

We know what the standard is. Each of the last three Presidents have ended their tenures in office with the opposite party in control of the Senate. We know that.

We know that the average number of circuit court judges appointed in the last 2 years of each of these three Presidents, when the opposite party controlled the Senate, was 17. We know the low end of that was President Clinton with 15. Right now, we have six. Even meeting the low threshold of President Clinton is a long way away.

Senator SPECTER has pointed out a way to meet that standard by reporting out of committee and confirming people who meet all of the criteria that have been specified by the chairman of the committee.

I commend Senator SPECTER for his comments. I hope they will be heeded by people on both sides of the aisle here in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Mr. President, what is our status right now on the floor? Are we still in morning business?

The ACTING PRESIDENT pro tempore. We are still in morning business.

Mr. PRYOR. Do we have any time remaining in morning business?

The ACTING PRESIDENT pro tempore. The majority has 6 minutes 52 seconds.

Mr. PRYOR. I ask unanimous consent to yield back that time.

CONCLUSION OF MORNING BUSINESS

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

CPSC REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2663, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consider Calendar No. 582, S. 2636, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. shall be equally divided between the two leaders or their designees.

Mr. PRYOR. Mr. President, this is a historic day for the Senate because we have the opportunity, starting today, to consider the Consumer Product Safety Commission Reauthorization Act.

What I would like to do, if I may, is, when Senator STEVENS of Alaska comes—apparently he has an urgent, pressing need, and he cannot stay for

what would have normally been his allotted time. I would like to allow him to use his time—I think it is about 10 minutes or so—to speak, and we will cross that bridge when he walks in.

For most Americans, when they hear the term “CPSC,” they think of some sort of alphabet-soup Federal agency. They do not really understand what it does, why it exists, or why it is important.

In fact, I had that same reaction back when I was the attorney general of my State. I was out playing in my front yard with my kids, and my kids had some toys, and they were called Star Wars Lightsabers. They are like flashlights, but they look like a lightsaber. They were out there playing around, and one of my neighbors came up and said: Wait a minute, I think those have been recalled. Well, I did not know whether they had been recalled. She did not know for sure. I asked her, and she said: Well, I think I saw something on television about that, but I am not sure.

Well, one thing led to another. It was very hard for me to figure out whether my children's toys had been recalled. So through a process at the State Attorney General's Office in Arkansas, we established a Web site called childproductsafety.com, which had the goal of making it easier for parents like me and grandparents to go to one Web site and find all the recalled children's products that are out there. All we really did was link to the CPSC Web site. But that gave me my first experience with working with the CPSC, and it was through that process that I began to understand how important they are and why we need a very strong and capable Consumer Product Safety Commission.

To reinforce this, last year I became the chair of the Subcommittee on Consumer Affairs as part of the Commerce Committee. When I looked at all of the various consumer issues—and there are many we can focus on—I decided that the subcommittee's top priority should be to reauthorize the CPSC. The reason I did that is because in 2006 we had seen a record number of recalls. We began working on this, and we realized that because of the changes in the marketplace, because the U.S. marketplace had changed a lot because of imports—and a lot of other changes going on in the marketplace—we realized the Consumer Product Safety Commission had not kept up with the times. So we made a concerted effort to get the Consumer Product Safety Commission reauthorized.

We started that about a year ago, had a few hearings, and then, over the summer of last year, we began to see the toy recalls. I may have it wrong, but I think it was the Chicago Tribune which had the first story. But after that, a series of national news stories came out—television, radio, newspaper, and other media like the Internet and news magazines—to talk about the record number of toy recalls from last year.

In fact, if you look at the Consumer Product Safety Commission, every year they think there are about 28,200 deaths and about 33.6 million injuries from the products the CPSC oversees. They oversee 15,000 types of products. So when you see big numbers such as this, you have to understand that these numbers cover almost every product in the American marketplace, with a few exceptions. There are a few things in the automotive world and a few other things that it does not cover, but by and large, consumer products are covered by the Consumer Product Safety Commission.

We saw this again last year. We saw a record number of recalls. We thought 2006 was a bad year, but 2007 was even worse. What we are seeing now is we are seeing an escalating effect. We are seeing more and more products being recalled all the time.

So let me give a very quick background, again, for a lot of the staffers watching in their offices and for the Senators who have not yet made up their mind on how they are going to approach this Consumer Product Safety Commission legislation and maybe some amendments. Let me give a few minutes of background to talk about why we are here today and what role the CPSC plays and why it is so important to Americans all over this great country.

First, let me say that the CPSC was established in the 1970s. They have done a good job. In fact, I wish to praise the employees at CPSC, because what you have seen in the last few years is a dwindling budget. It has either been flatlined or they have had cuts. You have seen the staff there shrink over time.

Let me give you the CPSC overview that they have on their Web site. It says:

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the Nation more than \$800 billion annually.

Let me read that again for those folks who are watching in their offices here.

Deaths, injuries, and property damage from consumer product incidents cost the Nation more than \$800 billion annually. The CPSC is committed to protecting consumers and families from products that pose fire, electrical, chemical, or mechanical hazard or could injure children. The CPSC's work to ensure the safety of consumer products, such as toys, cribs, power tools, cigarette lighters, and household chemicals. . . .

Et cetera, et cetera.

The CPSC is a very important agency, and it is one that, unfortunately, Congress and the White House over the last several years have neglected. It is very important that we reauthorize the Consumer Product Safety Commission. It is long overdue and has not been done since 1990 in a major way. There was a little reauthorization in 1992, but

this is 18 years in the making. And we have seen a lot of changes in the American marketplace in the last 18 years.

Another thing I would like to mention is the personnel at the CPSC. When the CPSC was in its early days in 1977, they had 900 employees, full-time employees, at the CPSC. Today, they have 420. So this agency is less than half the size it used to be. That is a problem. Again, especially considering the changes in the marketplace, that is a serious problem. But the approach taken in our legislation, S. 2663, is not just to throw money or to throw people at a problem but actually to restructure the agency and retool the agency so it can be smarter and more effective from top to bottom.

One of the problems, one of the challenges we have with the CPSC right now is the matter of a quorum. Back in the old days, back in the 1970s when the CPSC was set up, there were five Commissioners. Somewhere along the line, that got changed to three Commissioners. Today, there are only two Commissioners at the CPSC—only two Commissioners—and they have a statute that says that after a certain time, they cannot function with two Commissioners. So last year, we had to get a provision added to the law to allow them to function with just two Commissioners. This bill contains that same provision, but also I think this bill makes a very important change; that is, it returns the CPSC to the five-member Commission it used to be.

