

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 1382 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.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. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

COMMENDING MARK S. MANDELL

Mr. REID. Mr. President, I rise to honor my good friend, a good American and a good person, Mark Mandell.

Mark will turn 60 years old on Saturday, June 27. I have known Mark and his family for many years, and have long been impressed by his many accomplishments and contributions to his community.

Mark's affiliations are far too long to list but that is an accurate indication of how much of himself he has given to others.

A founding partner at his successful firm—Mandell, Schwartz & Boisclair, Ltd. in Providence, RI, Mark has been listed among the "Best Lawyers in America." He has served as the president of the Association of Trial Lawyers of America, the Roscoe Pound Institute of Civil Justice, the Rhode Island Bar Association and the Rhode Island Trial Lawyers Association.

In addition to his abundant bar memberships, professional associations, society memberships, civic and community activities, and government appointments, Mark has authored and lectured extensively throughout the United States and around the world.

Mark has been recognized with numerous awards, but I know that he is most gratified not by those that honor his professional achievements, but rather those that acknowledge his good citizenship and leadership in community service.

Many of those awards honor Mark for his strong commitment to the Jewish community he so values. As the Torah implores, "Justice, justice shall you pursue."

I am proud to call Mark Mandell my friend, and thank him for his dedicated and principled pursuit of justice. Happy birthday, Mark.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2010 budget resolution. The reports, which cover fiscal years 2009 and 2010, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through June 23, 2009, and include the effects of P.L. 111-22, the Helping Families Save Their Homes Act of 2009; P.L. 111-31, the Family Smoking Prevention and Tobacco Control Act; H.R. 1777, an act to make technical corrections to the Higher Education Act of 1965, and for other purposes, pending Presidential action; and H.R. 2346, the Supplemental Appropriations Act, 2009, pending Presidential action. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

For 2009, the estimates show that current level spending is \$942 million below the level provided for in the budget resolution for budget authority and \$3.9 billion above it for outlays while current level revenues match the budget resolution level. For 2010, the estimates show that current level spending is \$1,205.9 billion below the level provided for in the budget resolution for budget authority and \$715.9 billion below it for outlays while current level revenues are \$12.3 billion above the budget resolution level.

I ask unanimous consent to have the letters and accompanying tables from CBO printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated September 11, 2008, the Congress has cleared and the President has signed several acts that affect budget authority, outlays, and revenues for fiscal year 2009. The budgetary effects of legislation enacted at the end of the second session of the 110th Congress are included in the effects of previously enacted legislation on Table 2.

Legislation enacted during the 111th Congress prior to the adoption of S. Con. Res. 13 is included in the budget aggregates of S. Con. Res. 13 (see footnote 1 of Table 2). In addition, since the adoption of S. Con. Res. 13, the Congress has cleared and the President has signed the following acts:

Helping Families Save Their Homes Act of 2009 (Public Law 111-22); and

An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (Public Law 111-31).

The Congress has also cleared for the President's signature the following acts:

An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (H.R. 1777); and

Supplemental Appropriations Act, 2009 (H.R. 2346).

This is CBO's first current level report since the adoption of S. Con. Res. 13.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

[In billions of dollars]			
	Budget resolution ¹	Current level ²	Current level over/under (–) resolution
ON-BUDGET			
Budget Authority	3,668.6	3,667.6	–0.9
Outlays	3,357.2	3,361.0	3.9
Revenues	1,532.6	1,532.6	0.0
OFF-BUDGET			
Social Security Outlays ³	513.0	513.0	0.0
Social Security Revenues	653.1	653.1	0.0

¹ S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$7.2 billion in budget authority and \$1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

² Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.
Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

[In millions of dollars]			
	Budget authority	Outlays	Revenues
Previously Enacted¹			
Revenues	n.a.	n.a.	1,532,571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009—Continued
(In millions of dollars)

	Budget authority	Outlays	Revenues
Offsetting receipts	— 640,548	— 640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) ²	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	11	2	8
Total, enacted this session	117	3,898	8
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR–1777)	— 187	— 202	0
Supplemental Appropriations Act, 2009 (H.R. 2346) ²	89,682	26,992	0
Total, passed, pending signature	89,495	26,790	0
Total Current Level ^{2,3}	3,667,644	3,361,023	1,532,579
Total Budget Resolution ⁴	3,675,736	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance ⁵	— 7,150	— 1,788	n.a.
Adjusted Budget Resolution	3,668,586	3,357,164	1,532,579
Current Level Over Budget Resolution	n.a.	3,859	n.a.
Current Level Under Budget Resolution	942	n.a.	0

¹ Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

² Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	— 630	— 630	n.a.
Supplemental Appropriations Act, 2009 (H.R. 2346)	16,169	3,530	n.a.
Total, amounts designated as emergency	15,539	2,900	n.a.

