

that more stringent standards would further reduce the risk of injury associated with such products.

(2) **TIMETABLE FOR RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

**SA 4131.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 2 through 12 and insert the following:

(a) **ESTABLISHMENT OF UNITS-OF-MASS-PER-AREA STANDARD.**—The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

(b) **REPORT ON COORDINATION WITH ENVIRONMENTAL PROTECTION AGENCY ON SAFETY STANDARDS AND ENFORCEMENT.**—The Consumer Product Safety Commission, in cooperation with the Environmental Protection Agency, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report—

(1) comparing the safety standards employed by the Commission with respect to lead in children's products and the environmental standards employed by the Environmental Protection Agency with respect to lead under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(2) making recommendations for—

(A) modifying such standards to make them more consistent and to facilitate interagency coordination; and

(B) coordinating enforcement actions of the Commission and the Environmental Protection Agency with respect to children's products containing lead, including toy jewelry items.

**SA 4132.** Mr. BROWN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2663, 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

**SEC. 40. TEMPORARY REFUSAL OF ADMISSION INTO CUSTOMS TERRITORY OF THE UNITED STATES OF CONSUMER PRODUCTS MANUFACTURED BY COMPANIES THAT HAVE VIOLATED CONSUMER PRODUCT SAFETY RULES.**

(a) **IN GENERAL.**—Section 17 (15 U.S.C. 2066), as amended by section 38(e) of this Act, is amended by adding at the end the following:

“(j) **TEMPORARY REFUSAL OF ADMISSION.**—

“(1) **IN GENERAL.**—A consumer product offered for importation into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States) may be refused admission into such customs territory until the Commission makes a determination of admissibility under paragraph (2)(A) with respect to such product if—

“(A) such product is manufactured by a manufacturer that has, in the previous 18 months—

“(i) violated a consumer product safety rule; or

“(ii) manufactured a product that has been the subject of an order under section 15(d); or

“(B) is offered for importation into such customs territory by a manufacturer, distributor, shipper, or retailer that has, in the previous 18 months—

“(i) offered for importation into such customs territory a product that was refused under subsection (a) with respect to any of paragraphs (1) through (4); or

“(ii) imported into such customs territory a product that has been the subject of an order under section 15(d).

“(2) **DETERMINATION OF ADMISSIBILITY.**—

“(A) **IN GENERAL.**—The Commission makes a determination of admissibility under this subparagraph with respect to a consumer product that has been refused under paragraph (1) if the Commission finds that the consumer product is in compliance with all applicable consumer product safety rules.

“(B) **REQUEST FOR DETERMINATION OF ADMISSIBILITY.**—

“(i) **IN GENERAL.**—An interested party may submit a request to the Commission for a determination of admissibility under subparagraph (A) with respect to a consumer product that has been refused under paragraph (1).

“(ii) **SUPPORTING EVIDENCE.**—A request submitted under clause (i) shall be accompanied by evidence that the consumer product is in compliance with all applicable consumer product safety rules.

“(iii) **ACTIONS.**—Not later than 90 days after submission of a request under clause (i) with respect to a consumer product, the Commission shall take action on such request. Such action may include—

“(I) making a determination of admissibility under subparagraph (A) with respect to such consumer product; or

“(II) requesting information from the manufacturer, distributor, shipper, or retailer of such consumer product.

“(iv) **FAILURE TO ACT.**—If the Commission does not take action on a request under clause (iii) with respect to a consumer product on or before the date that is 90 days after the date of the submission of such request under clause (i), a determination of admissibility under subparagraph (A) with respect to such consumer product shall be deemed to have been made by the Commission on the 91st day after the date of such submission.

“(3) **COMPLIANCE WITH TRADE AGREEMENTS.**—The Commission shall ensure that a refusal to admit into the customs territory

of the United States a consumer product under this subsection is done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States.”

(b) **RULEMAKING.**—

(1) **NOTICE.**—Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall issue a notice of proposed rulemaking with respect to the regulations required by paragraph (2).