Why is that important? Think about the number of products this Commission oversees. In some ways, I think it is a little bit like the Federal Trade Commission or the Federal Communications Commission or some of these other Commissions that have a lot of jurisdiction. What it is, when you have five members, they are able to generally specialize in various areas. When you talk to Commissioners on those other Commissions, they think that is very important. And when I have talked to former CPSC Commissioners, they think it is doing a great disservice to the country to only have three Commissioners. When you only have three, everyone has to be a generalist and you do not have enough manpower to specialize in everything.

One of the things this bill does is fix that problem. It fixes the immediate quorum problem until the full five Commissioners of the CPSC can be reappointed, but it also fixes the long-term problem of having three Commissioners versus five Commissioners.

The next thing I wanted to mention is there is, in our bill, in section 10, a very important provision that is a major innovation and a major improvement over existing law, and that is third-party certification for children's products. In other words, if this law passes, we are going to set up the situation where children's products will have to be certified by a third party. This is something which has worked in other contexts—that is, generally

speaking, most industries. I am not saying every single company, but most like this innovation.

The goal here is to keep these dangerous products off our shores if they are made overseas and certainly keep them off our shelves by preventing any need for recall in the first place. If you have third-party certification, you would hope you would see fewer and fewer recalls over time.

I see my colleague from Alaska has walked in, and as I understand it, he has some constraints on his schedule today. So I will be glad to sit down and hear from him.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. I thank Senator PRYOR very much. I am involved in a series of classified briefings with Senator INOUE, but I did want to make these comments.

Mr. President, this measure provides greatly needed resources and improved enforcement authority for the Consumer Product Safety Commission. And this bill has come a long way throughout this whole process. I thank Senators PRYOR and INOUE for allowing me to work so closely with them to negotiate this bill. I consider it to be a solid and fair compromise position.

One of the favorite parts, I believe, of being a Senator is when we have a chance to improve the lives of children. This bill contains several important provisions to improve toy safety. When a child unwraps a gift on his or her birthday, the surprise should be what the toy is, not whether the toy is unsafe. It should not have dangerous substances or unsafe parts. Under this bill, children's products would require certification that they meet all applicable safety standards. Also, the testing and certification process would be strengthened to ensure the integrity of the testing.

Today, toys are not purchased the way they used to be. E-commerce allows Alaskans and many people throughout rural States the opportunity to find many products that are not on the shelves in rural towns. But it can be difficult for a parent to judge a product based on the manufacturer's description or photo of a child's toy. This bill would mandate that all Internet Web sites are labeled so that consumers are informed of any choking hazards or toys that are not suitable for children under 3 years of age.

There is another provision that has been included at my request, that I think is very important to my home state of Alaska, and also to the millions of Americans who use all-terrain vehicles, ATVs, every day for work and recreation. With the popularity of the ATVs, many domestic and foreign manufacturers are producing more of these vehicles in an effort to meet increased consumer demand, and many of the new market entrants are from China or Taiwan. The ATV provision in the bill would require all persons who market and sell ATVs in the United States to

meet the same stringent safety requirements that are currently followed by major ATV manufacturers producing in the United States. The provisions also would preserve the authority of the CPSC to establish additional mandatory ATV safety rules through the normal rulemaking process.

I thank my colleague, Senator PRYOR, and our chairman, Senator INOUE, for working so diligently on this legislation. It has been a privilege to work with them to craft a piece of legislation that will help protect the public from dangerous products and return consumer confidence in the marketplace. I look forward to working with them in the Senate to try to get this bill to conference with the House, so we can send it to the President. This is a needed bill.

I have called the attention of the Senate to the ATV problem several times previously this session. I am happy this provision is included in the bill.

I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, again, I want to give a special thanks to Senator STEVENS because he really has helped make this bill bipartisan and make it possible that we could actually pass this bill, hopefully, this week. So, I say to Senator STEVENS, thank you for all that you have done to make this legislation better.

Let me get back, if I may, to the bill itself. What I am trying to do, a lot of it is for the staff, or folks who are watching in their offices, and people around the country so they can understand what we are trying to accomplish. I want to run through the provisions of this bill. It is rather lengthy, but I will try to give an abbreviated, highlighted reel of what is in this bill.

A few moments ago we talked about third party verification for toys. This toy, the Thomas and Friends Railway Toys, in some ways became almost a poster child for the problem. It had lead. These are toys designed specifically for young children, little toddlers, and little kids. You know how children do. They put things in their mouths or scratch on them or crawl all over them. No telling where they end up. The fact that you see lead in so many toys today is a great concern.

We are trying to fix that. I mentioned one of the major innovations of this legislation is the third party certification. The other thing we want to do is put tracking label information on the toys. We have all been there. As parents we have had dolls or whatever the case may be. We like the doll; the doll is passed down from one child to another, maybe from a grandparent, a neighbor, who knows what it may be. But there is really no identifying information on that doll. So this bill makes sure that as practical as it can be, we are going to put that identifying information on it.

I mentioned the Star Wars lightsabers a few moments ago. You

can go on the Internet right now or to a toy store, and there are probably 10 or 20 different varieties of those lightsabers. So if they did a recall, it is important that there is something on there, some batch number or some ID number that parents and grandparents can know and, in fact, daycare can know when those toys should be taken away from their children.

Another major improvement is the corrective action plans. Some people might call these voluntary recalls. Sometimes they do end up in voluntary recalls—not always. But the importance of the corrective action plan is that as it stands today, basically under current law—I believe it is fair to say—it is up to the manufacturer to come up with a plan. Under this bill, if this bill were to pass and become law, that shifts, and it means the Consumer Product Safety Commission lays out the parameters of that action plan. That is a very important shift in responsibility.

Believe it or not, with a lot of these products that come onto our shores today, we have no idea who makes them. Right now it is not clear whether the CPSC even has the authority to ask the question about who actually makes the product, in many cases a toy. This bill fixes that. We also go through a long list of prohibitive acts. Some of those are just clarifications. Sometimes we make it clear in the law that it is unlawful to sell or distribute a product that has been recalled. Right now there is no law on the books that says it is unlawful to do that. It clarifies that. We go through a long list of things that you can't do. For example, you can't take a recall product and dump it on Third World markets. You can't take a recall product and send it over to Dollar Stores. You can't just willy-nilly go out and sell it on the Internet.

We have a list of prohibited acts. These are commonsense acts. These are acts that will save lives if this law is implemented.

We also enhance the penalties over what they are today. Again, the penalty section is a little complicated. Under current law, our fix therefore is a little bit complicated. I don't want to spend a lot of time on it today. But the committee bill actually had a \$100 million civil penalty. We have chopped that down now with a bipartisan compromise to \$10 million, plus an additional \$10 million if there are aggravated circumstances. We doubt that will be triggered very often, but we think it is important for the CPSC to have that added ability to enhance that penalty, to go after the really egregious behavior, maybe repeat offenders, maybe people who are just absolutely thumbing their nose at U.S. law.

Sharing information with Federal, State, local, and foreign governments is very important. Again, we believe the information sharing is good. We have talked about stove piping when it

comes to intelligence, when it comes to homeland security, when it comes to DOD. We have talked about the stove piping and how unhelpful that can be. We feel the same way about this type of information. We need to share this information and make it available to State governments, local governments, foreign governments, et cetera.

We also have a financial responsibility provision in this law. Again, this is a big improvement over current law. What we do with financial responsibility is under certain circumstances a company may have to have an escrow where they put certain dollars in or they have proof of insurance or they provide some sort of security. Again, I don't think the CPSC will require that all the time, but we give them that authority because right now they don't have it.

We also are asking the GAO to do a study and get back to Congress about injuries to minority children. There is anecdotal evidence that these defective and unsafe products disproportionately harm minority children. We don't have the facts to know that for sure, but there is some anecdotal evidence to that effect. We want to make sure GAO takes a good look at that and lets us know.

There are a lot of other miscellaneous provisions in here. I will not spend too much time on these, but there is a provision about child resistant portable gasoline containers. We have seen this problem all over the country for a long time. There is not a national standard. Most people are surprised to know that. We want to have one standard that is a good standard, and this bill takes care of that. We want a toy safety standard. There is not even a toy safety standard on the books. There is one in the private sector that industry has agreed to. We want to codify it. We want to make sure we have a strong toy safety standard.

All-terrain vehicles, Senator STEVENS mentioned something he has been working on a long time, and so have I, as part of the Commerce Committee. There is a garage door standard. Right now almost all garage doors—it is not required in most States—have two mechanisms for safety. One is like a laser beam mechanism, and the other is a motor; that if it feels too much pressure, it will stop or go back up. That is not required. We want to make sure on the Federal level all the new garage doors have those two safety mechanisms because we believe that will save lives.

I can go through a lot of other issues with regard to this legislation. Let me cover three of the issues that have been somewhat controversial. I want everybody to hear what I am saying about these controversial issues because we have found common ground. We have found the commonsense solution to some issues that had been very controversial and very negatively received as this bill came out of committee, but

we have made major changes to these three areas.

First is the database. The goal is to have more transparency in the system. I will talk about this in the upcoming days. But we are trying to fix a real-life problem that has caused a lot of injuries. That is, there are many examples of when a product is dangerous, and that product is being sold in stores, people are buying it, people are using it, but the CPSC is in negotiations or discussions with the company, that product has been identified as dangerous, but the public doesn't know about it. We are trying to provide the transparency. The public has a right to know. So we have been working on this for a year. We have come up with this database idea. We have put a lot of parameters around it. If it is not true information or not accurate, it can be pulled off, and the companies are able to list an explanation. We don't identify the people, so you would not be able to use this, for example, where trial lawyers could go out and troll around and find new plaintiffs. We have tried to build in safeguards around this to take the objections away. But at the end of the day, if someone has a better idea on how to increase this transparency, we would love to hear about it. So far the best thing we have been able to come up with is this database.

The second controversial provision—and it was very controversial when it came out of committee—is this State attorneys general provision. I am a former State attorney general, so the AG provision is not going to cause me as much heartburn because I have lived through that for 4 years. I know how the State AGs work, and I know how diligent and careful they are. They have to manage their resources as well. But we have done two major things to the provision that came out of the committee.

First, we make sure—and we write it into the statute. We make sure the State attorneys general have to follow what the CPSC does. They can't get out in front of the CPSC. We are not going to have 51 different standards out there. They follow what the CPSC does. We made that very clear in the statute. The second thing is, we limited the State AGs to injunctive relief only.

So the situation that would be the most common would be that the CPSC does a recall, 6 months later in a State, whatever State it may be, they notice these recall products start to end up in the Dollar Store. Well, the CPSC has moved on. They are working on other things now. They don't have the resources or the time to deal with that. But the State might. If it is important enough for a State AG, he can get an injunction and make sure those products come off the shelf. These are products already identified as dangerous. We are not letting the States get out in front of the CPSC on this issue. They are following the CPSC. It is limited only to injunctive relief. We believe we have found the balance there.

The last thing I want to talk about in terms of the controversial parts of this legislation that have changed substantially since we have come out of committee is the whistleblower provision. The goal is to make sure people are not punished for doing the right thing. If an employee finds something his company is doing and he actually tells the CPSC about it and he later gets fired, we want to make sure he has some whistleblower protections such as in other areas of Federal law. We took this provision from a transportation act, the STAA, that the Senate passed not too long ago. So it is based on existing law. We have some statistics on how it should really work. So I want to encourage my colleagues to look at that.

Mr. President, how am I doing on time?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. PRYOR. OK. Mr. President, let me speak just for another couple minutes. I see a couple colleagues coming in the Chamber to talk.

There has been a little bit of discussion about the House bill. Again, I want to thank our House colleagues for working hard down the hall here in getting a bipartisan bill. We have a bipartisan bill. But I think there are three fundamental differences between their bill and our bill.

One, our bill has more transparency. I think that is good. I think that is something we, the Senate, should insist on.

Second, our bill has more enforcement. We are able to get these products off shelves quicker and able to make sure they stay off shelves more so than the House bill.

Third, our bill is more comprehensive reform. I have gone through a long list of items on how our bill has a lot of comprehensive reform in it.

I think our bill should stand. I understand there are some people who might be interested in looking at the House bill and some of those provisions, but I think when you lay them down side by side you will see the Senate bill is stronger because it is more transparent, there is more enforcement, and it is more comprehensive.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. PRYOR. Mr. President, I will be glad to yield.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the great Senator from Arkansas for his leadership on this issue and handling the whole package having to do with the Consumer Product Safety Commission. He is the chairman of that subcommittee in the Commerce Committee. He has done an excellent job. He has crafted together all the ideas.

The one little idea this Senator contributed is the requirement of independent testing of the products when they come out of these foreign countries because of the experience we had with China in which they had all these

tainted toys that were coming in and hurting our children because they did not have any independent testing. It was like the fox guarding the hen house. You cannot put a fox in there and know that the hens are going to be safe unless you have someone who is independent to see that those items that are coming from another country are, in fact, safe.

I thank the Senator for the leadership he has given us and reaching out and melding a number of these ideas: the increased staff, the increased spending—which the CPSC Acting Chairman even said she did not want, of all things—and the independent testing, the standards. I express my appreciation to the Senator.

Mr. PRYOR. Mr. President, I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I know the Senator from Minnesota is going to speak next, but I would ask the manager of the bill if he would be willing to enter into a unanimous consent agreement where it would just sequence our statements on this bill so that I would follow the Senator from Minnesota.

Mr. PRYOR. Mr. President, I have no objection to that.

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

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, the Consumer Product Safety Commission Reform Act of 2007 represents some of the most sweeping reforms we have seen in consumer product safety laws in 16 years. In fact, the Wall Street Journal called it “the most significant consumer safety legislation in a generation.”

I am proud to be a member of the Commerce Committee that passed this legislation under the leadership of Chairman INOUE, Senator STEVENS, and Consumer Subcommittee Chairman PRYOR, and with the help of Senator BILL NELSON and Senator DURBIN. I thank all the Senators for their help on this bill.

I am pleased this legislation contains two key bills that I drafted. The first bans lead in children's toys, and the second makes it easier for parents to identify toys once they have been recalled.

This bill is not just a matter of implementing consumer safety laws and regulations, it is a matter of protecting consumers from harmful products. This bill is a matter of saving the lives of children. We have seen children who have died from lead paint or choking on toys. It means saving lives like that of a little boy named Jarnelle from Minnesota, who died after swallowing a charm that was 100 percent lead. That is how I got interested in this bill.

This bill is a matter of helping parents to understand toy recall procedures and making it easier to identify toys that are not safe. It is a matter of keeping consumers informed about whether products are safe and where

the products are from. It is getting serious about consumer safety.

This is a good bill, a comprehensive bill, and a necessary bill. With the bipartisan help of our Senate colleagues, we can pass a meaningful consumer safety bill that gives the Consumer Product Safety Commission the tools to do their job and also sets clear and unequivocal standards for consumer products in this country.

It is clear that the current system we have in place is broken. It is broken for the most vulnerable consumers: the children in this country. It needs to be fixed.

In 2007, nearly 29 million toys and pieces of children's jewelry were recalled—29 million. They were recalled because they were found to be dangerous and, in some cases, deadly for children.

As a mother and as a former prosecutor and now as a Senator, I find it totally unacceptable that toxic toys are on our shores and in our stores. When I first got involved in this issue last June, my 12-year-old daughter was not that excited because it involved things such as SpongeBob SquarePants. But when the Barbies started to be recalled, she came into the kitchen and said: Mom, this is getting serious.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. Not surprisingly, the marketplace has changed greatly in 16 years, and this summer we saw firsthand how ill-equipped the Commission is to deal with the increased number of imports coming into this country from other countries that clearly do not have the same safety standards as our country.

Today, the Commission is a shadow of its former self, although the number of imports has tripled—tripled—in recent years. As the number of recalls is increasing by the millions, the number of Commission staff and inspectors at the Consumer Product Safety Commission has dropped by more than half. So you see a tripling of the imports while you see the Commission staff being cut in half. At the same time, you see an enormous increase in the number of recalls.

Let's look first at the number of staff. Well, it dropped by more than half, falling from a high in 1980 of 978 to 393 today. At the same time, the number of total recalls in 1980 was 681,300. In 2007, the number of toy recalls alone was over 28 million. So you go from 680,000 to 28 million at the same time you cut your staff in half. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

This legislation we are proposing today more than doubles the Consumer Product Safety Commission's budget authorization by the year 2015.

We now know that this past year the Commission had only one official toy inspector—pictures of his office have been shown in newspapers around this country—one toy inspector to ensure the safety of \$22 billion worth of toys. His name is Bob, and he just retired. This bill provides some needed help to increase the CPSC inspection, research, and regulation staff. It puts 50 more staff at U.S. ports of entry in the next 2 years to inspect toys and products coming into the country.

Not only does the bill give necessary funding and staff to the Safety Commission, but it gives the Commission the ability, by giving them more tools, to enforce the laws. I think it is shocking for most parents when they realize we never had a mandatory ban on lead. We never had a Federal mandatory ban on lead. Instead, we have a voluntary guideline for lead. It is this voluntary guideline that is clearly not being followed as it should which led us to the sad situation we are in now.

To me, the focus is simple: We need to get these toxic toys out of our children's hands—not just voluntarily, not just as a guideline, but with the force of law. As millions of toys are being pulled from store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in children's products. This bill finally gives the Consumer Product Safety Commission the enforcement mechanisms it needs to do its job.

On top of these critical improvements to the Consumer Product Safety Commission, this bill finally sets standards for lead in children's toys and establishes requirements for recalls and the labeling of toys.

As I mentioned at the outset, this past year we saw a record number of recalls of children's toys, totaling 29 million pieces of children's jewelry, toys that were choking hazards or contained deadly amounts of lead paint. This is about little kids swallowing jewelry, but it is also about teenagers chewing on jewelry while they are sitting in class—teenage girls not realizing the jewelry is full of lead.

For months now, news of recalled toys has dominated our headlines—and for parents, this news has been pretty scary.

In November 2007, more than 4 million children's craft toys called Aqua Dots were recalled because they morphed into a dangerous, dangerous date rape drug. Now, I had cases as a prosecutor involving that date rape drug. It is nothing to fool around with. Just to think that you have 4 million children with products, when these kids accidentally put them in their mouth because they are these little Aqua Dots that suddenly became a date rape drug and put these kids into a coma. At least two children slipped into comas after swallowing this dangerous toy.

Another 9 million toys were recalled last year for containing toxic levels of lead. The lead levels in these toys can

lead to developmental delays, brain damage, and even death if swallowed.

As if the appalling number of recalls this past year is not bad enough, these recalls have illuminated other problems with pulling toys from the store shelves, the daycare center floor, or the drawer under a child's bed.

Except for my mother-in-law, I have to say I do not know a lot of mothers and grandmothers who keep the packaging that comes with toys. So what happens is, if you get rid of the packaging and there is a recall, you do not really know if the toy is one that should be recalled. It is very hard to tell one Thomas the Train Set from another, one SpongeBob from another, one Barbie doll from another. That is what parents have been struggling with.

So what this bill does—instead of making parents sort through the red caboose and the green car and the blond Barbie and the brunette Barbie—what it does is it puts a requirement in place that says the date stamp, the recall stamp, has to be on the packaging because sometimes you might be selling the toys on the Internet or it might be in a small mom-and-pop grocery store that will not allow for the computer systems we have in our bigger stores, but it also requires that the date stamp be on the actual toys whenever practical. It is not going to go on a pick-up stick, but it sure can go on a Thomas the Train Set.

This legislation also requires, as I said, that it be on the packaging. Again, it is for small retailers and people selling things on eBay. Big major outlets, such as Target, are able to, once they find out that a batch number is on the toy, close down their register so these toys cannot be sold. However, if you are selling on eBay, you want to have that number on the packaging. So that is why our legislation requires that the batch number be not only on the packaging but also the toy itself.

The other piece of this bill I drafted addresses some of the most deadly discoveries of this past year.

As more and more toys are coming in from other countries such as China with lower safety standards, we are seeing deadly amounts of lead surfacing in children's toys. The people in my State know this well.

Two years ago, a 4-year-old boy named Jarnelle Brown went with his mom to buy a pair of tennis shoes. He got this pair of tennis shoes, and with the tennis shoes came a little charm. She did not buy this charm. She did not ask for this charm. It was given free with a pair of tennis shoes. So they bring the shoes home with the charm, and this little boy is playing with it. He swallowed the charm. He did not die from swallowing the charm. He did not die from choking on the charm. He died as the lead in this charm seeped into his system one day after one day. His airway was not blocked. He just swallowed that lead charm, and it went into his stomach.

Over a period of days, the lead in this charm went into his system and it went into his bloodstream. Over a period of days, he died. When they tested him, his lead level was three times the accepted level. When they tested that charm, that charm from China was 99 percent lead—a little free charm given to a mom with a pair of shoes.

This little boy's death is made so much more tragic by the fact that it could have been prevented. He should have never been given that charm in the first place. It shouldn't take a child's death to alert us to this problem, but now we know it for a fact, and we cannot now sit here and do nothing.

Parents should have the right to expect that toys are tested and that problems are found before they reach their toy box. The legislation I originally introduced to address this problem, the lead ban, is what is included in this bill and we are considering on the floor today. It basically says any lead in any children's products shall be treated as a hazardous substance. It sets a ceiling for trace levels of lead and empowers the Consumer Product Safety Commission to lower the ceiling even further through rulemaking as science and technology evolve.

This was reached after many discussions with toy manufacturers and retailers to get a sense that there sometimes are trace levels of lead. That is why we included this in here, to be practical, but allowing as science develops for the Consumer Product Safety Commission to go below that trace level. We see similar trace levels in some State legislation throughout the country. Some of it is different for jewelry than it is for toys, but we have yet to see a mandatory threshold for trace levels of lead in the Federal Government.

For 30 years we have been aware of the dangers posed to children by lead. The science is clear. It is an undisputed fact that lead poisons children. It shouldn't have taken us this long to take lead out of their hands and out of their mouths. It is the Consumer Product Safety Commission's job to do that. In recent months, it has become all too obvious that this commission needs much reform and that reform is long overdue.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel it is very important to take this step to protect the safety of our children. When I think about that little 4-year-old boy's parents back in Minnesota and I think about all of those other kids who have been hurt by these toys—they have no control over these toys. They don't know where they came from.

At this moment I say that the time has come to get this bill passed. I thank the retailers from Minnesota, including Target as well as Toys 'R Us. Their CEO testified before the Appropriations Committee and was very positive about moving forward and understood the need to beef up the tools

the CPSC has, as well as increasing the resources for that agency. We can beef up this agency that has been languishing for years and that is a shadow of its former self. We can put the rules in place that make it easier for them to do their job. We cannot sit around bemoaning the results anymore; we have to act. We have our opportunity. Our opportunity is this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the Consumer Product Safety Commission Reform Act of 2008. I applaud the leadership of Senators PRYOR, STEVENS, and INOUE in this effort to strengthen protection for America's consumers, especially our children. It has been a pleasure to work with the sponsors of this bill to strengthen Federal protections against dangerous toys moving through the global supply chain.

We must detect and counter threats to children before, not after, toys reach store shelves so that they don't end up in homes, schools, and daycare centers as, unfortunately, they can now.

The pressing need for this bill was dramatized last year by numerous and significant safety recalls of children's toys. The recalls have involved some significant threats to life and health. For example, last November the Consumer Product Safety Commission recalled 200,000 units of imported jewelry for children: earrings, charms, and bracelets that contained unsafe levels of lead. Earlier in 2007, the Commission recalled millions of other hazardous toys.

The tragic trend continues. CPSC recalls last month included other items that violate lead paint standards or that can burn, poison, or even strangle children.

The Pryor-Stevens bill takes a comprehensive and thoughtful approach to these threats. It authorizes increased staffing and funding for the Commission, toughens penalties for safety violations, bans the resale of recalled products, requires safety certification of children's products, and mandates permanent identification markings on the toys and other products themselves—not just on their packaging—to make safety recalls more effective. The bill also essentially bans lead from children's toys.

The need for these safeguards and resources became evident through an investigation by my staff on the Committee on Homeland Security and Governmental Affairs. In August, I assigned investigators from my staff to examine the toy industry, import concerns, and the Consumer Product Safety Commission itself. The committee's investigators conducted numerous interviews of manufacturers, representatives of retailers, consumer advocacy groups, Federal regulatory agencies, and other experts. They also conducted port visits and visited a manufacturer's testing lab. What we were attempting

to do is to build on the expertise the committee has gained through its work on port security which resulted, working in cooperation with the Commerce Committee, in landmark port security legislation in 2006.