³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁴ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	— 1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	— 187	— 202	0
Revised Budget Resolution Totals	3,675,736	3,358,952	1,532,579

⁵ S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed

current level report excludes these amounts (see footnote 2 of Table 2 of the report).

This is CBO's first current level report for fiscal year 2010.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009

	(In billions of dollars)		
	Budget resolution ¹	Current level ²	Current level over/under (–) resolution
ON-BUDGET			
Budget Authority	2,882.1	1,676.2	– 1,205.9
Outlays	2,999.1	2,283.2	– 715.9
Revenues	1,653.7	1,666.0	12.3
OFF-BUDGET			
Social Security Outlays ³	544.1	544.1	0.0

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

	(In billions of dollars)		
	Budget resolution ¹	Current level ²	Current level over/under (–) resolution
Social Security Revenues	668.2	668.2	0.0

¹ S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

² Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009
(In millions of dollars)

	Budget Authority	Outlays	Revenues
Previously Enacted ¹			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,637,423	1,621,675	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	— 690,251	— 690,251	n.a.
Total, Previously enacted	947,172	1,531,924	1,665,986
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	10	13	46
Total, enacted this session	328	11,359	46

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR-1777)	32	36	0
Supplemental Appropriations Act, 2009 (H.R. 2346) ²	11	33,530	0
Total, passed, pending signature	43	33,566	0
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	728,688	706,384	0
Total Current Level ²⁻³	1,676,231	2,283,233	1,666,032
Total Budget Resolution ⁴	2,892,499	3,004,533	1,653,728
Adjustment to the budget resolution for disaster allowance ⁵	-10,350	-5,448	n.a.
Adjusted Budget Resolution	2,882,149	2,999,085	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	12,304
Current Level Under Budget Resolution	1,205,918	715,852	n.a.

¹ Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

² Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (H.R. 2346)	17	7,064	-2

³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁴ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	-1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	-11	-11	0
Revised Budget Resolution Totals	2,892,499	3,004,533	1,653,728

⁵ S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

HONORING OUR ARMED FORCES

SPECIALIST CHANCELLOR ARSENIO KEESLING

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Army SPC Chancellor Arsenio Keesling, from Indianapolis, IN. Chancellor was 25 years old when he lost his life on June 19, 2009, in Baghdad, Iraq. He was a member of the 961st Engineer Company of the U.S. Army Reserve, based in Sharonville, OH.

Today, I join Chancellor's family and friends in mourning his death. Chancellor, who was known to his friends and family as Chancy, will forever be remembered as a loving brother, son and friend to many. He is survived by his parents Gregg and Jannett Keesling; his brother O'Neil; his sister Tiana; his grandparents Gary and Gwen Keesling and Terrence and Barbara Fowle; and a host of other friends and family members.

Chancellor, a graduate of Lawrence North High School in Indianapolis, enlisted in the Army following his graduation in 2003. He served his first tour of duty in Iraq as a combat engineer assigned to a company based at Fort Sill in Lawton, OK. He was redeployed to Iraq in May 2009 with the 961st Engineer Company for a second tour of duty.

Chancellor had been home just a few weeks ago to celebrate his 25th birthday with family and friends. A native of Jamaica, where he lived until he was 12 years old, he had a particular pas-

sion for soccer and reggae music. He planned on going into the construction business once his military career was complete.

While we struggle to express our sorrow over this loss, we can take pride in the example Chancellor set as a soldier and patriot. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Chancellor's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Army SPC Chancellor Arsenio Keesling in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Chancellor's family can find comfort in the words of the prophet Isaiah who

said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Chancellor.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 43rd anniversary of the signing of the Freedom of Information Act, FOIA. The tragic events unfolding in Iran are a powerful reminder of the vital role of a free press and the free flow of information in an open society. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on bad policies and government abuses. The act has helped to guarantee the public's "right to know" for generations of Americans.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act, Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays than it has been in the past. A key component of the OPEN Government Act was the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. This office will mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman.