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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You know all about us. You know when we sit down and rise up. You know when we sin and when we obey. Purge our lives of every wrong thing, that we may glorify You in all we say and do.

Lord, guide our lawmakers in their daily work. Enlighten their minds and strengthen their hearts. May they not neglect to see the beauty and wonder in our world as they find joy in the loveliness of nature, the satisfaction of friendship, and the conquest of difficulties. Teach them to listen for Your voice and to wait for Your guidance. Lift their lives from the battle zone of combative words to a caring community where leaders pray for and communicate esteem to each other.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROLAND BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period for the transaction of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 3288, the Transportation-HUD appropriations bill. On this legislation, the chairman of the subcommittee, Senator MURRAY, was available Thursday afternoon, Friday, and Monday. There has been little, if any, interest in moving amendments to the floor. I would hope we could finish the bill today. We are not going to have any votes late this afternoon, but I would hope that if people determine they are not going to offer amendments, they at least let us finish the bill. This will be only our fifth appropriations bill we will have done. We have many more to do. I have trouble comprehending people not letting us finish these bills and then complaining that we have to do a continuing resolution to fund the government.

That is where we are. I hope we can have cooperation. I hope we do not have to file cloture on this bill. It would seem to be so unnecessary. Remember, I repeat, she was here Thurs-

day, Friday, and Monday. She will be here today in just a few minutes—"she" meaning PATTY MURRAY.

The Senate will recess from 12:30 p.m. to 2:15 p.m. today for the weekly caucus luncheons. There will be no rollcall votes after 3 p.m. today.

Mr. President, I had a meeting with Senator MCCONNELL. We try to get together personally every week. It is nice that we have a chance to visit privately. But also we talked about what the schedule is going to be. We have a lot to do. I went over that in some detail with the Republican leader. We have now scheduled a work period at home on Columbus Day week. We have many times in the past taken that recess because there is so much work to do at home. But we cannot do that unless we complete our work here. I have explained that to the Republican leader, and he knows that. We will see what progress we can make in the next few weeks as to whether we can do that.

I will not go into detail about all the work we have to do, but we are on a fiscal year basis. That fiscal year ends at the end of September. We are in September now. We have a lot of must-do legislation we have to move forward on as quickly as we can.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. REID. Excuse me, Mr. President, I withdraw that request. I did not see my friend from North Dakota. I withdraw that request and ask the Chair to announce that we are in a period of morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Senate will proceed to a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I may consume in our allotted 30 minutes.

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

ENERGY LEGISLATION

Mr. DORGAN. Mr. President, I wish to visit for just a few moments today the subject of energy policy.

Most of us spend all of our day having a better day because of energy and think very little about it. We get up in the morning, perhaps, and use an electric razor or an electric toothbrush. We go to the kitchen and have some coffee that was made by plugging the coffee maker in or turning on a stove. Then we get in a car, put a key in an ignition, start an engine, and off to work. We do all the while using all the energy available to us all day long, never thinking much about it.

We have a serious energy problem in this country in that a substantial amount of energy we use, particularly oil which comes from outside our country, including from some countries that do not like us very much. We are about 70 percent dependent on foreign countries for our oil, and, as I indicated, some of those countries are in some difficulty and turmoil. Yet we are unbelievably dependent on them to help supply our oil.

One of the propositions is, should we not produce more American energy? Should we not have more conservation in this country? Should we not have a plan that makes us less vulnerable and less dependent and improves our national security and our energy security? Of course, the answer to these questions is yes.

This is a big-old planet of ours, and we stick straws in the planet and suck oil out. Today, Tuesday, we will take out from the drilling rigs where we produced about 85 million barrels of oil from underground. One-fourth of it needs to be used in this country. The United States needs one-fourth of all the oil that is produced in the world today. As I said, 70 percent of that oil comes from outside of our country, and about 70 percent of the oil we use in this country is used in our transportation system.

We have a very serious dependency on oil. It makes us less secure nationally, and it creates all kinds of other issues. So the question is, What do we do about that problem? That is what I want to talk about for a few minutes, and I also want to talk about it in the context of some news reports that said recently that I and several others

somehow did not support climate change legislation. Let me make clear what my position is regarding acting on climate change legislation.

I have said on the floor of the Senate early this summer that I do not support cap and "trade." I do not have any interest in supporting legislation that will establish a trillion-dollar carbon trading securities market. This could benefit Wall Street, speculators and big investment banks who would be trading carbon on a Monday so we can determine how much energy prices are going to be on a Tuesday depending on how well that trading went on Monday. I have no interest in doing that type of activity. Not very long ago we saw what has happened to the price of gasoline and oil. For example, the price of oil went from about \$40 a barrel to \$147 a barrel in day trading in a little more than a year without any notion of supply or demand changes. How can you justify the runup on the price of oil from \$40 to \$147 a barrel over a number of months? I have already seen abuses of other markets. I have seen the markets with respect to derivatives and swaps and all of the exotic instruments that have been created in order to be traded on other markets. I have no interest in the carbon market "trade" portion of "cap and trade" and would not be intending to support that. There are other ways for us to have a lower carbon future.

I do believe there is something happening to our climate to which we should be very attentive to. I do believe a series of no-regret steps, at the very least, makes a lot of sense right now as we begin to address reducing greenhouse gas emissions.

Let me say that while I have said I do not intend to be supportive of the cap-and-trade approach, especially with quotes around "trade," I think there are some things we can, will, and must do to address the issue of climate change and bring about a low carbon future. Having said that, my hope is that the legislation already passed through the Senate Energy Committee will be brought to the floor for a debate because it makes significant steps toward addressing energy and climate change policy. It will also reduce our dependence on foreign oil and increase our national and energy security. This is achieved for our country by producing more American energy and by incentivizing the kinds of things that can serve, save, and create other forms of energy as well.

Let me talk just for a bit about the bill passed by the Senate Energy Committee. Some people have said that we have to bring an energy bill to the floor and combine it with a climate change bill. I do not believe that should be done at this time. In my judgment, it would be much smarter to bring an energy bill to the floor which has already passed out of the committee with a bipartisan vote. It is called the American Clean Energy Leadership Act. We should bring that

bill to the floor, debate it, pass it, and get it to the President for his signature. That would do something very significant for our country's energy future. After that, we should then turn to address climate change legislation and how we create a low carbon future.

Here is what is in that legislation that I hope we will bring to the floor of the Senate first.

Renewable electricity standard. There is an old saying: If you don't care where you are going, you are never going to be lost. That is certainly true for a country and a congress. If you do not establish standards and say: Here is what we aspire to achieve, then you will never know whether you have met it. We should strive for a renewable electricity standard of 20 percent. The current bill's standard has 15 percent. When we get an energy bill to the floor, my hope would be we would have a 20-percent combined renewable electricity standard that says that we aspire to achieve this level of renewable energy as part of our country's electricity mix by 2021.

This would be the first national standard in the history of this country. More than half the States have already taken action in this area, but we need a national standard that creates the goal of what we aspire to achieve. A strong, national renewable electricity standard is what I support. There is currently a national standard in this energy bill which we can bring to the floor. Having a standard drives additional production of renewable energy. It is one significant step towards addressing climate change. Wind energy, solar energy, biomass are the types of renewable energy that this country needs to increase. Through an RES, we can incentivize that additional production.

Turning to energy efficiency, the lowest hanging fruit by far in energy is about taking steps to make our buildings more efficient. The MacKenzie study shows many ways to reduce emissions. By far the least costly, most effective, way to address energy and greenhouse gas emissions is through efficiency improvements in our buildings, homes, equipment, appliances, and factories. All of these areas are dealt with in this energy legislation, promoting much greater movement toward achieving the conservation that comes from expanded energy efficiency programs.

Another thing that is in this bill is building an interstate highway system of transmission capability. We can produce a lot of new renewable energy, but if we do not move it from where it is produced to where it is needed. We need to move it to the load centers otherwise it will not have done much good.

My home State, North Dakota, is No. 1 in wind production. The folks at the Department of Energy call North Dakota the Saudi Arabia of wind. We are almost born leaning toward the northwest against that prevailing wind. We

have a lot of wind. The fact is we don't need wind power in our State. What we need to do is maximize the production of wind power and move it to the load centers. In order to do that, you need a national interstate highway of transmission capability. We are not able to build it now, but the energy legislation that passed the Senate Energy Committee will give us the opportunity to do that.

We have built 11,000 miles of natural gas pipeline in the last 9 years to send natural gas through pipes around this country. During the same period of time, we have built less than 660 miles of high-voltage interstate transmission lines. Why? Because with the current rules, it is very hard to build interstate transmission lines, you almost can't get it done.

So this legislation has a transmission piece I helped write that gives us the opportunity to say: We are going to maximize the development of renewable energy sources, such as wind energy from the heartland, and solar energy from the South and Southwest. This legislation would allow us to move it from these areas where the energy is produced and then move it to the load centers where it is needed, by way of an interstate highway system of transmission capability, which we do not now have. Building an interstate highway system of transmission lines would be a huge boost to this country's energy future and also a significant step toward reducing our greenhouse gas emissions. It would accomplish this by allowing the development of clean energy sources, such as wind energy, solar energy, biomass, and others.

The bill would also reduce our dependence on foreign oil by transforming our transportation system. We are headed toward plug-in vehicles. Electrifying the short-haul transportation system is the best way to reduce the role foreign oil plays in our economy. By electrifying our cars at the same time as we reduce the amount of carbon produced by electric generation, which I will talk about in a minute, we not only cut our dependence on foreign oil but we also reduce our greenhouse gas emissions. Plug-in hybrid vehicles, I think, are a bridge to the electric future integrating the electric motor with a gasoline engine. All this is trying to aspire a new direction for our country.

I wish to say the most abundant resource we have is coal, and the energy legislation passed by the Senate Energy Committee also addresses the use of coal. Some people have said: Well, it might not be used in the future, I disagree completely. It is our most abundant resource. In this bill, we facilitate a large-scale demonstration and deployment of carbon-capturing storage technology which will allow us to continue to use coal while also capturing the carbon and using it for other products or sequestering it. But we can continue to use our most abundant resource, and we facilitate those nec-

essary demonstration projects in this legislation.

This legislation will also be helpful to hydrogen and fuel cell technology in the future, which I am a strong supporter of. I believe hydrogen and fuel cell technology is another generation we need to work on with respect to the research. Finally, let me say I offered an amendment during the energy deliberations on this bill that opens the eastern Gulf of Mexico, including the Destin Dome in the Gulf of Mexico, for oil and gas development.

In other words, I believe we ought to do a lot of everything. We should be developing more, producing more including oil and natural gas. We should also find a way to produce coal in a manner that protects our environment, and we will. We should conserve more and save more. We should do all those things. But in the eastern Gulf of Mexico, there are about 3.8 billion barrels of oil and about 21 trillion cubic feet of natural gas. It makes no sense that we are so unbelievably and excessively dependent on foreign oil when we are not producing that which we have in our country. We should do all of that mindful of the environment; mindful of all the protections that are necessary. I understand that.

So I offered the amendment that opens the eastern gulf with a 45-mile buffer zone. I did not offer this amendment, but I will when we get it to the floor. This amendment will allow our oil companies to compete for production capability in the Cuban waters. The country of Cuba is interested now in producing and leasing oil and gas. The Spanish are there, the Canadians are there, India is there, and China is interested, but our companies are prohibited because of an unbelievable 50-year moratorium, against the country of Cuba. A 50-year embargo, which is almost farcical in terms of its failure.

We are told it is okay for everybody else to go there. We are told there are a million barrels a day in those waters after the production. There is no one in the world that is better at the kind of ultra or unconventional deepwater drilling than America. We have done the research. We have done the work to understand that we drill better than anybody else in the world. Yet we are told our companies are not able to compete for leasing in those Cuban waters. This embargo makes no sense at all.

As I said previously, I happen to think we should do a lot of everything and do it well. Whether it is conservation or other related issues—producing more, conserving more—and increasing the use of renewable sources of energy, we will step, in a giant way, toward addressing climate change. It is exactly what we should do.

We are told: Well, you have to bring Waxman-Markey or you have to do this or that. What we have to do, it seems to me, is to be smart. The smart thing, in my judgment, would be to take the legislation the Senate Energy Com-

mittee has passed, which does all the things I have described. It would contribute, in a very positive way towards reducing our greenhouse gas emissions and increasing our national and energy security by making us less dependent on foreign oil and making us more dependent on American-produced energy.

I mean, why would we not want to have a much greater focus on American energy produced in this country? Why would we not want to have a much more significant focus on developing national aspirations for what we want to do with renewable energy? It is this old case of we kind of walk around and say: Well, whatever happens, happens. Well, the fact is we can't consign our future to that.

I have spoken about, I guess a dozen times on the floor, that my first car, as a very young boy, was one my father found in a grainery in an old abandoned farm in North Dakota. I bought it from the guy who put it in that grainery for \$25. It was a 1924 Model T Ford, completely rusty, with no wires or seat covers. All it was was a bunch of metal and a bunch of rust. As a young boy, I lovingly restored that old Model T. What I discovered, when I got it all done and running, was that you put gasoline in that Model T the same way you do in 2009 cars. Everything else has changed except that. Cars are computerized today, but you still pull up to a gas tank, take the cap off, and put gas in that 1924 Model T, as you do with a brand spanking new Ford. That hasn't changed, but it must. It so describes how mired we are in our previous energy policies. We can't get out of the rut.

The Energy bill we passed in the Energy Committee gets us out of this rut, it makes us more secure, it strengthens our country, and it makes us less dependent on others for our energy sources. Particularly those who don't like us very much.

One final point. Several years ago, there was a blackout on the east coast. Just like that, all the electricity was gone. At that moment, almost everyone understood what energy meant to them, and we understood its connection to our daily lives. It is unbelievable. So the question of reliability of energy for our country. Where do we get it? How do we use it? What does it cost? What does it mean for our climate? These are all important, interesting, and in some cases difficult questions. We have addressed most of those questions in an energy bill Senator BINGAMAN and I and many others had a role in writing.

I hope very much, after the debate on health care legislation, as people start thinking and talking about energy and climate change, consideration will exist for bringing a good energy bill to the floor that is a significant step in the right direction toward climate change first. Then at some later point, bringing a climate change bill to the floor. Because I think they are related but separate. I think it would be much

smarter to get the value and the success of an energy bill that has been passed by the committee and ready to be dealt with by the Senate at some point very soon.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business.

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

STEP BY STEP REFORM

Mr. ALEXANDER. Mr. President, I believe it is time for us in Congress to admit that we do not do "comprehensive" well, and that the era of the 1,000-page bill is over.

Look at immigration in 2007. Some of the best Senators here worked day and night trying to deal with that issue—Senator Kennedy, Senator KYL, Senator MCCAIN, Senator Martinez, and many others. They worked and they got 34 votes at first, not the 60 they hoped. Then finally they got 46 votes, 14 votes shy of the votes needed to pass a comprehensive immigration bill.

Or look at the economy-wide cap and trade as a way of dealing with climate change and clean energy. Senator MCCAIN and Senator LIEBERMAN worked on a bill 2 or 3 years ago. Last year the Warner-Lieberman version of the bill got 48 votes and it needed 60 votes.