The Committee's findings confirmed that our current system had serious weaknesses. These included that the Consumer Product Safety Commission is understaffed and has inadequate resources and authorities for its mission.

We also found that voluntary standards can be useful in quickly addressing safety concerns, but that they lack the full force of law.

We found that the inability to effectively enforce safety standards at our ports limits the ability of Federal agencies to stop hazardous imported products from entering the American marketplace.

The bill before us will remedy these serious weaknesses in our current system, especially in the area of product safety standards. Our investigators found that the current reliance on voluntary safety standards developed by a consensus among the industry, Government, consumer advocates, and other interested parties has both some advantages and some significant limitations. That doesn't mean we should do away with the system of voluntary standards.

On the plus side, the voluntary standards process, overseen by a standards-setting body, allows safety standards to be developed much more quickly and efficiently than in many governmental regulatory processes. This was shown in the collaborative response to the reports of serious injuries after children ingested powerful magnets that had come loose from toys. There were no safety standards for these particularly powerful magnets for toys, but within a relatively quick period of time, the consensus process produced new safety standards.

By contrast, if the Commission were to go through a formal safety regulation, it would have required a detailed notice and comment process that could have taken years to accomplish. It would have taken at least 4 months, and it could have stretched on for years, delaying that protection to our Nation's children. A perfect example of this is the failed effort to formally regulate the lead content standards for children's jewelry. In numerous other cases, the system of voluntary standards, self-reporting, and collaborative recalls has led to safety recalls before injuries could occur. Despite these achievements, the fact is that dangerous toys still arrive at our ports, and far too many of them are making their way to retailers' shelves and then on to the homes of American children.

Under current law, the Customs and Border Protection Agency has only limited authority to seize dangerous products and to prevent them from entering the marketplace. Instead, what happens too often—the standard process and practice—is that these products

are simply turned away and that gives unscrupulous importers an opportunity to try to slip their defective products into the marketplace by simply going to another American port. So if they don't succeed at one port and they are turned away, what happens in too many cases is the importer simply tries to ship the defective toys through another port.

Our committee's investigation has also underscored the importance of imposing standards on global supply chains. With nearly three-quarters of toys sold in America being manufactured overseas, promoting toy safety cannot start or stop at our borders. Our investigators heard reports that unethical importers can bring products into the United States and then simply disappear by changing their company's name, address, and other information in order to avoid safety regulations. I also note that they can do this to avoid tariffs, import quotas, and intellectual property laws as well.

Toys from abroad must meet American safety standards. While the Chinese Government has reportedly tightened its own standards, closed a few factories, and signed a new agreement with the Consumer Product Safety Commission on the use of lead point in toys, China has not yet demonstrated that it can adequately enforce this regime. Until then, we must take strong and effective action to prevent Chinese products that violate our safety rules from entering America.

Now, of course, we need better consumer product protections regardless of a product's origin, but I call special attention to imports because of their overwhelming share of our toy market and because of the special challenges posed by the global supply chain. Our committee's investigation led me to offer four recommendations, and I am very pleased that those four recommendations have been included in the bill before us. Again, I thank Senators PRYOR, STEVENS, and INOUE for adding my proposals to their bill.

First, the language I authored would empower Customs and Border Protection to seize and destroy shipments of products that the Commission believes pose a threat to consumers and violate safety standards. This is so important. It closes a glaring loophole in the current law and would abandon a practice that allows unscrupulous importers to bring their dangerous products in through a different port, depending on the Customs and Border Protection officers catching it a second time. My provision would ensure that the agency has the right to seize and destroy these unsafe toys and other consumer products.

The second provision I authored would establish a database so that potentially unsafe products could be identified by the Commission before they reach our shores. With that information, that cooperation between the Consumer Product Safety Commission and the Customs and Border Protection

Agency, we can much more effectively target these shipments for further investigation.

Third, I authored a provision that would require the CPSC to develop a risk assessment tool so we can focus attention on those points in the supply chain where defects and dangers are most likely to occur, be detected, and stopped.

Fourth, I drafted a provision that would place an official from the Consumer Products Safety Commission at the National Targeting Center run by Customs and Border Protection. That will allow real-time information to be shared. We can pool the resources, pool the information we have to identify likely shipments of dangerous products.

Mr. President, neither the Consumer Products Safety Commission, nor any other Federal agency, no matter how good, can guarantee a marketplace free of all risk. But we can and should strengthen the Consumer Products Safety Commission, as this bill would do, and expand its authority and provide it with the resources that are necessary to do a good job.

The commission needs to continue to work closely with importers, retailers, industry associations, and consumer groups to improve product safety.

A safety regime for children's toys will only be effective if everyone takes responsibility. But this should not be a detective game for the parents of America. They should be able to rely on Federal standards, enforcement—tough standards to make sure the toys they are purchasing for their children are indeed safe.

The foundation of this effort must be an effective and efficient system to help prevent defective and dangerous products for children from reaching store shelves in the first place.

The Consumer Products Safety Commission Reform Act adds important protections for America's children. I support the bill, and I am pleased that we are now considering it. I think it is going to make a real difference to the safety of America's children.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed on the consumer products safety legislation.

Mr. SHELBY. Mr. President, I will ask a question. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, would the time run on the Republican side?

The PRESIDING OFFICER. The understanding is that it will be counted toward Republican time.

Mr. PRYOR. I have no objection to that.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

NORTHROP GRUMMAN EADS CONTRACT

Mr. SHELBY. Mr. President, last Friday, the U.S. Air Force announced that the Northrop Grumman EADS team won the contract to assemble our military's next generation of air refueling tankers, known as the KC-45.

This decision awarded the largest acquisition program in the history of the Air Force. To have expected controversy not to follow, regardless of the winner, would have been a little foolish.

What is unfortunate is that the uproar from the losing side is based upon mendacity rather than logic and reason. After the announcement, some falsely proclaimed that our military was selling out to a foreign country; that this award would outsource U.S. jobs; that these planes should be made in America.