(2) **REGULATIONS.**—Not later than 120 days after the date of the publication of notice under paragraph (1), the Consumer Product Safety Commission shall prescribe regulations to carry out the provisions of the amendment made by subsection (a).

(c) **CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.**—The Consumer Product Safety Commission shall consult with the Secretary of Homeland Security in carrying out the provisions of this section and the amendment made by subsection (a).

**SA 4133.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances (including how to mitigate undue adverse economic impacts on small businesses, consistent with principles and processes required under chapter 6 of title 5, United States Code).

**NOTICE OF HEARING**

**SUBCOMMITTEE ON ENERGY**

Mr. DORGAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 26, 2008, at 10:30 a.m., in the Missouri Room at Bismarck State College located at 1500 Edwards Avenue, Bismarck, ND 58501.

The purpose of the hearing is to receive testimony on the challenges associated with rapid deployment of large-scale carbon capture and storage technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or

by e-mail to Rosemarie\_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224-5039.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 9:30 a.m., in open session. In order to receive testimony on the Department of the Air Force in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a business meeting on Wednesday, March 5, 2008, at 11:15 a.m., in room SD366 of the Dirksen Senate Office Building. At this mark-up, the Committee will consider the nomination of J. Gregory Copeland to be General Counsel of the Department of Energy.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, March 5, 2008, at 3 p.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the Impacts of the capability of the United States to maintain a domestic enrichment capability as a result of the recently initiated amendment between the United States and the Russian Federation of the Agreement Suspending the Anti-dumping Investigation on Uranium from the Russian Federation.

PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 9:30 a.m. in order to hold a hearing on strengthening national security through smart power.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Com-

mittee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 5, 2008 at 9:30 a.m. in SD-430.

##### Agenda

S. 1810, Prenatally and Postnatally Diagnosed Conditions Awareness Act; S. 999, Stroke Treatment and Ongoing Prevention Act of 2007; S. 1760, Healthy Start Reauthorization Act of 2007; H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; and S. 1042, Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act of 2007.

National Board for Education Sciences, Jonathan Baron, Frank Handy, Sally Shaywitz; National Foundation on the Arts and Humanities, Jamsheed Choksy, Gary Glenn, David Hertz, Marvin Scott, Carol Swain; National Museum and Library Science Board, Julia Bland, Jan Cellucci, William Hagenah, Mark Herring; Truman Scholarship Foundation, Javaid Anwar; Assistant Secretary of Labor ODEP, Neil Romano.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "The Climbing Costs of Heating Homes: Why LIHEAP is Essential" on Wednesday, March 5, 2008. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 9:30 a.m. in order to conduct a hearing entitled "Census in Peril: Getting the 2010 Decennial Back on Track."

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

##### COMMITTEE ON THE JUDICIARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Oversight of the Federal Bureau of Investigation" on Wednesday, March 5, 2008 at 10 a.m. in room SD-106 of the Dirksen Senate Office Building.

##### Witness list

The Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation, United States Department of Justice, Washington, DC.

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

##### PERSONNEL SUBCOMMITTEE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 2:30 p.m., in open session in order to receive testimony on the findings and recommendations of the Department of Defense Task Force on Mental Health, the Army's Mental Health Advisory Team reports, and Department of Defense and service-wide improvements in mental health resources, including suicide prevention, for servicemembers and their families.

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

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 2:30 p.m. in order to conduct a hearing entitled, "The State of the U.S. Postal Service One Year After Reform".

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

##### SPECIAL COMMITTEE ON AGING

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, Wednesday, March 5, 2008 from 10:30 a.m.-12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

##### PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that a fellow from my office, Gemma Weiblinger, be granted the privileges of the floor for this speech and the budget presentation next week.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that Bruce Fergusson, a fellow in the office of Senator BAUCUS, be granted the privilege of the floor during consideration of the Consumer Product Safety Commission bill.

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

##### INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

On Tuesday, February 26, 2008, the Senate passed S. 1200, as amended, as follows:

(The original text of S. 1200 was inadvertently printed.)

##### S. 1200

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