Earlier this year we had 66 or 67 Senators, including two dozen Democrats, who voted to say don't put the economy-wide cap and trade through the so-called reconciliation process, the budget process which would take only 50 votes to pass.

Then, add to that, health care is in the ditch. The President has said there can't be any deficit added by the health care bill, so that kills deadlier than a doornail the House health care bill which has been worked on by several committees over there. It kills deadlier than a doornail the Senate health care bill because both add to the debt in the next 10 years and, according to the Congressional Budget Office and others who have reviewed it, add to the debt in the 10 years after that. So the President said he won't sign a bill with any deficit, the House bill is deadlier than a doornail, the Senate bill is deadlier than a doornail, and we still have unresolved problems even if you fix the debt problem.

We have the President saying he is going to take the savings out of Medicare to pay for the bill. Many of us be-

lieve that any Medicare savings ought to be spent on Medicare. We ought not take money from Grandma's Medicare and spend it on anybody other than Grandma, because the program is about to go broke in 2017. The Democratic as well as the Republican Governors are worried about what the Governor of Tennessee called "the mother of unfunded mandates," when these bills say we are going to expand Medicaid and we might pay for it a few years in Washington but after that we are going to shift it to the States with hundreds of millions of dollars of new State taxes. Employers are worrying about raising taxes in a recession. Older Americans, seniors, are worried about whether some government official is going to say you can't have your hip replaced because you are 70 years old. If debt hasn't killed the Senate and the House bills, all these other issues are still out there.

I propose we take a page from a famous little book which was widely passed out in Iowa and New Hampshire in 1995 and 1996. It is called Lamar Alexander's "Little Plaid Book." I used it when I ran for President of the United States. Obviously not enough people read it for me to be successful. It has lots of good instructions about rules, lessons, and reminders about running for office and making a difference, whether you are President of the United States or president of your senior class. Here is rule 259:

Keep in mind that enough small steps in the right direction will still get you where you want to go.

Mr. President:

Keep in mind that enough small steps in the right direction will still get you where you want to go.

I think we should take that advice. I think it is plainly obvious that we in Congress have been biting off more than we can chew—on immigration, on health care, and on other issues. We have been producing 1,000-page bills which, in truth, most Members of Congress have not even read and in which voters have no confidence, and out of which will come unintended consequences and results that are bad for our country. The worst consequence is that the ambition of ours is so large, to solve these problems, that it inevitably adds to the debt—the national debt, the Government's debt, our taxpayer debt—at a time when we are adding \$9 trillion to the debt in just 10 years and everyone is worried about how we are going to pay that back; and at a time, fairly or unfairly, when the American people are saying the new administration, it seems, has a new Washington takeover every other day: taking over banks, taking over insurance companies, taking over student loans—nobody asked them to take over student loans, they are just going to take them all over, all 15 million student loans are going to be run out of the U.S. Department of Education—taking over your farm ponds, maybe taking over health care, taking over car companies,

maybe taking over climate change by having a czar in the Environmental Protection Administration wave a magic wand and impose it on the country.

The American people see 32 so-called czars who are unaccountable and it looks like a runaway Federal Government with no checks and balances.

Senator BYRD, the senior Democrat, has warned about the consequences of these unaccountable czars. Senator HUTCHISON, Senator COLLINS—senior Republicans—have warned about that as well.

Instead of thousand-page bills that do not succeed and in which the people of this country have no confidence, I suggest we change course, we follow rule 259 in the "Little Plaid Book," and we begin to work on major issues facing our country, step by step, to re-earn the trust of the American people, to begin to solve the big challenges of this country. We bite off what we can swallow. We make sure we get it right and after we have taken the first steps then we can take another series of steps until we eventually resolve the problem. A few steps in the right direction is a good way to get where you want to go.

How would this work in practice? Let's take health care. Instead of a trillion-dollar thousand-page comprehensive health care government-run plan, as a first step we might allow small business pooling to reduce health care costs, increase accessibility for small business owners, unions, associations and their workers, members and families. This bill has been here for 4 years. It is ready to pass. There are actually competing bills. But the estimates are it would add a million workers that small businesses could afford to cover by insurance. That is a good step in the right direction.

We might reform medical malpractice laws so runaway junk lawsuits don't continue to drive up the cost of health care. In Tennessee, there are 60 counties where there are not any OB/GYN doctors. That means mothers in those 60 counties of Tennessee have to drive a long way, they have to drive to Memphis, maybe 60 miles, to get the prenatal health care to have their babies. The President mentioned the other night some steps about junk runaway lawsuits, so there is a second small step we could take that could make a big difference about cost.

Third, we could allow individual Americans the ability to purchase health care across State lines as they can with car insurance today. We can probably agree on that here and it would probably make a difference. I used to be a Governor so I have an aversion to not respecting State lines, but in this case we may need to do this because the cost of health insurance could come down if we did it and cost is what we are focused on.

No. 4, we could ensure that Americans who currently qualify for existing programs such as Medicaid and the

Children's Health Insurance Program but are not enrolled get signed up. There are 11 million Americans, 20 percent of all the uninsured people in this country, who are eligible for current government programs called Medicaid or the Children's Health Insurance Program but have not signed up. Rather than wringing our hands about whether to pass some new thousand-page bill to try to run up the debt and deal with uninsured people, why don't we sign up the uninsured people who are already eligible for programs, and, No. 5, create health insurance exchanges so Americans can find affordable coverage. The President mentioned that the other night. It is in almost all the Republican bills. In other words, that is just a marketplace, a shopping center where you can go look for a variety of programs.

No. 6, we could enact meaningful insurance market reforms, meaning you are guaranteed you can get a policy and that if you have a preexisting condition, you can get affordable coverage. If we did this, this would probably raise the cost of insurance for some Americans. It would mean that every American would either have to be automatically enrolled or have to be enrolled. But a lot of Americans are getting tired of paying an extra \$1,000 on their health insurance just so you do not have to buy any until you are on the way to the emergency room. So maybe we can do that as well.

Those are just six steps. But six steps of that size in the right direction are a good way to get where we want to go. Then, if we can pass those, maybe we can pass six more.

Or take clean energy. What do we have facing us out of the House of Representatives? A massive contraption, spending hundreds of billions of dollars a year, causing us to lose millions of jobs under an economy-wide cap-and-trade climate bill.

That climate bill that is proposed by the House would raise the electric bill for every American and raise the price of your fuel at the gasoline tank. It is a high-cost energy and climate change bill. Well, instead of a high-cost energy and climate change bill, how about taking a few steps in the right direction toward a low-cost one?

One. What about building 100 new nuclear plants in 20 years? That would double the amount of nuclear power we produce. Nuclear power is 70 percent of our carbon-free electricity. Is not carbon-free electricity supposed to be our goal? Did we not invent nuclear power in the Atoms for Peace Program? Is not the rest of the world now way ahead of us? And have not our Navy submarines operated safely since the 1950s and effectively with nuclear power and does not Dr. Chu, the Energy Secretary for this administration, a Nobel Prize winner, say they operate safely in America and that we can safely store the waste for the next 40 or 60 years while we decided how to reprocess it so it does not produce pluto-

nium? The answer to all that is yes. So why not build 100 nuclear plants in 20 years? We have done it before, we can do it again.

Two. We can make half the cars and trucks plug-in electric cars and trucks in 20 years. I think we can agree on that on both sides of the aisle. We can do that without building any new power plants because we have so much unused electricity at night; if we plug in at night at a cheap rate, we can fuel our cars and reduce our imported foreign oil, keep our fuel prices low, use less gas, clean the air, and deal with climate change all at once.

Three. Offshore exploration for natural gas and oil. We need plenty of natural gas if we want our manufacturing companies to stay here with their jobs. We need plenty of natural gas. Every new big power plant built in the last 20 years has been a natural gas plant because it has less carbon than coal. We do not want to be importing natural gas in the same way we import oil. So let's do that.

Four. Then double clean energy research and development. Instead of subsidizing entrepreneurs, let's have a mini Manhattan Project for the most promising efforts to make solar costs competitive, to make possible the recapture of carbon from existing coal plants, to have better electric batteries, to have advanced biofuels from crops we do not eat.

So there are four steps in the right direction on clean energy which would actually lower our prices, instead of a 1,000-page bill, which would begin to collect hundreds of billions of dollars a year and put much of it in a slush fund that Congress would spend and raise your taxes, have all sorts of unforeseen consequences, send manufacturing jobs fleeing overseas; that would be what we should not do.

Immigration. I mentioned immigration before and how the best Members of this body were trying hard on immigration, and it fell of its own weight. I do not think we can pass a comprehensive immigration bill. But I think we can take several steps in the right direction, such as a secure work card, a tamper-proof worker ID card, to make sure workers are legal.

Senator SCHUMER has talked about that. I join him in talking about it. Most of the people who are illegally here are here to work. If they have to prove they are legally here, that will dry up the number of people illegally here and then we can deal with that.

Second, we could achieve full operational control of our borders. President Bush and the Congress made a lot of progress on that, not always recognized, but we need to finish it. And third, help legal American immigrants and new Americans learn English and learn civics and learn American history and assimilate into our society and learn what it means to be an American.

We can take the first steps on debt and fiscal responsibility, instead of

more bailouts and doubling our debt, which is the route we are on. We can end government ownership of car companies, we can have a bipartisan commission to control spending. We call that the Gregg-Conrad bill because it means the commission would decide how to control spending, recommend it to us, and we would vote up or down, or a similar BRAC-like Commission to do the same thing. There are other steps we can take to reduce the debt. We might not be able to reduce it all in 1 day or all in one bill. But a few steps in the right direction to reduce the debt are a good way to get where we want to go.

The same on taxes. Instead of a complicated Tax Code that penalizes working families, we probably would fail if we came in with a comprehensive proposal to change the Tax Code. In fact, President Bush asked two respected former Members of the Senate, John Breaux and Connie Mack, and others to recommend a plan to us. They recommended a pretty good plan, and it got lost in the dark. Nobody ever heard another word of it, probably because it was a comprehensive plan.

Why do we not take a few steps in the right direction, such as an optional one-page flat tax, such as doubling the child tax credit to make it easier for parents to be better parents, such as ending the death tax on families with assets of less than \$5 million?

And then coming up soon: financial regulatory reform. We had a bipartisan breakfast this morning on this subject. Fifteen Senators attended, listened to Senator DODD, a Democrat, and to Senator SHELBY, a Republican, talk about financial regulatory reform. After the near collapse of the economy a year ago, we all know we need that. We would be best off doing it in a bipartisan way. But, again, rather than come up with a 1,000- or a 2,000-page bill on financial regulatory reform, maybe we can take a few steps in the right direction.

Bipartisanship helps, but it is not, as some might say, an opportunity to sing "Kumbaya." The Senate is a place for differences of opinion vigorously expressed. If we do not have those, we would not be here. The real value of bipartisanship is a better bill and a bill in which the people who elected us will have confidence.

Such bipartisanship is absolutely essential to any comprehensive bill and even to a few steps. We had it on the Energy bill of 2005, which got 74 votes. We had it on the America Competes Act, an early version of which got 70 cosponsors. The Gang of 14 had it when we were dealing with Supreme Court nominees. On the controversial TARP vote, we had bipartisan support with 74 votes.

How did we get it? We worked in the open with no secrets, everyone gets credit. I am afraid that even when we have that spirit, the problems we have to tackle are so large we need to begin to solve them in pieces. These are problems we must solve. But we are not a

debating society. In the end, we need to get a result. I have concluded that the best way to get a result on health care, on immigration, on other major issues facing our country is to put aside the 1,000-page bills, and re-earn the trust of the American people by working step by step to begin to solve the challenges facing our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

HONORING NORMAN BORLAUG

Mr. BOND. Mr. President, today is an opportunity to honor an unassuming and too often unsung hero, a humanitarian credited with feeding 1 billion people and saving the lives of hundreds of millions of people throughout the world.

There are few who have walked the Earth who have had the impact Norman Borlaug had; not only in his own country but in the areas of the Earth he referred to as the "forgotten world."

As an Iowa farm boy, Dr. Borlaug recognized there are no miracles in agricultural production, there is science. Norman Borlaug is the father of the green revolution. He warned that fear-mongering by environmental extremists against pesticides, fertilizers, and genetically improved foods would again put millions at risk of starvation while damaging the very biodiversity those extremists claimed to protect.

In fact, Dr. Borlaug's green movement does not provoke a war of man versus plant, it strengthens that relationship by using science to supplement the Earth's natural resources and provide a stable food source for a stronger and healthier world.

Biotechnology has breathtaking possibilities for improving human health, the environment, and enhancing agricultural production around the world. Already, hundreds of millions of people worldwide have been helped by biotechnology drugs and vaccines. There are many more drugs and vaccines currently being tested which will eventually help us wipe out other diseases as well.

For thousands of years, farmers have fought countless pests and diseases that have destroyed crops and limited production. Biotechnology is bringing hope to those in the developing world by providing crops that are more tolerant of drought and more resistant to insects and weeds and more nutritious.

Biotechnology is also increasing the nutritional value of foods produced by increasing the vitamin and mineral content of crops grown and reducing fat.

Bt, *Bacillus thuringiensis*, is a natural insecticide in the soil. It is being transplanted into corn, potatoes, cotton, and rice, allowing farmers to produce more food with far fewer chemicals.

In the United States, use of transgenic seeds has reduced pesticide

application on our fields by tens of millions of pounds annually. Dr. Borlaug's work focused on the principle that wealthy nations have many problems, hungry nations have only one. He stated that: "Without food, many can live at most but a few weak; without it, all other components of social justice are meaningless."

Today, in the United States and in this Congress, we have the luxury of being concerned with so many other issues because our bellies are full. In an excerpt from Dr. Borlaug's epilogue from his biography, "The Mild Mannered Maverick Who Fed a Billion People," he underscored that "Helping struggling subsistence farmers produce a food surplus is the way to rid the world of much poverty and misery."

Dr. Borlaug's work will be remembered as the catalyst in solving world hunger and we, as world citizens, are forever indebted to his humanitarianism and a reminder of what science can do and why it should be defended and promoted.

Today, let's all give thanks for the life and honor the memory of one of the foremost humanitarians of our age, Dr. Norman Borlaug. His passing earlier this week is a cause for the celebration of his life and a dedication to continuing his work as the best tribute we can provide to this truly great humanitarian.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. BURRIS. Madam President, we have heard a great deal about health care reform over the past few months. It is an issue that excites passion in many people, from the White House to Wall Street, from the Halls of Congress to the streets of Middle America. Last week the President called this Congress to action. He drew a line in the sand: We must improve the quality of health care in America and reduce cost, we must stop insurance companies from dropping the coverage of those who need it most, and we must make sure every single American can get quality, affordable care. We can all agree on these simple goals, but there is wide disagreement about how to get there.

I recognize this issue may be easier for me than it is for many of my colleagues. I will not be running for re-

election next year, as many in this Chamber will. Because of this, I am free to focus my attention on policy rather than politics. I don't have to worry about political concerns. I don't have to think about what the special interests will say or what campaign donors will think about my latest vote or statement on the Senate floor. When I evaluate an idea, I only have to ask one question: What does this mean for the American people?

I believe health care reform is too important to be consumed by political concerns. I ask my colleagues to take a moment and ask the same question. As we look at health care reform, what would a public option mean to the American people? The answer is clear. A public option would provide stability and security because it is easily portable. A public option will introduce accountability, choice, and competition to the national health insurance market. It will provide a safety net for those who cannot afford private insurance. It will not be a government takeover of health care. Let me repeat that: It will not be a government takeover of health care. No other proposal would be as effective; no other plan can accomplish our goals.

I ask my colleagues to separate politics from policy. Let's take a look at the facts. Critics have said a public plan will cost too much. To back up this claim, they cite studies performed by the same corporate insurance giants that posted record profits in a time of hardship for many Americans. These companies can increase profits by charging higher premiums and denying coverage to the sick. They have an interest in trying to prevent the kind of reform that will benefit American families. That is why their numbers make the public option look bad.

But the nonpartisan Congressional Budget Office conducted a study that tells a very different story. Rather than costing us money, the CBO estimates that a health care insurance option will save taxpayers \$150 billion over the next 10 years.

I believe we should not compromise on the public option because it will be the key provision that can provide choice and cut costs. I believe the American people deserve \$150 billion in savings. Apparently, some of my Republican colleagues disagree because they continue to oppose a public option. That is bad policy, and it is bad politics.

Critics have suggested we include a "trigger" mechanism in the health care bill. This would allow a public plan to compete with private companies only if other reforms failed to bring costs under control. This sounds like a reasonable proposal, but we have already seen the mechanism at work.

In the early 1990s, when President Clinton and a Democratic Congress tried to pass health care reform, insurance companies brought costs under control. Health care costs grew by only \$38 billion every year that Congress debated reform. Insurance corporations

must have been afraid that reform would hurt their profits, so they self-regulated, keeping costs under control until the threat of reform had passed. Then when Republicans claimed the majority and health care reform was dropped, costs began to skyrocket. Between 1996 and 2007, the cost of health care increased by about \$102 billion every single year.

These numbers are clear. Fourteen years ago, we saw exactly what a trigger provision would look like. It simply doesn't work. What we need is a public option, plain and simple. It is time to abandon half measures. It is time to abandon empty political gestures. The evidence is clear we must make a public option a central component of the health care reform legislation. It will compete with private insurers, resulting in better coverage for everyone. It will improve health care outcomes and allow Americans to keep their current doctor. It will provide stability and security, especially if someone loses their job and needs to buy their own coverage. It will save money and reduce the burden on American businesses and families. It will not lead to a government takeover of the health care industry, as some critics have claimed. These claims have no basis in fact, and we have heard them before.

Allow me to quote a Republican Senator on the floor of this Chamber who said if a health care reform bill is enacted, "it will be the beginning of the end of private hospitals and medical insurance for individuals over 65." That is a dire prediction. These words were spoken by Senator Carl T. Curtis of Nebraska. But he wasn't talking about the current health care bill. Senator Curtis spoke these words more than 40 years ago in opposition to the Medicare law that established one of the most successful programs in American history.

A public option would not destroy private insurance. It will merely help the American people hold them accountable. As President Obama reminded us in his recent address, there are many thriving private universities in this country, even though they compete directly with public universities.

Over the weekend, I was speaking with a friend of mine who is a lawyer. He runs his own small practice, and he is proud of it. The subject of health care reform came up, and he told me he was worried. Costs went up so much, so fast that he could no longer afford to provide health care for all of his employees. He had no choice but to cut benefits or drop coverage for some of the people who worked for him.

Sadly, my friend is not alone. Thousands of American small businesses are face to face with the same tough choices. But it doesn't have to be this way. I told my friend about the public option. I explained how it would compete with private companies and the insurance industry, driving prices down, which will allow him to shop around and find the right plan for an

affordable price. He loved the idea. He told me the public option would save money and allow him to commit to the people who worked for him.

I am convinced that a public option is the best and most effective way to address the health care crisis in America today, and we can make it happen. The majority of Senate Democrats has said they would consider voting for such a measure. Only one has come out against it. So let's seize the chance to enact reform. Let's give the American people the health care choices they deserve. After all, if the public option is good enough for Members of Congress, it should be good enough for the American people. Let's extend a high-quality congressional health care plan to everyone. Let's pass a public option that will reduce costs and increase accountability. That is good policy, and it just so happens it is also good politics.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business is closed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3288, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, again, we are on the floor of the Senate today considering the transportation-housing appropriations bill. This is a major appropriations bill with funding for States across the country. I have been talking with a number of Senators who have amendments they would like to offer. Again, this is now the fourth day we have been on the Senate floor. We started on Thursday, we were here Friday, and we were here yesterday. We are here again today. The majority leader would like us to finish this bill tomorrow. We have other appropriations bills that need to be done and conferences to be concluded in order to meet important deadlines for this fiscal year.

Again, I want all Members to know we need them to offer their amendments, if they intend to, so we can wrap up this bill by tomorrow. I expect a few Senators will be here shortly to offer amendments. If other Senators are going to offer amendments, if they could please let us know so we could get them up in order and get votes

scheduled so we could move to conclusion on this important bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2375

Mr. McCAIN. Madam President, I call up amendment No. 2375 and ask that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2375.

Mr. McCAIN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that all amounts in the bill provided for congressional earmarks shall be made available for NextGen and NextGen programs)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, amounts provided in this Act for a congressionally directed spending item shall be made available to the Department of Transportation for NextGen and NextGen programs.

(b) In this section, the term "congressionally directed spending item" shall have the same meaning given such term in rule XLIV of the Standing Rules of the Senate.

Mr. McCAIN. Madam President, this amendment would take \$1.7 billion in earmarks and porkbarrel projects in this bill, 589 congressionally directed spending projects known by most Americans as earmarks, and instead redirect that money toward air traffic control modernization. Modernizing our outdated air traffic control system will positively impact all Americans, not just a favored few. It would decrease airport delays, improve the flow of commerce, and advance our Nation's air quality by reducing aircraft carbon emissions, unlike earmarks that only affect a small segment of our Nation's population and generally those Americans who happen to live in a State represented by a Senator who is a member of the Appropriations Committee.

For example, the distinguished manager of the bill had secured more earmarks than any other Member—50 earmarks—including \$2 million for a bike trail in Spokane—a bike trail. Right now, with the American people hurting all over America, we are going to spend an additional \$2 million of their money for a bike trail, and \$750,000 for a Freight Transportation Policy Institute. Madam President, \$750,000 of my taxpayers' dollars is going to be spent in the State of Washington for a Freight Transportation Policy Institute.

Other earmarks in this bill include \$500,000 for construction of a beach park promenade in Pascagoula, MS. According to Citizens Against Government Waste—an organization that has done incredible work on behalf of the taxpayers of America for many years—

The population of Pascagoula in 2008 was 23,609; if each resident of the town paid \$21.18 toward the beach park promenade, federal taxpayers, most of whom are unlikely ever to visit, would be off the hook.

That is the point. Most Americans will never benefit from these earmark projects, except for those who happen to ride bikes in Spokane, WA, or walk the beach of Pascagoula, MS.

Alternatively, all Americans are impacted daily by our Nation's air traffic control system. Every day Americans sit on a runway and miss meetings, children's soccer games, family dinners, and other important events due to air traffic control delays that could have been avoided if our Nation had a modernized air traffic control system.

Thousands of goods are delayed for delivery each day due to air traffic delays, which results in more than \$40 billion of costs each year that are passed on to consumers, according to the Joint Economic Committee. The Government Accountability Office estimates that one in every four flights is delayed. In 2007, the aviation industry recorded the second worst year for delays, with 27 percent of all flights that year being delayed. When you look at places such as the Eastern corridor, it is far worse. Although air traffic overall was down in 2008, due in part to economic factors that led airlines to reduce service, there was no significant reduction in traffic at the most congested airports, such as those in the New York and New Jersey area. Congestion and delays at key airports cascade across the entire system. Moreover, according to the FAA, even if traffic is reduced, congestion at these key airports will not be significantly reduced without implementing a modernized air traffic control system.

The airlines have called our air traffic control system "an outdated World War II radar" system. The FAA's Next Generation Air Transportation System, NextGen, will transform the current ground-based radar air traffic control system to one that uses precision satellites; digital, networked communications; and an integrated weather system. Moving from a ground-based to a satellite-based system will enable more flights to occupy the same airspace, meaning the ontime performance improvements would be a reality with triple the aircraft capacity, according to the airlines.

However, the administration and Congress have not provided adequate funding toward air traffic control modernization and instead continue to fund billions of dollars of earmarks. The FAA estimates it will cost up to \$42 billion to implement a modern air traffic control system. Congress only appropriated \$188 million for air traffic

control modernization in 2008 and \$638 million in 2009. The bill before the Senate today only dedicates \$358 million toward air traffic control modernization, but it dedicates \$1.7 billion toward earmarks. Get that: \$358 million toward air traffic control modernization, which will benefit all Americans; \$1.7 billion in earmarks.

Instead of providing Americans with something they want, which is ontime airline departures and arrivals, Congress spent close to \$1 trillion of taxpayers' hard-earned money on a stimulus bill that provided \$500,000 to build a skate park in Rhode Island, \$14 million for construction of an airport in an Alaskan town with only 167 residents that is 10 miles away from an airport, and millions to New York welfare recipients for the purchase of cell phones. Congress also spent close to \$3 billion of Americans' hard-earned tax dollars on a Cash for Clunkers Program.

At some point, at some point—and it is beginning out there, my friends. I tell my colleagues, it is beginning. It is beginning with the tea parties; it is beginning with marches on Washington; it is beginning with the demonstrations and rallies all over America. It is out there. They are sick and tired of the corruption that exists in our Nation's Capital.

I noticed the other day there was another individual who was caught up in the Abramoff scandal going on trial. That is now 22 people who have either pled guilty or been found guilty over the Abramoff scandal on which I am happy to say the Senator from North Dakota, Mr. DORGAN, and I worked. And guess what the scandal was all about. It was about earmarks. It was about porkbarrel projects. That is what that Abramoff scandal was about. That is why Duke Cunningham resides in Federal prison. That is why there are people under investigation, and there will be more indictments.

The American people are sick and tired of it. They are sick and tired of it. So we have to stop it and at least spend money on worthy projects that will impact all Americans.

Earlier this year, the President stated:

[E]armarks have been used as a vehicle for waste, and fraud, and abuse. Projects have been inserted at the 11th hour, without review, and sometimes without merit, in order to satisfy the political or personal agendas of a given legislator, rather than the public interest. There are times where earmarks may be good on their own, but in the context of a tight budget might not be our highest priority.

That is what the President of the United States says. Well, if the President of the United States is serious, he will veto this bill. He will veto the \$1.7 billion in earmarks and porkbarrel projects that are in it. And he is right; earmarks have been used as a vehicle for waste.

In 2001, the Senate passed the fiscal year 2002 Transportation appropriations bill conference report that in-

cluded an earmark for the Odyssey Maritime Discovery Center. That Discovery Center happened to be in Seattle, WA. I have a picture of it in the Chamber. The Discovery Center opened in 1998 but has seen decreased attendance year after year despite continued Federal earmarks.

As the Seattle Post-Intelligencer wrote in 2003:

Container ships and fishing nets don't scream "sex appeal". . . .

The Discovery Center procured \$250,000 from an earmark sponsored by the Senator from Washington in the fiscal year 1998 Commerce-Justice-State appropriations bill, \$3 million in the fiscal year 2002 Transportation appropriations bill, and \$475,000 in the fiscal year 2006 Commerce-Justice-State appropriations bill.

As a result of that earmark, the museum put out a press release. Madam President, I ask unanimous consent that that press release be printed in the RECORD.

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

[Business Wire, Dec. 4, 2001]

ODYSSEY EXPRESSES APPRECIATION TO SENATOR MURRAY FOR SECURING \$3 MILLION FOR NEW TRANSPORTATION EDUCATIONAL INITIATIVES AND PROGRAMMING

Funding will address the development of new educational initiatives, programs and interactive exhibits.

Michael Bittner, Ph.D., Executive Director of the Odyssey Maritime Discovery Center, today expressed appreciation to U.S. Senator Patty Murray (D-Wash.), for securing \$3 million for new transportation educational initiatives, programs and exhibits for Odyssey.

"The Puget Sound region handles the second largest amount of shipping container traffic in North America, demonstrating that transportation is not only about laying asphalt. Senator Murray's unwavering commitment to educating the public about the need and value of sea transportation is integral to the Washington State economy maintaining its competitive edge in today's global marketplace. That is what Odyssey is about," said Bittner.

"Washington State is the most transportation and trade dependant state in the nation. Odyssey is in a unique position to educate our public and our children about the need to enhance our transportation infrastructure so this region can maintain and expand its status as the nation's leading gateway to the Pacific Rim," said Stanley H. Barer, Odyssey chairman and local transportation executive.

"Odyssey's exhibits and teaching materials on how inter-modal transportation works domestically and internationally go to the heart of these issues. Our annual job fair, which is attended by high school students throughout the State exposes our children to important and well-paying jobs in our transportation sector. Senator Murray has exceedingly well-served transportation and particularly this region through this appropriation. I congratulate her and thank her," said Barer.

Bittner said the federal funding will address the development of new educational initiatives, programs and interactive exhibits that educate all ages, particularly P-12 school aged children in King and neighboring counties and throughout Washington State, about the role of maritime in all daily life as well as in the regional and global economies.

ABOUT ODYSSEY, THE MARITIME DISCOVERY CENTER (WWW.ODY.ORG)

Odyssey is the nation's first discovery center to celebrate the contemporary links to the Puget Sound and the North Pacific—including shipping, trade, transportation, commercial fishing, recreation, and marine protection. Odyssey's vision is to be recognized worldwide as the Portal to the Pacific Experience—a one-stop, must see passageway to our waterfront; a high tech, high touch source of discovery that educates and enriches understanding of the maritime experience. Trade, transportation, fisheries, recreation, and the marine environment are central to the economic and social well being of our Pacific Northwest and global communities. Through Odyssey's innovative educational initiatives, programs and exhibits, people of all ages can discover the influence of trade, transportation and related maritime activities on our daily lives and on the regional and global economies. Located on Seattle's majestic waterfront at the Bell Street Pier 66, Odyssey features 20,000 square feet of interactive exhibits and meeting space.

Mr. McCAIN. The press release states:

Michael Bittner, Executive Director of the Odyssey Maritime Discovery Center, today expressed appreciation to U.S. Senator Patty Murray for securing \$3 million for new transportation educational initiatives, programs and exhibits for Odyssey. "Washington State is the most transportation and trade dependent state in the nation. Odyssey is in a unique position to educate our public and our children about the need to enhance our transportation infrastructure so this region can maintain and expand its status as the nation's leading gateway to the Pacific Rim. . . . Senator Murray has exceedingly well-served transportation and particularly this region through this appropriation. I congratulate her and thank her."

In 1997, while seeking an earmark of \$250,000 for the center, Senator MURRAY said:

The Center will establish an educational link between the everyday maritime, fishing, trade, and environmental activities that occur in the waters of Puget Sound and Alaska, and the lessons students learn in the classroom. Through high-tech and interactive exhibits, over 300,000 children and adults per year will discover that what happens in our waters, on our coast lines, at our ports affects our State's and Nation's economic livelihood.

Madam President, 300,000 people—children and adults—do not show up every year; 100,000 people do not show up every year; 50,000 people do not show up every year. Madam President, 30,000 people showed up in most years.

In January 2008, the Seattle Times reported:

The Port of Seattle wants to stop subsidizing the money-losing Odyssey Maritime Discovery Center Museum, which owes the Port \$1.5 million in back rent and has received millions more in taxpayer assistance.

The article also stated:

Odyssey, which bills itself as the nation's only contemporary interactive maritime museum, has never hit its attendance targets. At its inception, the facility on Seattle's Pier 66 hoped to attract 300,000 visitors a year to pay its rent and operating costs. Instead, it has attracted fewer than 30,000 visitors most years. According to Odyssey's most recent available tax form, the museum received revenues of \$262,000 in 2005 and had expenses of \$1.6 million.

In fact, according to a February 2002 article in the Seattle Times, "the Port authority agreed to help Odyssey by taking 30,000 free tickets a year in lieu of \$21,000 in monthly payments" for rent.

However, the article continued:

Fewer than 10,000 of the visitors used the free tickets from the port.

The Discovery Center was not even able to attract visitors when the tickets were free. When the Port Commission terminated the museum's lease, a port spokeswoman stated:

It is finally acknowledging this museum isn't ever going to succeed as currently structured.

So what did Americans' hard-earned dollars get for the \$3 million earmark for "educational initiatives, programs, and exhibits"? According to a 2003 article in the Seattle Post-Intelligencer:

Spinner's Riddle, an informational scavenger hunt . . . At each station [participants] had to answer exhibit-based questions such as, "In the Quiet Bay, what kind of worm is listed?" The answers helped solve the riddle: "What time do sharks like to go to the dentist?"

Also available due to taxpayer dollars:

A rack of orange survival suits kids can try on, a simulator that lets you "steer" an 850-foot-long virtual container ship. . . .

Et cetera, et cetera, et cetera.

So despite \$3 million of taxpayer money spent on these interactive exhibits, attendance continued to fall, and this past year the museum closed its doors except to host private parties such as in December when it hosted a fashion show. The invitation read:

This December, treat yourself to the Best of the Best . . . the Mother of all Fashion Events. . . .

It went on to say that the museum was "re-transformed with a massive stage and runway lighting and concert-quality sound you will feel the Glitz and Glamour of a Los Angeles Red Carpet Event."

However, that was not the only earmark in the fiscal year 2002 appropriations bill that failed to perform.

Let me point out, at the time—at the time—I took to the floor and objected strenuously to this \$3 million earmark. I objected strenuously to it on the grounds—I did not know it would fail—I am not surprised it would fail, but I was not surprised. Why in the world, why in the world—should my constituents in Arizona give \$3 million to a museum that is going to fail?

It is supposed to be for much needed transportation projects. Drive around America and see whether we need to spend transportation money on a failed museum, or do we want to spend it on the things we need?

So that was not the only earmark in the fiscal year 2002 appropriations bill that failed to perform. Also tucked in—and I objected to it at the time—was "\$4.5 million for a boat that nobody wanted," according to the headline of an October 14, 2007, article in the Seattle Times. The article continued:

The Navy paid \$4.5 million to build the boat. But months before the hull ever touched the water, the Navy gave the boat to the University of Washington.

If we want to give money directly to the University of Washington, my friends, let's give it to the University of Washington. But this was supposed to be for the U.S. Navy. And why did the Navy do that? Because the Navy strongly stated they did not want the boat to start with. Yet the Senator from Washington, in her wisdom, decided that the Navy needed that boat. It did not need the boat.

But months before the hull ever touched the water, the Navy gave the boat to the University of Washington. The school never found a use for it either. Why would the Navy waste taxpayer dollars on a boat nobody wanted?

Earmarks were inserted into different bills to force the Navy and the Coast Guard to buy boats they didn't ask for—\$17.65 million in all, \$17.65 million in all for two boats that neither the Navy nor the Coast Guard wanted, and now one belongs to the University of Washington and the other belongs to a sheriff.

In fact, some of the boats were never even used, period. One boat was given to the University of Washington, which sold it to the Federal Government's National Oceanic and Atmospheric Association's National Marine Sanctuaries Program for a regional sanctuaries research program doing research all along the west coast. However, NOAA e-mailed my staff today and stated that this boat has been out of service since January, since there is no funding available to support a project on this boat.

According to a story that aired on PBS's "Frontline," one of the Coast Guard boats was sold to the Alameda County Sheriff's Department and, according to a sheriff's deputy, "We paid \$1 for this boat, and I don't think we actually paid a dollar, but it was turned over to us." This is a \$4.5 million boat that the Navy and Coast Guard did not want. These boats were constructed—\$4.5 million for each—and neither one was ever used by the Coast Guard or the U.S. Navy.

These are just two examples of wasted taxpayer money spent on earmarks that were not necessary and not beneficial. Instead, Congress and the administration should refocus their efforts and priorities toward improving all Americans' lives by modernizing our air traffic control system.

I ask my colleagues to support the amendment to take the \$1.7 billion in earmarked funding toward the implementation of air traffic control modernization that will improve the lives of all Americans.

There are a lot more stories out there of these earmarks and porkbarrel projects that were inserted, such as the museum and these boats the Navy and Coast Guard never wanted, and we wasted \$17.5 million.

The American people are rising. They did it over the weekend here in our Nation's Capital when tens of thousands

of them said: No more mortgaging our children's futures and no more of this earmarking, porkbarrel spending, which has spread corruption.

I ask my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my colleague from Arizona for bringing this amendment to the floor. I was hoping to have the chance to discuss some points with him. But first, let me share some clarifications with my colleagues.

If I remember correctly, cash for clunkers was an executive branch decision, using money they had at their discretion. When you talk about money at discretion, huge amounts of money are going to bureaucrats in the administration, and when you look at some of the spending, I think many of us have wondered why it is being spent in that way. Regrettably, I think Congress has given the previous administration and this administration far too much money without any congressional guidelines. If one should look at article I, sections 8 and 9 of the Constitution, you would see that we in the Congress have a responsibility to make sure taxpayer money is spent in ways that are most productive. It is our responsibility. When we make a mistake, we can be held responsible. But who has ever held a bureaucrat responsible for wasting billions and billions of dollars? If my colleague from Arizona doesn't like cash for clunkers, maybe he ought to go after the people in the administration who made that decision.

He mentions a couple of instances of abuse of the earmark process. As he pointed out, those were punished criminally with criminal sanctions against the people who committed criminal activities. That is the way it should be.

We need to be able to have open and free discussions on the floor about how money is spent. That is why I welcome this opportunity to discuss the points raised by my colleague from Arizona.

He has rightfully pointed out the importance of NextGen, the new aviation traffic safety scheme and administration for the FAA. Well, we have been supporting that—the chair, Senator MURRAY, and I—for years. We put as much money into that program as can reasonably be spent this year. That is why it is such a shock to see that he would propose to throw a billion-plus dollars more into that program when it cannot be properly spent. It will then be subject to use as the administration, in its unfettered discretion, wants to use it.

We believe we must continue to monitor the NextGen progress, and when we have major programs like this, they require not only oversight by the administration but by the Congress. That is our job. We are proud to do it, and we will continue to do it. We will ask the tough questions that, apparently,

too infrequently are asked by people in the executive branch. I assure you, we have been, we are, and we will continue to be supportive of all reasonable progress and all the work that can be done on NextGen.

Let's just take one small example of what the Senator's language would eliminate. The chair and I added money for flight safety officers—people who examine airlines to make sure that those who are flying are flying safely.

Everybody heard about it and everybody still remembers, if you think about it, last winter's tragic air crash in northern New York State. There were so many things wrong. It was unbelievable: the black marks on the pilot's record, the failure to have a properly trained and disciplined copilot. The list of mistakes was unbelievable.

I had the pleasure, as I stated earlier, of going to a civic club luncheon in my home State in Mexico, MO, and a regional official for the FAA was talking about those problems. My colleagues in the civic club were astounded, and they said: Aren't you supposed to be regulating that? Isn't the FAA supposed to be regulating that?

He said: Yes, we are, but the problem is that there are not enough FDSOs—safety officers—to inspect the airplanes.

So we added money for that because all of us who fly want to see NextGen work. We know we need it. But in the meantime, while they are doing everything they can to get NextGen working, we need to have flight safety officers now because almost everyone in this Chamber and a huge number of the people we serve back in our States depend upon the FAA to ensure flight safety.

Why do we want to have oversight of NextGen? Unfortunately, the FAA has a horrendous record of program management. In fact, the FAA's air traffic modernization effort has been on the GAO's high-risk list since 1995—high risk. Our Government Accountability Office says it is high risk. Fortunately, though, through strict budgetary controls and increased congressional oversight, this program graduated from the list in 2009.

This is not the time to give the FAA hundreds of millions, or billions, of dollars with no oversight or strings attached. NextGen is a complex effort to modernize the air traffic system. Like many big issues and challenges facing the government, simply providing bundles of funding—more than they can use—is not the answer. The FAA has literally wasted billions of taxpayer dollars on similar efforts in the past. I would like to hear my colleagues who object to congressional oversight explain what they are doing to ensure that those in the administration who handle these dollars do the job better.

Some billions of dollars have been wasted and some efforts, such as LORAN-C, did not even produce a usable product after millions and millions

of taxpayer dollars were spent. Currently, 6 of the 18 major FAA modernization programs have experienced unacceptable cost growth and schedule delays. To reduce delays, increase safety, and reduce congestion, the FAA needs further oversight, not resources.

I ask my colleagues to join us in exercising, in those committees where there is jurisdiction, proper oversight of the FAA.

Madam President, I will have much more to say about the importance of congressional responsibility for the dollars we spend in this body. Far too much money now is being spent without congressional oversight. Later on, I will cite an example. When I asked a high-ranking administration official when we would have a chance to oversee a program spending billions and billions of dollars in the stimulus program, I was told: You gave us this money; it is none of your business; we are going to make those decisions. That is a recipe for disaster. We have to exercise our responsibility thoughtfully and take responsibility for what we do.

With that, I yield to the chairman.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank the Senator from Missouri for explaining very clearly why this amendment should be defeated by this body.

Senator MCCAIN has come out and offered an amendment that would take away funding from every earmark in the bill and put it into the Federal Aviation Administration's NextGen program. That is our effort to modernize the air traffic control system—a very important effort. I will speak to that in a minute.

Let me speak to the earmarks. This is not a new debate. I have stood on this floor many times, as well as other Senators, to defend the right of every Senator here to identify priorities for their home States and to advocate for them. This bill includes earmarks because the Members of the Senate have gone home and identified needs in their communities and brought them to our committee, which we have put into consideration.

It is important to note that there was abuse in the earmark system. We have now reduced earmark spending in this bill to 50 percent of what we had in 2006. In fact, the earmark spending in the bill is less than 1 percent of the total funding. But that funding is as a result of Senators who have gone home, worked with their constituents, identified projects, brought them to the committee, and we scrutinized them. Very few made it into the final bill because of the high caps we have. But they were brought to us by Senators with legitimate needs in their home States.

My concern over this amendment isn't just limited to the investments Senators have asked us to make in their States. I am greatly concerned,

as the Senator from Missouri pointed out, about what this amendment would actually do to the FAA's NextGen program, and I am a strong supporter of that. There is a need to modernize our air traffic control system. For that very reason, this bill now before us provides \$865 million for programs that are essential to the NextGen effort. But in order for NextGen to succeed, the FAA has to do more than just put money into it. It needs, as my colleague from Missouri said, strong oversight. If we hand that agency a blank check now for well over a billion dollars, which this amendment asks for, that is not the right way for this body to do oversight or ensure the responsible use of the Federal dollars over which we have oversight.

The FAA has had a long history of budget overruns and schedule increases in its capital programs. Our subcommittee has held numerous hearings on the FAA's need to manage its capital programs more responsibly.

We have heard testimony from the Inspector General of the Department of Transportation on this very issue, and until only recently, the Government Accountability Office has identified this NextGen program as a high-risk management area.

I encourage our colleagues to oppose this amendment. It is not the responsible way to fund the FAA or the Department of Transportation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2371

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2371 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2371.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To remove an unnecessary and burdensome mandate on the States, by allowing them to opt out of a provision that requires States to spend 10 percent of their surface transportation funds on enhancement projects such as road-kill reduction and highway beautification)

At the appropriate place, insert the following:

SEC. 1 _____. None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

AMENDMENT NO. 2370

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2370 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2370.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as roadkill reduction programs, transportation museums, scenic beautification projects, or bicycle paths, if the Highway Trust Fund does not contain amounts sufficient to cover unfunded highway authorizations)

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are—

- (1) the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity;
- (2) transportation museums;
- (3) scenic beautification projects; and
- (4) pedestrian or bicycle facility projects.

AMENDMENT NO. 2372

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2372 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 2372.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To fully provide for the critical surface transportation needs of the United States by prohibiting funds from being used on lower-priority projects, such as transportation museums)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used for a museum.

AMENDMENT NO. 2374

Mr. COBURN. Madam President, I ask unanimous consent that the pend-

ing amendment be set aside and that amendment No. 2374 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2374.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To determine the total cost to taxpayers of Government ownership of residential homes)

At the appropriate place, insert the following:

SEC. _____. **REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES.**

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the "Department"), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 and 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

AMENDMENT NO. 2377

Mr. COBURN. Madam President, I ask unanimous consent, as well, to call up amendment No. 2377.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2377.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Madam President, I wish to spend a little bit of time talking about the problems before us in terms of transportation, and then I will go back to these amendments based on whatever the chairman wishes and however she wishes to handle the debate on these amendments.

What I think about is that right now our transportation trust fund is not growing at the rate at which our needs are growing. I do not think anybody—neither the chairman of the Appropriations Committee nor the committee that is responsible for the transportation authorization program—would disagree with that. I do not think anybody else would disagree that in a year when we are going to have a true, not an Enron accounting, but a true budget deficit of \$1.8 trillion by the time you count the money we are going to steal from Social Security and other trust funds, that we are going to have \$1.8 trillion we are going to borrow from our grandchildren, and at a time when we have, at a minimum, 130,000 bridges in disrepair in this country. And that is the Department of Transportation's own numbers. Out of 600,000-plus, 130,000 either have to have lesser loads or fewer number of vehicles going across them or do not meet the designs needed for the loads they are carrying or are crumbling and are not expected to collapse but are falling apart, that at this time we ought not to be spending our money on anything except roads and bridges.

The debate Senator MCCAIN put out here is just one way of getting at the problem. Inside the Transportation bill is a requirement that if a State gets money and they want to fix a bridge, 10 percent of the money to fix that bridge has to go to make things look nice around it. That is great if we are running a great surplus or we are not borrowing the money from our kids. But right now the fact that we mandated that obligated moneys to State highway and transportation departments, that they have to spend 10 percent of the money that is obligated on aesthetics makes no common sense. It does if we have an excess of funds. It is something to which we would all agree. But when we have the problems where we have 13,000 people a year dying because of the quality of the roads in this country—not quality of vehicles, not driver error, but the quality of roads—and we have this large number of bridges that are truly in the long run not safe, why would we be spending money on anything other than roads and bridges in a transportation project, as far as surface transportation?