The facts behind this selection should allay any of my colleagues' fears or concerns. Northrop Grumman EADS capable, advanced multimission tankers will be made in America by American workers. Any assertion that this award outsources jobs to France is simply false. This award does the exact opposite. It insources jobs here. In Mobile, AL, where the tanker will be assembled and modified, 1,500 direct jobs will be created. Throughout Alabama, 5,000 total jobs will be created.

This contract has ramifications well beyond my State's lines. Friday's announcement also means that 25,000 additional jobs at over 230 companies around the United States will be created by the Northrop Grumman EADS tanker win. This will result in a \$1 billion annual economic impact on the United States.

It is also important to note that job creation was not a factor that the Air Force considered in making their selection. The objective of the acquisition by the Air Force was clear from the outset: acquire the best new tanker for the U.S. Air Force.

Five factors were used to score the two competing proposals: mission capability, proposal risk, past performance, price, and the Integrated Fleet Air Refueling Assessment.

Mr. President, the Air Force, in a lengthy, full, and open competition determined that the KC-30 was superior to the KC-767 and is the best tanker to meet the Air Force's needs.

The Air Force rated the KC-30 superior in every one of the five categories used to assess the tanker offering.

Mr. President, I believe this illustrates that the Air Force made the right decision, the right selection, not only for the men and women in uniform but for the taxpayer as well. To claim otherwise is simply illogical.

Additionally, charges have been raised that by awarding a contract to a team with a foreign company, our national security may be at risk because the U.S. military would have to rely on foreign suppliers. Nothing could be further from the truth.

The prime contractor of the team that won, Northrop Grumman, is no

less an American company than its competitor, Boeing. While Northrop's proposal uses a European-designed airframe, a close scrutiny of the two competing proposals shows that both have a relatively similar amount of foreign content.

Further, this is hardly the first defense program to be awarded to a U.S.-European team. In fact, Boeing itself was part of a team that recently won the Army contract for the Joint Cargo Aircraft, an Italian-built aircraft that will be assembled in Florida at a Boeing facility.

I find it quite ironic that there was no outcry at this award from Boeing supporters, even though it would seem that the Joint Cargo Aircraft Program would likewise "take American tax dollars and build this plane overseas."

The global environment in which we live makes it virtually impossible for any major military product to be 100 percent American made—especially when our goal is to provide the best equipment for our warfighters.

Moreover, U.S. aerospace firms have supplied billions of dollars' worth of equipment built by Americans to foreign countries, and they still do.

As Members of Congress, we are all concerned about U.S. jobs. Yet any assertion that this award "outsources" jobs to France is simply false.

With this new assembly site in Mobile, AL, this contract will bring tens of thousands of jobs into the United States.

According to the Department of Commerce, Northrop Grumman will employ approximately the same number of American workers on the tanker contract that Boeing would have employed had they won.

As John Adams once said: "Facts are stubborn things."

If the U.S. Air Force and Members of Congress wanted the tanker to be a job creation program for Boeing, they should have eschewed a competition and sole-sourced the contract in the first place. But they didn't want that. Instead, the intent was to provide our men and women in uniform with the best refueling aircraft in the world at the best value for the American taxpayer.

In the final analysis, that is precisely what the Air Force did.

I am very proud to know that the KC-45 American tanker will be built by an American company, employing American workers.

This decision is great news for the warfighter, the American worker, and the U.S. taxpayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama, Mr. SESSIONS, is recognized.

Mr. SESSIONS. Mr. President, I associate myself with the wise comments of Senator SHELBY on this question. I will share a few thoughts about where we are in this process. It was a big, long, fair competition for this new KC-45 tanker aircraft. The Air Force announced it last Friday. They announced they had selected Northrop

Grumman as the lead contractor for the new plane. Northrop plans to build it in my hometown of Mobile, AL. We could not be prouder. I, at one point, chaired the Air/Land Subcommittee as we discussed the need for this aircraft. Long before there was any indication that any of it would be built in Alabama, I became convinced that it was a needed plane.

I will say this to my colleagues who seem to be arguing that it is not an American aircraft: The lead contractor is Northrop Grumman, which is a Los Angeles/American company. They partnered with EADS, a European company.

Some have said openly that it is an aircraft that is going to be built in Europe. A lot of people probably have heard that. But the truth is, it is going to be built in the United States, in Mobile. I can show you the spot and the place. Old Brookley Air Force Base. They had as many as 40,000 employees. It was closed in 1965. Indeed, the economy of the town of Mobile's was impacted, until the last half dozen years when it has taken off strongly. But in these last 35 or more years, it has genuinely been believed not to have kept up with the rest of the country as a result of the closure of that huge base. This will be at that facility.

I suggest and state that in reality what we are talking about is the insourcing into America of an aircraft production center that will bring 2,500 jobs to our area, 5,000 for the State, and, more importantly, even 25,000 jobs nationwide at 230 different companies that will be involved in the building of this tanker.

I just want to say one thing. I think Senator SHELBY talked about it. I want to say one thing in the beginning, as a recovering former lawyer. We had a competition for this aircraft. We had two bidders and, to my knowledge, during the time that this bidding process was going on, no one was saying we should not have competition. No one was saying that because one of the partners was European based—of course, they are our allies fundamentally on most issues of importance in the world, and our partners in the Joint Strike Fighter, one of our top fighter aircraft. But nobody said that disqualified Northrop's bid. Do you follow me?

So we go through months and months of meetings with the Air Force, and with their hard work they developed an objective set of criteria and evaluated the aircraft. Nobody was saying that somehow this Northrop team should not be in the game, should not be allowed to bid because we all know the fact that there was a vigorous competition reduced the bids substantially of both companies because they had to be competitive. If it had been a sole-sourced bid, it would not have been. This was a good thing for us to have had. That is all I am saying.

Now, some have hinted that we ought to have politics enter into this process

after 2 years, and the right company didn't win and we ought to somehow overturn that. It is not good sense to me to make that argument. Of course, it would not hold up in a court of law. The Air Force, rated the aircraft objectively, and they made an objective decision. It was not contested before, and I do not think it will be successfully contested now.

The Northrop aircraft won, according to the Air Force officials, because it offered the best value to the Government and the best plane for our war fighters. Sue Payton, Assistant Secretary of the Air Force, said during the announcement on Friday:

Northrop Grumman clearly provided the best value to the Government when you take a look at it, in accordance with the RFP—

That is request for proposal—the five factors that were important to this decision: in mission capability, in proposal risk, in the area of past performance, in cost price, and in something we call an integrated fleet aerial refueling rating.

