitarian access to those in need and promote a return to the rule of law in the region;

(E) work with members of the United Nations, the African Union, the European Union, and other donor nations to ensure that adequate financial support is provided to peacekeepers serving in the current African Mission in Sudan, and the planned hybrid United Nations-African Union force; and

(F) work with Congress to ensure robust funding for the hybrid United Nations-African Union peacekeeping mission in Darfur;

(2) urges the Secretary-General of the United Nations and the Chairperson of the African Union to make every effort to expedite the urgent generation, rapid deployment, and effective administration of the full United Nations-African Union hybrid force;

(3) urges Sudanese President Omar al-Bashir and the Government of Sudan to abide by the agreement of President al-Bashir to fully accept and facilitate the deployment of the United Nations-African Union hybrid force without condition;

(4) urges the President's Special Envoy to Sudan to continue his legislative outreach, including offering to brief Congress every 60 days on the status of deployment of the United Nations-African Union hybrid peacekeeping force and parallel measures to enable peace in Darfur through an inclusive political process; and

(5) urges President George W. Bush, the United Nations Security Council, the African Union, the European Union, the League of