I am not talking about trains and inner-city buses. I know we have to do that as well. But for the proportion that goes out, why would we not spend

that money on the real needs that are out there?

Madam President, 13,000 lives is a lot of lives. Actually, it is one of those benchmarks on which you can measure Congress. We would rather have \$5 billion worth of earmarks that make us look good at home than make sure that \$5 billion goes toward saving somebody's life by repairing a road that needs to be fixed right now—right now—not next year, not 2 years from now, right now.

Why are we going to have these things that make us look good and may be a need but may not necessarily be a priority? How many of them are a priority over the fallen-down bridges in this country?

The families who lose members because of road quality in this country do not think those are priorities. They think fixing the roads and bridges are priorities. But you see, we have a disease in the Senate and in the Congress: We think we know better. We do not want to make the tough priorities that might not sell well in a particular area in our home State that would, in fact, solve some of the major problems with transportation in this country because we will not look as good. And yet we can spend money on taxiways for airports that have six flights a day and have very few people through it and subsidize every passenger to the tune of \$130 when if they could drive an hour and find an airport, we would not have to spend any of that money on it.

Most of us drive an hour to get to the airport. But yet we do earmarks. We decide, the wisdom of us—it is pretty interesting. I heard the ranking member talk about oversight. There is not any significant oversight going on in this Congress. I almost laughed out loud. For every hearing we have, we ought to have 10 oversight hearings. We talk about we are going to say where the money goes, and then we don't follow where the money goes. We don't do our job of oversight.

The NextGen, I understand that is an important priority. I am not questioning that. But the point of Senator MCCAIN's amendment is not NextGen, it is earmarks. It is the fact that at least here is something we know is going to buy safety in aviation, whereas the rest of the earmarks are not. We have an earmarked museum in the bill. Tell me, at a time when we have 9.7 percent unemployment, we have a trust fund for transportation that is belly up, that we are stealing the money from our kids every 6 months to keep it viable rather than from the taxes of consumption of gasoline and diesel, tell me that is a priority right now when we have run a \$1.8 trillion deficit.

The fact is we refuse—we refuse—to make the hard choices in Washington. We make choices for our political purposes. We make choices for the well-endowed. We make choices for the well-connected, for the well-heeled, whether it is beach nourishment and the hun-

dreds of millions of dollars that are made off that or it is a museum or a bike path or the restoration of a train station. Tell me where those are in terms of priorities of the 9.7 percent of Americans who do not have a job and are looking for one and the other 6 percent who are so discouraged they are not even looking anymore. Tell me why that is a priority. Senator MCCAIN's point is dead on.

There is a commonsense test, which is, would the average guy with the same amount of money fix the bridges and fix the highways or would he do the superfluous stuff, the enhancement stuff, the feel-good stuff if it were about his kids and his family? The average guy would not. But you see, we are not the average guy. We do not have to play by the rules because we know that the court of public opinion only comes after us once every 6 years, and if we can, in fact, enhance our ability to raise our campaign funds, if we can, in fact, look good to the well-connected, then we are going to be able to find a way to say a message something different than what we actually did.

That is pretty cynical, but when we have 13,000 people dying on roads every year because of the quality of the roads—and those are not my numbers, those are NHTSA's numbers—wouldn't you think every dollar we have ought to fix the roads and fix the bridges and wait on the aesthetics until later? Wouldn't you think the common man with common sense would say, Let's do the most important thing first, that buys us the most safety and the best transportation effect, rather than make the politicians and their well-heeled buddies look good?

I understand why people are upset with the Congress. It is because we make decisions that do not have much connection with reality. And then after we do it and we don't do the oversight that is required, we blame it on an administration.

I thought the debate about whether we could trust the FAA—we can trust the FAA if we do the following things: make sure they will be before us every 2 or 3 weeks talking about the progress of what they are doing; making sure we are having the oversight hearings; making sure we are doing our job to make sure the bureaucracy with which we give the responsibility to carry out policy is, in fact, being held accountable and, if not, withdraw the funds through a special rescission package to make sure that since you are not acting responsibly, we are going to withdraw your money. The last time there was a true rescission in the Congress was 1995.

We talk a big game about what a good job we do in oversight and good judgment. What happens is staff members make the decision of what gets included and what does not get earmarked. Sometimes it is based on economic priorities and sometimes it is based on the economic priority of who is running for reelection.

The other problem we have is things are not very transparent here, in spite of our President's desire that they be that way. I have a couple of amendments that are going to make sure the public reports that are required in this bill are made available to the American people, not just to the committee staff; to make sure that HUD reports to Congress on homes they own and the cost to the taxpayers, not just to a committee of Congress.

AMENDMENT NO. 2371

I now call up amendment No. 2371 and ask that it be the pending amendment.

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

Mr. COBURN. Madam President, I wish to talk about what this amendment does. This amendment forbids the mandatory spending of that 10 percent of money on things that are not going to make a difference when it comes to highway safety and bridge repair. And it says that Gary Ridley, the director of the department of transportation in Oklahoma, can take all of the money and make new bridges and new roads and repair bridges and does not have to worry about taking 10 percent of the money and spending it on aesthetics.

At another time, another place, maybe we would want to do that. But with our infrastructure crumbling, and with the trust fund not with enough money because of the economic shape in which we find ourselves, to continue to mandate that every transportation department in the country has to spend a full 10 percent of their money, not on what is important, but on something somebody may like, not on something that is about safety, but on what somebody may like and what may look good, to me does not connect with common sense.

I am probably a minority in that opinion in this building, but I am not in the minority in that opinion in this country. When times are good, we can afford to make such discretionary spending mandates on the States. When times are tough, when infrastructure is in poor shape, when the quality of our roads is taking people's lives every day, and when our bridges are falling down and chunks are falling off of them and injuring people severely, as happened in Tulsa 6 weeks ago on an interstate bridge, and falls through the windshield of a car and critically injures an individual who is driving down the interstate, it is time for us to use common sense on how we spend this money.

I would make one other point; that is, that this bill, compared to last year, in terms of real numbers—not in terms of the numbers that have been spun out there—is a 22-percent increase. If you go through all the appropriations bills we are bringing to the floor and what we have already passed, it is like there is no recession going on. There is absolutely no inflation. Yet we are growing government at 12 times the rate of inflation, and we are doing it on bill after bill.

There is no apology anywhere from the Appropriations Committee that we are sorry we have to spend this increased amount of money, in spite of the fact we absolutely don't have it and that we can't winnow down and make our priorities sharper and better. No, what we do is we just bump the number.

In case you are interested, if you include contract authority, there is \$75.8 billion. Even if you don't include contract authority, you have a 12-percent increase. In the HUD portion of the bill, we have a 10-percent increase. So it is not just transportation. We are increasing housing and urban development 10 percent. So there is no inflation; tax revenues are down. There is no question we have greater needs, but there is no force to say: How do we more efficiently put out the money? How do we hold those spending the money more accountable? How do we get greater value for the money we are spending? No. You know what we do? We take the credit card out of our pocket, and we put it in an ATM that says: Charge to our grandchildren and charge to our children. That is what we do. Then we come up here and we say: This is absolutely necessary.

The vast majority of families in this country today are making tough decisions—very tough decisions. They are either saying: I have a job or I am lucky to have a job or, boy, am I thankful. I don't want to end up without a job, so I think I will start prioritizing where I have to spend money. The people where one of the two workers in the family have lost a job are making those tough decisions every day: What is an absolute necessity and what isn't?

Actually, it is more than the average American. Almost every American is making those kinds of decisions today. But isn't it curious the Congress isn't? Isn't it curious we don't prioritize? Isn't it curious that it has been years—whether under Republican control or Democratic control—since we have had an appropriations bill that comes out and spends less money? Are all these agencies efficient? Could it be done in a better way to get better value with less money? Could we force savings in these branches of government?

Those questions aren't even being asked. There are no priority questions being asked. What we do is we say: Here is our 302(b) number; how are we going to spend the money, rather than seeing what is the need, how efficient is the bureaucracy utilizing that money under the policy proscriptions we give them, and what are we going to do about it? So we come out spending hundreds and hundreds and hundreds and hundreds of billions of dollars with millions of earmarks.

I heard mention about the earmarks. What the American people need to know about earmarks is this: It is not the earmark that is bad, it is the extortion that comes with the earmark. Because everybody here knows that if you

have an earmark in an appropriations bill and you don't vote for the appropriations bill, the next time you want an earmark, guess what happens. They happen to remind you that: Oh, you had an earmark in the last one, but you didn't vote for the bill. So since you are not supporting our bill, we are probably not going to be as likely to include your earmark. What does that do? The problem with earmarks is it takes the focus off what we are doing collectively in the best interest of the country and makes the focus about the individual and the State.

There is nothing in this document—which is the U.S. Constitution—that gives us the right to think about our States. When you are sworn in here, they do not say: Mr. COBURN, Oklahoma, you will uphold the Constitution as long as it protects Oklahoma. It says: You will uphold the Constitution. Our Founders knew that any State couldn't be healthy unless we as a nation were healthy. Yet earmarks undermine that every time and force us back to parochialism—not Federalism but parochialism. So we take the money from individuals in the various States, and then, through our wisdom of all knowledge in Washington, we send it back so we look good, rather than leaving the money there in the first place and letting you decide how best to spend your own money. So we don't lessen spending. We always increase it.

We claim oversight—which we never do to the level that is required with a government as big as this—and then we complain that somebody wants to eliminate earmarks, and not because the individual earmark may not be a good thing—I can't think of many earmarks that probably aren't good things—but because the earmarks aren't necessarily a priority for the Nation as a whole. That is the difference in being and enhancing statesmanship versus politics. It is OK for Oklahoma to lose for a period of time if our country gets better. I have explained that to my State.

I have refused to do earmarks for my State. The reason is we are in a big pot of trouble right now as a nation—a large pot of trouble. If you watch the dollar index in the markets, what you see happening in the last 2 weeks is the value of your savings going down because the value of the dollar is declining rapidly. Everybody knows that the money we are borrowing today will only be able to be paid back through highly inflated dollars. So what you have worked for your entire life, what you have dreamed for your kids, we are undermining here a little bit in this very bill. It is just a little bit, but a whole bunch of little bits becomes a lot.

So here we go. We don't make the priorities, we don't make the hard choices, and we increase the spending a ridiculous amount for the time we find ourselves in, knowing a good portion of the spending is going to be borrowed

from our kids. We watch the dollar flounder, knowing that the amount you have put aside for your children in the future isn't going to be worth anything. It is a pretty sick, neurotic system we are operating under because it doesn't have enough sunshine on it, and that was the purpose for Senator McCAIN's amendment. That is the purpose for this amendment, to have some transparency. Let's have some common sense.

Let's not force State transportation departments that need critical dollars for bridge repair and road repair to spend it on a bicycle path nobody is going to ride or a sound barrier that truly doesn't cut the sound. Let's spend it on roads and bridges. Let's not force them to make choices that are stupid. Let's trust people to do what is right.

There is another observation I would make, and then I will close. I was born in 1948, and I have seen a shift in our country in that 60-plus years. Our nature and our history used to be that we trusted American citizens. I am talking of the Federal Government. We assumed you would do the right thing. Unfortunately, today, so much of the assumption of the Federal Government—especially as it relates to the States—is on the basis that we know you are going to do the wrong thing, and we are here to catch you; that we know better, and we are going to tell you how to do it, when to do it, and where to do it.

That has come about as we have had Supreme Court rulings taking away the constraints our Founders said were necessary. It is called the enumerated powers of the Constitution. It is article I, section 8, if you want to look it up. If you read what Madison and Jefferson had to say about that, we have been totally violating the intent of what they said, what they meant, and what they knew we would say about what they meant for the last 30 years in this country. So we find ourselves in a position where we dominate with the power of dollars and taxation to the detriment of our freedom, to the detriment of common sense, and to the detriment of good will.

I am not sure how the chairman and ranking member will respond to this amendment, but for this time and this situation we find ourselves in, we ought to eliminate this mandatory 10 percent and let Oklahoma and Kansas and Texas and Kentucky and New York build bridges and highways, not build aesthetics with the money which we took from them and are now sending it back but sending it with all these restrictions on it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I wish to thank Senator COBURN for doing what we have been asking him and other Senators to do and that is to come to the floor and get their amendments offered.

I will be talking with the Senator from Oklahoma, over the next short

while, to figure out the order in moving to his amendments for votes, as he has requested. We do have another amendment that had been offered by Senator McCAIN, amendment No. 2375, which we would like to get a vote on before the caucus luncheons.

AMENDMENT NO. 2375

So I ask unanimous consent that amendment No. 2375 be made the pending business.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mrs. MURRAY. Madam President, we are currently working out with both sides to move to a vote fairly quickly, so I would advise Senators' offices to be ready for a vote shortly, and we will wait for that to occur here as soon as we can make that happen.

Mr. BOND. Madam President, I join with my colleague in thanking the Senator from Oklahoma for offering these amendments. We are looking at these amendments. I think they are good amendments, and I hope they can be accepted. We have some of our staff looking at the details of some of the amendments to see what impact they have. We have to determine whether there would be any untoward consequences from one of the amendments, which I think probably comes within the jurisdiction of the Environment and Public Works Committee, so I would invite them to come down and look at it.

But I thank the Senator from Oklahoma for offering his amendments and for bringing them up for discussion, and I join with my colleague from Washington, the chair of the subcommittee, in urging that we move forward with a vote. We have lots of work to do. We were on this on Thursday and Friday and Monday. Now it is Tuesday, and we have a short day, and then there is Wednesday and there is Thursday. This bill needs to be passed, so moving the amendments forward, getting votes on them, having the discussions is very important.

I thank the Chair, and I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, I ask unanimous consent at 12:24 today the Senate proceed to vote in relation to the McCain amendment No. 2375, with 2 minutes prior to the vote divided and controlled in the usual form, and that no amendments be in order prior to the vote.

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

The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, how much time do I have?

The PRESIDING OFFICER. One minute.

Mr. McCAIN. Madam President, the amendment would take \$1.7 billion in this bill for the 589 congressionally directed spending projects, known by most Americans as earmarks, and redirect that money toward air traffic control modernization. Every day, Americans sit on a runway, miss meetings, children's soccer games, family dinners, and other important events due to air traffic delays that could have been avoided if our Nation had modernized the air traffic control system. The Government Accountability Office estimates that one in every four flights is delayed.

A major issue, though, here as important as modernization of the air traffic control system is this bill has 589 earmarked projects on it worth \$1.7 billion when we are facing the highest deficits in the history of this country. Americans all over this country are rising and saying stop, stop this porkbarrel earmarking which breeds corruption in the Nation's Capitol.

I urge my colleagues to vote for the amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, the bill before us contains 50 percent fewer earmarks than in 2006. Importantly, these are priorities of Senators who have brought them to us. They are less than 1 percent of the bill. Even more important, what the amendment before us does, and I am a strong supporter of NextGen, is it puts money to the FAA that they cannot spend.