She said in each of these categories that when you added up all that, the Northrop Grumman aircraft was, as she said, the best value for the Government. Isn't that what we pay her to decide?

I thank the Air Force for going through this process. There were some real questions about whether there would be fair competition for the KC-X. There was some doubt about Northrop's team, whether they would even bid if they were not going to have a fair chance. They were all assured they were going to have a fair and transparent competition, so the Air Force promised to use objective criteria and to communicate continuously with the two bidders. In the words of one official:

The winner will know why he won and the loser why he lost.

To a degree we have never seen, that I think was followed in this case. John Young, Under Secretary of Defense for Acquisition, Technology, and Logistics, Secretary of Defense Gates' point man for the fairness of the acquisition competition, said yesterday:

The Air Force did its homework and did it well . . . The Air Force, in my opinion, did an outstanding job.

Now that the Air Force, in the opinion of many, has run a textbook fair competition, the key is for us to get moving on replacing these tankers. Most of our tankers were built before 1957. Can you imagine? It is time to recapitalize that fleet with newer and more modern planes for both the safety of our pilots and the effectiveness of our military. That is why the KC-45s are the No. 1 budget priority of the U.S. Air Force. They have said that for a number of years. This is a big project, but it is critical to the effectiveness of the U.S. Air Force in its ability to protect air power at great distances around the globe.

I know there has been intense debate, and I know how important this process has been. But, again, I say no one was

objecting to the competition then, and if you have a competition, shouldn't the one with the best proposal win? The Northrop team clearly provided the best value, said Sue Payton. It carried more fuel for longer distances, and the fuel is in the wings of these aircraft, not in the main area of the aircraft, in the fuselage area. In that area, you can carry soldiers, cargo, and all kinds of equipment that the war fighter might need. It can supplement substantially our existing airlift capability, and Northrop's team aircraft had more cargo capacity, more fuel load ability, could carry more soldiers, and could go longer distances. That is why, when they calculated it up, when they buy these aircraft, they need 19 fewer of the Northrop team's aircraft than needed if they bought the other aircraft, a big savings right there in itself.

We are not saying there is anything wrong with the Boeing aircraft, that it is somehow a defective aircraft. It did not meet the needs of the Air Force as well as the other one did.

The Air Force has run the most open competition in history. It appears it is going to be a model for such competitions in the future.

In the days ahead, not too many days from now, the bidders will be brought in to the Air Force, and they will be given a detailed briefing on exactly why the Air Force reached the decision it did, why one won and the other lost, and if the bidder concludes that a protest is called for, if they find something they think is unfair under the rules of bidding, they have every right to appeal and protest. But no such decision has been made to date. I am hopeful the process was conducted fairly, as it appears to be, and that no protests will occur.

I further note we have a critical need to bring this tanker online. Much more could be said about the importance of the whole replacement process. I will say we had a fair competition, it appears by all accounts. The process went on for months. It was the most open in terms of the bidders were told precisely what weaknesses their planes may have or what other strengths they would like to see in a plane and gave them an opportunity to respond in a way that did not blindside them by saying: Sorry, you lost because of one little problem here, and they never told them what that problem was, as we have had in the past. This whole process was much more open, one on one in a way that I think was filled with integrity and a practical goal. The practical goal was to allow the Air Force to be in a position to pick the best aircraft they could pick for our Defense Department.

I am excited about this, just from our own local interests. I had absolutely no idea how it would come out until the announcement was made. I did ask on several occasions that we have a fair and level playing field. I believe that has occurred. The Air Force has said

they clearly believe this is the better aircraft. And if that is their decision, they had no choice honorably to do anything other than make the decision they did.

I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of the quorum and ask that it be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PRYOR. Madam President, we are going to vote in a couple of minutes on the motion to proceed to the CPSC—the Consumer Product Safety Act—and I want to urge my colleagues to vote for this motion and to move to this legislation so that we can consider it over the next couple of days in the Senate.

I think the American public saw the record number of product recalls last year, especially in the toy sector but in all sectors of our economy. The people back home understand how important it is for the Senate to act on this and act in a way that is responsible and balanced and act in a way that is very meaningful.

Again, our legislation as compared to the House bill is more transparent, there is more enforcement, and it is more comprehensive reform. I thank my House colleagues for doing what they have done and also thank my Senate colleagues, especially Senator TED STEVENS and Senator COLLINS. We have several on our side who have all come together to make this a bipartisan bill, and I appreciate the Senate's consideration.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 582, S. 2663, the Consumer Product Safety Commission Reform Act.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark Pryor, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Carl Levin, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to

proceed to S. 2663, a bill to reform the Consumer Product Safety Commission, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. McCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mrs. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

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

The yeas and nays resulted—yeas 86, nays 1, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—86

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

NAYS—1

Coburn

NOT VOTING—13

| | | |
|---------|-----------|-----------|
| Biden | Inhofe | Murkowski |
| Byrd | Isakson | Obama |
| Clinton | McCain | Wicker |
| Ensign | McCaskill | |
| Enzi | Menendez | |

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. 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. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. PRYOR. I ask unanimous consent that there now be 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.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. CORNYN. Mr. President, next week we will be marking up and working on the budget for the Federal Government for fiscal year 2009. I wish to take a few minutes to talk a little bit about the budget we passed last year and to highlight a few areas of caution where I hope we will not repeat the mistakes this year in the budget we passed like we did in the budget we passed last year.

First of all, in the fiscal year 2008 budget, the budget anticipated an increase in revenue—which is Washington speak for a tax increase—of \$736 billion that would be needed in order to meet the demands of that budget. Of course, we all know whom those tax hikes fall on. It is the middle-class families, the farmers, the entrepreneurs, the people we need in this country to remain productive and remain incentivized to keep our economy and job creation humming.

Considering the economic situation we are in today, the last thing the Federal Government should do is increase taxes and create a wet blanket of deterrence on those very entrepreneurs and people who create the jobs.

One example is, last year you will recall that Congress waited until the last possible moment to pass temporary tax relief, relieving the middle class from the alternative minimum tax—a tax that more and more middle-class families will soon pay. As a matter of fact, I think this is a perfect paradigm for what I have heard here as "tax schemes designed to tax only the wealthy."

You will recall that the alternative minimum tax, as originally conceived,