This is a program that does need strong oversight. We have been told that in our committee time and time again by the IG and others before us. We want to move forward on the NextGen and we want to do it in a responsible way. This amendment will give them money that they will not be able to spend.

I urge our colleagues to vote against this amendment.

I yield all of our time, move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio Mr. (BROWN), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

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

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—68

Akaka	Gregg	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inhofe	Reed
Bennet	Inouye	Reid
Bennett	Johnson	Roberts
Bingaman	Kaufman	Rockefeller
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brownback	Kohl	Sessions
Burr	Landrieu	Shaheen
Cardin	Lautenberg	Shelby
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McConnell	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murray	

NAYS—26

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Snowe
Corker	Hatch	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

NOT VOTING—5

Brown	Cantwell	Specter
Byrd	Hutchison	

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:50 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2370, 2371, AND 2372

Mrs. BOXER. Mr. President, I have decided to come to the Chamber in my capacity as chairman of the Environment and Public Works Committee to address a number of Coburn amendments that he has either laid down or intends to lay down, and I hope we can work to defeat these amendments, as I understand them, and I want to say why.

We have a very important relationship with our States when it comes to transportation and highway programs, and we work with them on many aspects of transportation. We have something called the Transportation Enhancement Program. It is a TE program. It was created in 1991 in the ISTEA bill, and one of the purposes was to encourage investments in many areas that have been overlooked. I want to give you an example of those.

Since 1992, because of this TE Program, over \$11.5 billion has been made available to the States for some very important purposes that deal with safety, that deal with making sure our highways are kept in a condition we want to see them kept. I will give more examples of the funding. But over that period of time, that \$11.5 billion has created 399,000 jobs. Let me repeat that. This special program Senator COBURN wants to strip—and he wants to strip parts of it—is responsible for 399,000 jobs since 1992. I am here to say—because I know my friend, Senator MURRAY, agrees with me—of all the times not to visit more job losses on our people, it certainly is now. Jobs are key, and the Coburn amendment is a jobs killer.

Let me tell you about the various areas that fall under this program he is taking the ax to.

Environmental mitigation. This includes projects that address water pollution due to highway runoff. We just read a front-page story in the New York Times where we see terrible water pollution affecting our children. They had a picture of a child who has been drinking water that really has not been tested in the right way according to the law. This child's teeth all have to be capped because his teeth rotted. So we want to make sure we do not let that runoff get into waterways.

Also, we hear about wildlife mortality. Anyone who has seen the result of a crash between a car and, let's say, a deer on a road knows this is a horrific situation for all parties, and it is a matter of life or death for drivers and their passengers. That is what some of this money is used for and that is what our friend, Senator COBURN, wants to take the ax to, as far as I understand it.

Then there are facilities for pedestrians and bicyclists and safety and educational activities for pedestrians. Residents of my State are strong supporters of spending transportation funds on bicycle paths and pedestrian facilities. We all know walking and biking are forms of transportation which should not be cut but, rather, encouraged.

Other categories of TE, the transportation enhancements, that it is my understanding Senator COBURN wants to cut: acquisition of scenic easements and scenic history sites, including historic battlefield sites. Does he think that little of the history of the country that he wants to take an ax to this, scenic or historic highway programs,

including the provision of tourist and welcome center facilities? Again, tourism is one of the things we need to build up. There are many millions of jobs related to tourism, landscaping, and other scenic beautification. We all know and take pride in our communities. Highway beautification, to me, is a key part of our quality of life—historic preservation, rehabilitation, and operation of historic transportation buildings.

We have seen some of those. We have seen them in places as far flung as New York to places in St. Louis, MO, to San Francisco, CA—preservation of abandoned railway cars, including conservation and use of the cars for pedestrian or bike trails; inventory control and removal of outdoor advertising and archeological planning and research. Senator COBURN would have us believe that transportation enhancements are a low-priority project. These are investments that put hundreds of thousands of Americans to work. These are investments that improve safety, prevent pollution, save fuel, and improve the quality of life for millions of Americans.

I wonder if Senator MURRAY and I can engage for a minute here through the Chair.

What is the timing of when these amendments will be voted on? Can the chairman tell me?

Mrs. MURRAY. Mr. President, in response to the Senator from California, the Senator from Oklahoma has offered a number of amendments. We are hoping to debate them this afternoon and vote on them tomorrow morning.

Mrs. BOXER. May I ask, through the Chair, if the chairman of the subcommittee would allow me to be heard for a minute before we have a vote on any of these amendments that deal with transportation enhancement programs.

Mrs. MURRAY. Mr. President, we will make sure, as we put together the order for tomorrow, the Senator can be heard before the votes occur.

Mrs. BOXER. I thank the Senator.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2366, AS MODIFIED

Mr. WICKER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2366, as modified.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 2366, as modified.

Mr. WICKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage)

At the appropriate place, insert the following:

SEC. _____. (a) FUNDING LIMITATION.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, amounts made available in this Act for the National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if after March 31, 2010, Amtrak prohibits the secure transportation of firearms on passenger trains.

(b) DEFINITION.—In this section, the term “secure transportation of firearms” means—

- (1) if an Amtrak station accepts checked baggage for a specific Amtrak route, Amtrak passengers holding a ticket for such route are allowed to place an unloaded firearm or starter pistol in a checked bag on such route if—

- (A) before checking the bag or boarding the train, the passenger declares to Amtrak, either orally or in writing, that the firearm is in his or her bag and is unloaded;

- (B) the firearm is carried in a hard-sided container;

- (C) such container is locked; and

- (D) only the passenger has the key or combination for such container; and

- (2) Amtrak passengers are allowed to place small arms ammunition for personal use in a checked bag on an Amtrak route if the ammunition is securely packed—

- (A) in fiber, wood, or metal boxes; or

- (B) in other packaging specifically designed to carry small amounts of ammunition.

Mr. WICKER. Mr. President, I rise today in support of amendment No. 2366, as modified, which I have offered on behalf of millions of law-abiding gun owners across the country.

Earlier this year, I offered an amendment to the budget that would have limited certain budget opportunities to Amtrak, unless this federally subsidized agency enacted policies to accommodate passengers' second amendment rights. The amendment I offered passed by a bipartisan vote of 63 to 35, but it was not included in the final version of the legislation when it returned from conference.

Therefore, I am here on the floor to try again. In our country today, airline passengers may transport firearms and ammunition in secure checked baggage when declared during the check-in process. But, on the other hand, Amtrak passengers are not permitted to do likewise. This means that sportsmen who wish to use an Amtrak train for hunting trips cannot do so because they are not allowed to bring a firearm in checked luggage—something that is done every day at airports across our country.

I want to emphasize that this amendment only deals with secured and checked luggage, as checked baggage on Amtrak trains. Law-abiding gun owners should not be penalized for seeking alternative means of travel. At one time, Amtrak accepted firearms in

secure checked baggage, but this policy was changed in 2001.

The commonsense amendment before us today is straightforward. It simply says that if Amtrak continues to deny the right of gun owners to securely transport firearms in checked luggage, the rail line will no longer receive a Federal subsidy of \$1.55 billion. At the request of the leadership of the committee, I have modified my amendment to make it effective only after March 31, 2010, in order to give the agency adequate time in which to comply with this amendment.

I want my colleagues to know that the amendment before us today mirrors current TSA requirements to check a firearm for air travel. I must say these requirements are detailed and strict. For example, should my amendment pass, the following requirements must be met:

No. 1, a passenger who wishes to transport a firearm must be travelling on a route that accepts checked luggage.

No. 2, the passenger must declare the firearm before boarding the train.

No. 3, the firearm must be unloaded and stored in a hard-side container that is locked, as is required on the airlines.

No. 4, only the passenger can have the key or combination for the container.

This was done successfully by Amtrak prior to 2001, without incident. Regional rail lines, such as Alaska Railroad Corporation, allow firearms, as I am trying to do in this amendment, and that is done currently in Alaska Railroad Corporation, again, without incident.

It is sometimes much more convenient for sportsmen to travel by rail, particularly in rural and remote parts of the country. The Alaska Railroad Corporation knows there is no need to show prejudice to lawful American sportsmen. That is why their travellers may transport firearms in checked luggage, and that is why we are asking nothing more than that and nothing less than that of the government-controlled Amtrak system.

I might also add that spending is certainly out of control in Washington, and it is hard for me to imagine Congress considering providing over \$1.5 billion to Amtrak, while the rail line intentionally limits its revenue and chooses not to receive passenger miles from this specific and law-abiding segment of travelers.

Americans should not have their second amendment rights restricted for any reason, particularly if they choose to travel on America's federally subsidized rail line.

A vote in support of this amendment is a vote in support of the second amendment and for the right of gun owners across America. I urge adoption of the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

AMENDMENT NO. 2376

Mr. VITTER. Mr. President, I ask unanimous consent to set aside any pending amendment and call up amendment No. 2376.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2376.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To affirm the continuing existence of the community service requirements under section 12(c) of the United States Housing Act of 1937)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act shall be used to restrict implementation or enforcement of the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

Mr. VITTER. Mr. President, my amendment, No. 2376, is very simple and straightforward. To understand it, we need to go back a little bit, to 1998. In 1998, Congress passed the Quality Housing and Work Responsibility Act, a law requiring all able-bodied people living in public housing to perform 8 hours per month of community service, with the idea that individuals who are getting this benefit from all of the other taxpayers should give back, should contribute to the community as some partial repayment for the very significant benefit they are getting. I think that concept had—and I certainly hope it still has—widespread consensus, bipartisan support. It has been the law since 1998.

Unfortunately, some folks in Congress—I believe a minority, but some folks in Congress—want to throw this basic, straightforward community service requirement out the window. In fact, in 2001, these proponents actually got language included in the VA/HUD appropriations bill which temporarily, for that one fiscal year, did do away with this community service requirement. It was just that 1 year. That is the only year since 1998 where the requirement was thrown out the window, but it did happen in that year.

Unfortunately, those same folks, like-minded folks, have made the attempt again, and in this year's VA/ HUD appropriations bill on the House side, before a lot of advocates for the community service requirement were

able to take notice, a similar amendment doing away with the community service requirement was passed through the House by voice. Again, this slipped through. The advocates of the community service requirement did not notice; otherwise, they would have demanded a rollcall vote. But it did slip through by voice.

It is very important that we correct that and preserve the community service requirement in the Senate version of the bill so we can also preserve it in the final version of this appropriations bill. This is a very basic, straightforward idea with which I believe the huge majority of the American people agree. It is simply saying: If you are getting a benefit from the taxpayer, you are getting free or highly subsidized public housing, and you are able-bodied, then you should help repay for that benefit by simply devoting 8 hours per month—not per week, 8 hours per month—to community service.

I want to emphasize a few things. No. 1, this applies to fully able-bodied recipients of the benefit only. Exempted residents, for instance, include those who are 62 years old or older, those who are disabled and can certify they cannot comply with the requirement, caretakers of a person with a disability, those engaged in work activities or are exempt from work activities under TANF, family members in compliance with TANF, or the State welfare program's work requirements. That is separate, and they would be exempt and are exempt from this.

Still, according to the Congressional Research Service, after you take all those exempt individuals out, HUD estimates there are approximately 100,000 to 150,000 households that include folks who would have to meet this requirement.

I believe, when you consider the requirement, 8 hours of community service per month, when you consider the exemptions for folks over 62, for folks who have any disability, for folks who are not able-bodied in any way, this public service requirement is truly minimal and thoroughly reasonable. I believe that is why it passed into law in 1998 with broad public and bipartisan support. I believe that is why we should retain it in law today and make sure the House attempt to throw that requirement out the window is not successful.

Public housing authorities are given broad discretion in implementing and enforcing this requirement. There is no absolute penalty for not meeting this requirement. Folks are not immediately thrown out of their public housing. All of this has been done in an as modest, frankly, and absolutely reasonable way as possible. I urge my colleagues, Democrats and Republicans, to retain this important part of present law, to retain this commonsense approach that a wide majority, a broad majority of the American people support. I certainly hope this amendment could be accepted or, if not, retained by

a good vote on the floor of the Senate that is overwhelming and bipartisan.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the request for a quorum call?

Mr. VITTER. I will.

Mrs. MURRAY. The Senator from Louisiana offers an amendment that makes sure the community service requirement for people living in public housing remains in effect. This includes part of the existing law and is currently being enforced by public housing authorities. What the amendment of the Senator does is simply restate current law. I will be happy to accept it. If the Senator is willing, we can take it on a voice vote at the present time. I am willing to move forward with it.

Mr. VITTER. I will be happy to consider that offer and get back to the distinguished Senator. My only concern is we have as much ammunition as possible to retain this provision in conference, which a very good rollcall vote could perhaps give us. That is my only concern, since the House version of the bill has taken this language out. I will be happy to consider that offer and personally follow up with the distinguished Senator.

Mrs. MURRAY. Again, we are happy to accept the amendment right now. If the Senator wants to have a vote, if we can work out a time to do that, I am happy to do that as well.

Mr. VITTER. I yield my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, I come to the floor today to give actually a little bit of a history lesson, to look back and also look forward. I ask my colleagues to join me in looking back some 300-and-almost-75 years. Roughly at that time the first Swedes and Finns sailed to America on a couple of boats, one of which was called the Kalmar Nyckel.

The first Swedes and Finns came to shore—actually, they came up the Delaware Bay, up into the Delaware River, and they took a left turn at an uncharted river and decided to name it after the child Queen of Sweden, naming the river the “Christina River.” They landed their boats at a place which we now call The Rocks and decided to name that area the “Colony of New Sweden.” The first Swedes, the first Finns in America came ashore in what is now really Wilmington, DE. For the first year, they never called it Wilmington, they called it the Colony of New Sweden.

They came by ships, and for about the next 300 years, a lot of ships were

built along the banks of the Christina River, especially during the period from 1945 to 1946 during the heart of World War II. Among the ships that were built there were destroyer escorts, troop landing ships, and a variety of other ships that helped to win the war, helped to win World War II.

When World War II was at its most robust, fullest form, we had 10,000 people who worked on the banks of the Christina River building those ships. A few years after the war ended, what had been a vibrant shipbuilding area along the Christina River dried up, the activity went away. The war was won, and what had been a vibrant shipbuilding area became, over time, a decaying industrial wasteland with relatively little new activity.

In the 1960s, I-95 was built up the northeast corridor of our country, the mid-Atlantic part of our country, and it literally cut Wilmington, DE, in half. Off to the right, to the east of I-95, was the Christina River, and add to that the northeast corridor, the Amtrak main lines between Washington and Boston. The main line of Amtrak also sat between I-95 and the Christina River and served to make it difficult for people even to access the river, almost hard for them to even know it was there.

I became Governor in 1993, and toward the end of that year, I was visited by a former Governor, Russ Peterson, and by a former president of the University of Delaware.

They said: We have been thinking of an idea. We have actually been working under the direction of a joint resolution signed by former Governor Mike Castle to think about what the potential could be for development along the Christina River and the Brandywine Creek not far away. We haven't finished our job. We have had a good start on it, but we need more time. We are about to run out of time under the joint resolution. We wonder if we can have a little more time to think it through.

I said: Hey, look, I am up to my eyeballs in alligators. I have been Governor for less than a year. You guys take as much time as you need.

They went away, and I wasn't sure I would ever see them again or talk to them again. As it turns out, in about 6 months they came back, and they said: Do you remember our coming in and talking to you?

I said: Yes, I remember that.

They said: We have gone back and done more work on a vision, if you will, of what the Christina River, this industrial wasteland along either side of the river, of what it could be, and we would like to share that with you today.

I said: Have at it.

By that time, I had been Governor about a year and a half, things were settling down, and I was ready to listen. They had these big architect renderings of a riverfront that certainly looked nothing like the Christina River, didn't look at all like an industrial wasteland. There was a river

that was pristine, with parks, walking paths, boats out on the river, museums, restaurants, places for people to live, places for people to work, theaters, museums. And I never will forget—I looked at them. I was blown away by the vision.

I said to former Governor Peterson: Who is going to make all of this happen?

He looked me right in the eye and he said: You are.

I said: Why me?

He said: Well, because you are the Governor.

I said: Well, I love this vision, and let's see if we can't help to realize it.

I think that conversation was in 1994. Anybody who today takes the train up the northeast corridor and stops at the Wilmington train station would say we have made a lot of progress. The place is cleaned up. We actually have walking paths along the river. We have parks. We have beautiful places where people live and condominiums and apartments as well as other homes. We have restaurants and we have museums. We have hope—that is what I am here to talk about today—for a children's science museum along the riverfront. But it is a vision that has been realized. A lot of people come there to eat at restaurants along the riverfront. And the river itself is being cleaned up, the water quality is being cleaned up, and the environmental hazards, and so forth, the waste that was left there has been for the most part cleaned up.

Probably in another month or so, less than a month or so, we are going to open a 250-acre wildlife refuge named after former Governor Peterson, built in partnership with the DuPont Company and the Nature Education Center. People will come and just enjoy, literally on the outskirts of the city, a large, urban wildlife refuge with walking paths and see what might have been some 100 years ago or 50 years ago in that place.

About 10 years ago, when I was nearing the end of my time as Governor, my second term, a group of citizens in our State came to see me, and they said they were excited about the riverfront and what was happening there.

They said: You know, Delaware does not have a children's museum.

I think every other State does. We do not. In fact, it turns out there are about 250 children's museums across the country.

They said: We are interested in having a children's museum to go with all of the other attractions on the riverfront.

We talked about it for some time, and I said: I like the idea. I like the concept. But to tell you the truth, I would be a lot more interested in it if it were a children's science museum.

At the time, I was trying to figure out, how do we get kids motivated, excited about science, how do we get them excited about careers in science? It is all well and good, the State is big in tourism, big in financial services, we

have had a great history with the chemical industry, shipbuilding at one time. But in our Nation and in my State, we need more scientists, we need more engineers, we need more people who have facility in mathematics and who are going to go out and become inventors, create things, things of value that will help us, among other things, create jobs in the 21st century. Whether it is in clean energy or conservation or wind, solar, new ways to create nuclear power, we need people with those credentials too.

It starts very young. We have adopted, in my State, rigorous academic standards for math and science, English and social studies, with a real focus on the math and science. We say: This is what we expect you to know and learn and be able to do. And we are going to measure students' progress on that. Most every State has done that. As I said earlier, most every other State has decided it is going to have its own children's museum.

I told the folks who presented their idea to me about a decade ago: If you want me to be involved, if you want me to be as excited as you are, I want to change the focus not just to be a children's museum in Delaware, I want it to be a children's museum that focuses on science. I want young kids in the target audience of 6 to 12 to come here and leave here excited about wanting to be astronauts or wanting to be environmentalists or wanting to create new ways to harness the energy of the Sun or the wind or to find ways to deal with spent fuel rods from nuclear powerplants. That is where my interest is.

Over time, the focus of this concept, this idea of the children's museum, has turned to focus on science, and to date I am told we have raised over \$11 million for the project. We actually have picked out the building. I think they have a lease or a sort of a contract on a large structure right at the bend of the Christina River there in Wilmington, which is where Kahunaville used to be. Kahunaville sort of conveys the idea of a good time, and for many years, people went there and had a really good time. It was a great nightclub with some big acts over the years. Bob Dylan performed there and Hall and Oats, all kinds of people over the years. It is no longer a nightclub; it is an empty building, and it is a large empty building that actually lends itself to being, we think, a terrific site for a science museum for the kids of Delaware.

So far to date we have raised, as I said, over \$11 million. To date, the Federal Government has provided about \$250,000. So out of over \$11 million, less than 3 percent has come from the Federal Government.

I have asked for an appropriation, a directed appropriation, of about another \$198,000, and I appreciate very much the support of the Appropriations Committee to include that amount. If it is included in what we have already appropriated, it would be

about \$450,000 out of a budget of roughly \$11.5 million—roughly 4 percent of the total project. A lot of the money is going to come from the private sector, a fair amount from local sources, State and local sources, as well.

I will give you a flavor of the kinds of exhibits we are going to have there. I will mention the names of some of the sponsors. The DuPont Company has been great, and it is a wonderful environmental company. It has agreed to help sponsor over the next couple of years an exhibit that focuses on environmental issues, I think largely focusing on estuaries. We have a big estuary in the Delaware Bay and not far away in the Chesapeake Bay. This will really excite our kids about the water and preserving the quality of our water and improving the quality of our water. AstraZeneca is going to help us create an exhibit on the human body, something interactive that the kids can really get into and enjoy and learn from. One of our larger banks, JPMorgan Chase, is going to help us with a project to focus on financial literacy. If there is anything that would help us all, young and old, that is, I think the events of the last year or two have pointed this out. We will have exhibits that focus on clean energy, whether it is wind, solar. We will have ways to use wind and solar, to show and demonstrate how we rely on those. We will have an exhibit that will focus on conservation, smart grid, to show how we can be better consumers, smarter consumers. We will have some focus on, among other things, nuclear energy and show how we actually create electricity from nuclear power. Those are some of the dynamics.

Our vision is, that when the kids leave the children's science museum on the banks of the Christina River, they will be juiced, they will be excited, and they will want to come back. But just as importantly, when they go back to class the next day or the next week, they will be thinking about their math assignments and even their science assignments a little bit differently and trying to provide a connection: How is what I am learning in my classroom relevant to what is going on in our world? How is it relevant to what I might be doing as a life work later on when I am finished with school and go out into the world?

We need more scientists, we need more engineers. I know we need both of those. We need people who have a lot of expertise in math. We need people who are going to invent things to help us make this a better world. And for what I think is a fairly modest investment on behalf of the Federal Government—about 4 percent of a much bigger project—I think this is a very good investment, and not just for kids in Delaware but for the kids who are going to graduate from the schools and go on and do things in their life to help all of us in Delaware and across the country and maybe even around the world.

Those are some of the reasons I have asked for this appropriation. I am

grateful to the Congress for supporting this a year ago. When we asked for about \$250,000, it was included. With this money, if we are successful in gaining this appropriation, we will be able to go forward and hopefully actually open the Delaware children's science museum in the spring of next year, which would be a very good thing, not just for us in Delaware, not just for those who visit Delaware, but I think, on a broader scale, for a lot of folks in our country.

I see I have been joined by the former Governor of Virginia, in whose State I visited a number of those children's museums, those science museums. I remember taking our boys, when they were between the ages of 6 and 12, to a couple of them around the country. Just remember, we have one who is a mechanical engineer, at a 4-year college up in Boston, and his little brother—now a very big brother—he is really good in math and a bunch of other things as well, and I think maybe a little bit of that came from those visits all those years ago.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleague and good friend from Delaware for his compassionate interest, not only in what sounds like a very worthy project in Delaware, but his constant commitment to making sure we are always looking over that next horizon, whether it is in education or energy issues he has been involved with as a Member of Congress and as a Governor, and now as the senior Senator from Delaware. The project he describes sounds like a good one, and I hope it gets favorable consideration from the Senate. I welcome the chance to support him.

I wanted to take a moment to talk about a project that is already in this very important 2010 Transportation-HUD appropriations bill. I commend the subcommittee chair, the Senator from Washington, and the ranking member for their good work on this bill. There is a certain amount of celebration in this bill for us in the greater Washington region because this Transportation appropriations bill is actually the culmination, in many ways, of an effort that has been ongoing for close to 50 years. Even when your dad served in the other body, one of the things I know he probably experienced was flying into our region, particularly flying into Dulles, and he might have found it difficult to get from Dulles into greater Washington.

One of the most remarkable things that has always stunned me as a Virginian, and as a long-time resident of the national capital area is that we have never had rail or metro linkage from our international gateway airport out at Dulles into our Nation's capital. With this legislation, with actions taken earlier this year, we finally have in place a financing arrangement and the beginnings of construction for the long overdue Dulles Metrorail project.

The Dulles metrorail project is part of a 50-year plan that started with the construction of Dulles Airport. Throughout that time, there was always a reserve. Anybody who made that drive—and I know the Presiding Officer has made that drive many times—has seen the corridor in the middle of the road. That corridor has been reserved for ultimately building out rail, from the existing Washington metro system, all the way to Dulles.

This is a project that my predecessor, John Warner, worked on for years. It was one of his proud accomplishments, finalizing Federal support for this project. I commend his efforts in the past. It is a project I have been involved with for over 20 years, first when I was on the Commonwealth Transportation Board, when we had to preserve that corridor for a metrorail project. I recall, back in the late 1980s and early 1990s, efforts to try to take away that right-of-way so it could be used for additional highway construction. There was always a need to say: No, we have to reserve that. At some point, we will finally get metrorail to Dulles. This has now become a reality.

It was a project I worked on as Governor. There were a number of times we tried to put together a very complex financing arrangement in order to make sure all the partners, State and local and Federal, would step to the plate and do what was right but also do what was terribly important to the national capital region: making sure our international gateway airport is linked to the capital. I am proud to report that earlier this year in March, Secretary LaHood and former Senator Warner and myself, Governor Kaine, Congressman FRANK WOLF, who has been a long-time supporter, got together and signed the final funding arrangement that committed the Federal Government, the Commonwealth of Virginia, and local communities on this critically important project.

It is needed for a variety of reasons. It is needed not only to link international and domestic passengers who come into Dulles to visit our Nation's capital, but this corridor has rapidly become the economic hub of all northern Virginia. Dulles Airport currently serves about 24 million passengers each year. Population in the Dulles corridor is expected to increase by 50 percent and employment to increase by 47 percent by 2030. As someone who I know travels that corridor on a regular basis, you have seen how it has been built up, and there will continue to be the expansion of a great deal of economic activity for all northern Virginia and for the entire Washington area, particularly in the high-tech sector.

This past March, the full funding agreement was signed, and \$900 million over the period of the whole project was committed from Federal funds. But let me make clear it is not only the Federal Government that is stepping up on this critically important project. The Commonwealth of Vir-

ginia has committed to be a major partner in funding. The localities have stepped forward in terms of funding. There have been very creative activities in terms of creating a special taxing district of our local property owners in the region who will benefit from this metrorail extension. They have skin in the game as well. The State is contributing some of the toll revenues from our toll road in the corridor. This is a project, even during these difficult economic times, where the State, the localities, and the Federal Government have stepped up in a major way.

It will be enormously beneficial to our whole region. It will be enormously beneficial to the Commonwealth and to our Nation's capital in terms of the millions of visitors who come in from all over the country and the world. They will have the opportunity not only to take one of those increasingly expensive cabs, but also simply to jump on the train and come into Washington.

There is also another very important reason for continuing this project. The Dulles Corridor Metrorail Project is an important multimodal project with critical homeland security implications. Expanding metrorail into the Dulles corridor is terribly important in terms of evacuation opportunities, should the capital ever be under assault. It is obviously terribly important in economic development activities, in terms of tourism activities. This project is crucial to the well-being of the whole national capital region.

As a matter of fact, earlier today I was out in Tysons Corner, one of our major development areas on the way out to Dulles rail. Although we were caught in some pretty dreadful traffic, it was a little bit of a mixed blessing. Part of the traffic was because construction has actually started on some of the rail stops in the Tysons area that will ultimately relieve not only traffic congestion but will, obviously, decrease greenhouse gases. So this project has added benefits as well, an issue I know is very important to the Presiding Officer in terms of dealing with climate change.

I know there are others in this body who perhaps have raised questions about some of the projects that are included in this 2010 Transportation-HUD appropriations bill. This is one of those projects I can't imagine anyone being critical of. This has been 50 years in the making. Enormous time, effort, and resources have gone into it. The fact that the final funding agreement has now been signed and we actually have broken ground is a time to celebrate. The \$85 million included in this year's appropriations funding for the downpayment and first installment of what is going to be a critical Federal funding stream is a very worthy sum that is going to provide benefits for this region and for our capital for many years to come.

I, again, commend the chair of the Appropriations subcommittee, my colleague and friend, the Senator from

Washington, for her great work on not only this particular Dulles metroraill project, which I believe, as a frequent flier in and out of Dulles, I hope she will be the immediate beneficiary of as well, but to all members of her subcommittee. I thank them for their good work on this bill, this important project, and the many other projects in this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, the Senate Appropriations Committee has reported all 12 appropriations bills for fiscal year 2010, and the Senate has considered and passed 4 of those bills. I expect passage of the Transportation, Housing and Urban Development bill we are now considering will be the fifth. I am pleased the full Senate has had the opportunity to consider and debate the policies and priorities embodied in these bills. All Senators have had the opportunity to question the managers and to offer amendments, if they wanted to do so.

By next week, I expect the House and the Senate will be convening conference committees to complete action on the bills that have already passed the Senate. It is a fact, however, there are only 2 weeks remaining in this fiscal year. We will probably need to pass a short-term continuing resolution to keep the remainder of the government running beyond September 30. While we anticipate we will be able to pass such a resolution, I think it is important we complete action on the remaining appropriations bills as soon as possible.

We have sent a letter, dated March 24, to the majority leader of the Senate—suggested by the distinguished Senator from Tennessee, Mr. CORKER, back last March—and in that letter we requested the leadership “allocate an appropriate amount of time for the Senate to consider, vote, and initiate the conference process on each of the 12 appropriations bills independently through a deliberative and transparent process. . . .”

That letter stated a goal of passing 8 of the 12 bills before the August recess. While the Senate did not meet that goal of passing eight bills prior to the recess, I think we did make good progress. I have to congratulate the distinguished chairman from Washington for helping lead the way and helping us achieve that progress. To a degree, we have been hampered by the lateness of the President’s budget request and the necessity of waiting for the House to pass the appropriations bills first.

But the House has now passed all of its bills, and we have a window of floor

time available to consider the remaining bills in the Senate. I believe strongly all Members should have the opportunity to consider the bills and participate in this process and offer amendments, if they choose to do so. But with the end of the fiscal year approaching and floor time becoming a precious commodity, we should not have to spend large blocks of time in quorum calls waiting for Senators to offer amendments.

At some point, the bills will have to be taken up and passed one way or another. In the past, this has meant packaging bills together into omnibus bills, and we know how well that is received. Not at all. And all but a few Members lose the opportunity to participate and contribute through the amendment process and debate and influence the outcome of conference reports.

I have concerns about the budget proposed by the President, most of which is embodied in the congressional budget resolution that provides the framework for the appropriations process. I voted for several amendments to the budget resolution that would have reduced spending from the levels proposed by the President. I also voted against the resolution itself. I think the level of debt we have accumulated is alarming.

The fact remains, however, that Congress has approved the President’s budget. While an Omnibus appropriations bill would highlight the problems with the President’s spending policies, I do not think that course of action would be helpful to the process. By considering the bills individually, though, all Senators will be given an opportunity to have meaningful input and participation in the process, and that is as it should be.

So I look forward to continuing to work with the distinguished chairman, Mr. INOUE, our subcommittee chairs, and our two leaders, and all Senators to complete the appropriations process in an orderly and timely fashion that will reflect credit on the Senate.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Mississippi for his remarks. As ranking member and former chairman of this committee, he knows full well we work very hard to accomplish and complete these bills and to get them done in a timely fashion. We are working our hearts out to get that done.

To that point, the bill before us, the transportation and housing bill, has now been on the floor of the Senate Thursday afternoon and evening, Friday, Monday, all of today, and we will finish it tomorrow. So for any Senators who are sitting out there with issues, you need to come to the floor and get them resolved. We hope to start a series of votes tomorrow morning to get through a number of the amendments that are out there and finish this so we

can move to the Interior appropriations bill tomorrow.

So, again, for the notification of all Senators, to the point the Senator from Mississippi raised, come to the floor, resolve your disagreements, or help us schedule a vote. We are going to finish this bill tomorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

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

EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. SANDERS. Mr. President, I want to touch upon an issue I think has not gotten as much consideration in the Senate as it might; that is, for the first time since 1975, and in the midst of a major recession, senior citizens in our country who are on Social Security will not—unless we act—be receiving a cost-of-living adjustment this year.

Let me repeat that. For the first time since 1975, and while we are in the midst of a major economic recession which is causing havoc with the lives of all of our people, including senior citizens, this year—unless Congress acts—senior citizens will not be getting a cost-of-living adjustment.

Among other things, this would mean monthly Social Security payments would drop for millions of retirees because Medicare prescription drug premiums—the Medicare Part D Program—which are deducted from Social Security payments, are scheduled to increase.

So what we are looking at is that not only will tens of millions of America’s seniors not receive any increase in Social Security but many, in fact, will see a reduction because their Social Security checks will go to pay for an increase in Medicare Part D payments. I would suggest in the midst of the worst recession since the Great Depression, we cannot allow that to happen.

Many senior citizens in this country have recently, within the last year or two, seen a significant decline in their savings because of the losses they incurred with the drop in the stock market. Many have seen their pensions disappear. Many have seen the value of their home dramatically diminish. All of this is taking place at a time while poverty among senior citizens is going up. And the number of seniors who are declaring bankruptcy is also increasing.

Most importantly, I think it is imperative that sooner than later we take a hard look to determine how COLAs for Social Security beneficiaries are, in fact, determined. Some years ago, when I was a Member of the House, I introduced legislation to establish a separate index for seniors because the simple reality is, it is wrong to include seniors in the overall index because their needs—how they spend their money—are often very different than how the rest of the population spends their money.

If you are a young person or a middle-aged person and you want to go out and buy a laptop computer today, for example, the odds are you are going to get a pretty good price on that computer, and the price of that computer will be substantially lower than it was a couple years ago. So for you, inflation for your expenditures on technology may well have gone down.

On the other hand, if you are a senior citizen, especially one who does not have a whole lot of money, how are you spending your money? Well, a very significant cost for seniors, obviously, is health care. For those needs Medicare does not cover, the truth is, health care costs, as we all know, are exploding. They are going up.

So if you are a senior, the odds are you are spending a lot more for health care out of your own pocket this year than you did last year. If you are a senior and you get caught in the doughnut hole of Medicare Part D, you are spending a lot of money because prescription drug costs, in many instances, are also going up.

So I think when we take a look at the COLA, we should understand the needs of somebody who is 75 or 80 years of age and how he or she spends their money, from an inflation perspective, is very different from somebody who is 18 years of age or maybe 40 years of age. But be that as it may, there can be no debate that millions of senior citizens today, in the midst of this recession, are hurting very badly. I think we would be doing a great disservice to them by turning our back on their needs and not making sure we are providing some financial support to them.

Therefore, I am asking my colleagues to join me in becoming an original cosponsor of the Emergency Senior Citizens Relief Act, legislation I will be formally introducing on Thursday. Under this legislation, all Social Security recipients, railroad retirees, SSI beneficiaries, and adults receiving veterans benefits will receive a one-time additional check of \$250 in 2010. Since seniors living on fixed incomes are most likely to spend this money—whether it is on health care, whether it is trying to keep warm this winter—this legislation would provide a boost to our economy as it emerges from the economic crisis.

I very much appreciate that my colleague from Vermont, Senator LEAHY, is an original cosponsor, and I hope within the next couple of days we can have more.

For more than three decades, seniors have relied on a cost-of-living adjustment in their Social Security benefits to keep up with their increased expenses. Unfortunately, the current formulation for determining Social Security COLAs, in my view, does not accurately take into account the purchasing needs of today's seniors who often do not buy items such as laptop computers and cellular phones but spend, as I mentioned a moment ago, a disproportionate percentage of their in-

come on health care needs and prescription drugs.

The truth is, what we are proposing now is something very similar to what the Obama administration provided for in the stimulus package. This legislation we are offering is fully paid for by simply applying the Social Security payroll tax to household incomes above \$250,000 and below \$359,000 in 2010.

Under current law, only the first \$106,000 of earned income is subject to the Social Security payroll tax, thus a worker earning \$106,000 pays the same payroll tax as a CEO making \$300 million. This legislation begins to correct this inequity in 2010, while making sure seniors receive a fair increase in benefits next year. I should point out, in terms of this offset, no one in America earning \$250,000 or less would see their payroll taxes go up at all.

So I think this is an important issue. I think seniors all over this country are worried about their financial situation. They want the Congress to pay attention to their needs. I think the one-time financial support of a check of \$250, while not a whole lot of money, would at least help many people not see a reduction in their Social Security checks and would be of real help.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 416, 417, 423, 424, 425, and 426; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Peter F. Neronha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2366

Mr. DURBIN. Mr. President, I rise to speak in opposition to the Wicker amendment, No. 2366, pending before the Senate on the THUD bill, as it is known around here—the Transportation, Housing and Urban Development bill. This is a bill which obviously includes Amtrak. Senator WICKER, of Mississippi, has offered an amendment which relates directly to the funding for Amtrak and whether it will be cut off.

The Senator from Mississippi says in his amendment he would cut off all Federal transportation funding for Amtrak in the next fiscal year unless Amtrak allows its passengers to transport guns in their checked baggage. This amendment would essentially impose upon Amtrak the standards for checking guns and ammunition that currently applies to airplanes. However, planes and trains have very different systems for handling checked baggage and different security concerns.

Let's talk about the effect of the Wicker amendment. Amtrak has said it is not ready to allow guns and ammunition to be transported in checked baggage. Amtrak doesn't have the security infrastructure, the processes or the trained personnel in place to ensure that checked firearms would not be lost, damaged, stolen or misused. Senator WICKER is imposing a new burden on the Amtrak train system in America—clearly an unfunded mandate—so some passengers—I don't know how many—can check firearms in their baggage. If this amendment becomes law, Amtrak would have to let guns checked in baggage onboard, regardless of the fact that they aren't prepared for this, or they forfeit Federal transportation funding that the railroad desperately needs to provide services to millions of Americans.

I understand the Senator from Mississippi is going to modify his amendment to provide for a March 2010 effective date, which, in effect, gives about 5 or 6 months for Amtrak to hire additional security personnel, to buy the equipment or create the equipment for this checked baggage and to establish procedures at all the Amtrak stations across America so some people can check a firearm on an Amtrak train. I don't know if 6 months is feasible for Amtrak to make such a significant policy change.

Why is the Senator from Mississippi determined that we have to, in 6 months, make sure that any American who legally owns a gun can take it with them on an Amtrak train in checked baggage? Shouldn't we take the time to take a look at this and consider the basic questions of safety and cost before we vote for this?

Amtrak's current policy prohibits any type of firearm, explosive or weapon from being checked or carried on in baggage. This policy was put in place in the year 2004. Do you want to know why Amtrak put this policy in place in 2004? It was after the Madrid, Spain, train attack that killed 191 people and wounded 1,800 more. Amtrak's reasons for this policy were clear—safety and security. It was put in place in the aftermath of terrorist attacks that claimed lives.

Let me quote from a statement issued by Amtrak on its current policy.

Amtrak accepted firearms in baggage in checked baggage at one time. Weapons had to be separately secured in baggage or containers. However, after the terrorist attacks of September 11, 2001, Amtrak began to place restrictions on the carriage of weapons on Amtrak trains. In 2004, the review and evaluation of numerous security measures occurred again after the attack on passenger trains in Madrid, Spain, on March 11, 2004. The purpose of this policy revision was to better ensure the safety and security of Amtrak passengers and employees. Amtrak decided to implement a total weapons prohibition, including firearms. The only exception was for sworn law enforcement personnel. Today, that policy is still in effect.

That exception is reasonable—for sworn law enforcement personnel. But the Senator from Mississippi wants to go beyond that. He wants to allow anyone who legally owns a gun in America—and I might tell you that the standards in many States are not that high for the ownership of firearms—to impose upon Amtrak an obligation to check baggage with an unloaded firearm in a container, as specified, and that Amtrak has to set up the process for that passenger, regardless of the cost to Amtrak, which incidentally neither the Senator from Mississippi nor anyone else on the Senate floor knows. We have no idea what this is going to cost.

This amendment simply disregards the risk assessment that Amtrak conducted for the security of our rail network. It calls for eliminating all funding for Amtrak unless they adopt the policy on checking firearms in baggage

the Senator from Mississippi is insisting on.

The stakes for Amtrak are enormously high. In the current fiscal year, Congress has appropriated \$1.49 billion for Amtrak's operations and capital improvements. This amendment would say Congress couldn't give \$1 to Amtrak unless it changes the policy, as the Senator from Mississippi insists.

Well, I can tell you what Amtrak means to my State of Illinois. With the increasing cost of gasoline, more and more people are relying on Amtrak. Thank goodness they are. Using Amtrak trains means fewer cars on the highway and less pollution. Families are saving money. It is a godsend for those who use them in college towns—sending their kids to school and letting the kids return using the trains.

In Senator WICKER's home State of Mississippi, Amtrak had a ridership of 100,000 people last year. That number isn't as large as the 4.4 million in my home State, but it is a fair number of people in Mississippi who found it convenient to ride on Amtrak trains. Last year, Amtrak employed 72 people in Mississippi and paid out over \$4.5 million in wages. The Senator from Mississippi says: If you don't accept my amendment to allow firearms in checked baggage, close it down.

Nationwide last year, 28.7 million passengers rode on Amtrak—an average of more than 78,000 passengers per day. Amtrak employs nearly 18,000 people nationwide with good jobs, but the Senator from Mississippi would rather see Amtrak's funding, riders, and employees cast aside unless he is satisfied that Amtrak's checked baggage policy allows people to take firearms onto trains.

Besides concerns about terrorism, there are legitimate safety concerns with permitting weapons in checked bags on trains. Amtrak doesn't have the personnel, systems or security infrastructure needed to manage firearms aboard passenger trains. Amtrak cannot effectively safeguard against theft, loss, damage or misuse of transporting guns. Does the Senator from Mississippi expect Amtrak to assign someone to the baggage car to guard the suitcases that may contain the firearms? If he does, how is he going to pay for that?

Passenger trains do not have nearly the baggage handling safeguards that airplanes do. Checked baggage on trains is carried in a separate train car. I wish to tell you, most of the rolling stock of Amtrak is decades old and certainly these baggage cars are as well. They were never designed with this level of security in mind. These train baggage cars are much easier to access during transit and in stations than the checked baggage compartments of airlines. That is fairly obvious.

In addition, Amtrak trains stop much more frequently than airplanes, which creates more opportunities for access and theft and misuse of firearms in checked baggage. In fact, checked

luggage is often unloaded and presented to passengers on the platform rather than a remote, secure baggage pickup area. In order to screen and capably manage checked firearms, Amtrak would need to significantly revise its baggage handling operations and the training of its personnel.

What about special situations, such as when there is a homeland security alert due to specific threats against our rail network? There is not one word in the amendment of the Senator from Mississippi about how to deal with these homeland security threats when it comes to firearms and checked baggage. Should Amtrak be required to allow weapons on trains when there is a terrorism alert?

I wish to know if the Senator from Mississippi ever considered that. I know it didn't come up in a hearing on this amendment because there has never been a hearing on this amendment.

A serious effort at revising Amtrak's weapons policy would include an assessment of these safety and security issues. A serious legislative effort at revising Amtrak's weapons policy would also look at the cost this amendment imposes on Amtrak. There is a lot of criticism on the floor about spending and deficits. Here we have an unfunded mandate on Amtrak because at least one Senator—perhaps others join him—believes it is a good idea that people could show up at the Amtrak station and check their firearms. Are the people willing to pay more, every passenger pay more for tickets, so that person can have a guard on the checked baggage in the baggage car with the firearms in place? We regularly hear concerns about Federal spending, particularly from the other side of the aisle. But the Wicker amendment imposes significant security costs that would have to be absorbed by Amtrak. They may have to cut back in services or raise ticket prices to absorb the cost of this effort, because at virtually every Amtrak station in America they have to be prepared, with the Wicker amendment, to take on firearms as checked baggage.

There have been no hearings on this amendment. The Senate has not given Amtrak or law enforcement or Homeland Security, or the baggage handling unions, or anyone affected by this amendment, the opportunity to even consider it and testify.

Given time, given the opportunity to work with these stakeholders, we may be able to work out some kind of understanding that accommodates the concerns of the Senator from Mississippi, but the amendment we have before us is not a responsible approach to this challenge. To think that we would allow one person at one station to impose a burden and expense on Amtrak to be borne by every other passenger, to me, in this age of terrorism, is difficult to explain and impossible to accept.

I urge my colleagues to think twice about this amendment. I know the political force behind gun amendments, but this goes too far. If it is a good idea, why doesn't it go through the ordinary process here? At least have a hearing and answer the basic questions I have raised and others have raised during the course of consideration of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak as in morning business. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

WTO AIRBUS INTERIM RULING

Mr. BROWNBACK. Mr. President, this issue is actually one that is related to the bill but it is not on point, so that is why I asked for that permission.

Earlier this month, the World Trade Organization issued an interim ruling that the European Union's "launch aid" to Airbus is illegal. I say this is relating to the bill because a major transportation issue for us in the United States is the building of major aircraft, of aircraft to be able to transport individuals. What we have seen taking place over the last 15 years is Airbus subsidizing their way into the commercial aviation market and taking market share from Boeing and driving McDonnell-Douglas and other competitors out of the field altogether.

Earlier this month, about 2 weeks ago, the World Trade Organization issued a major finding that the European Union was doing illegal launch aid as a subsidy and it was harming U.S. participants in this marketplace. This ruling is a big one for the Office of the U.S. Trade Representative, which has been pursuing this case for years. U.S. trade policy regarding the aerospace industry has been remarkably consistent for years and across several administrations.

The United States has always contended that the launch aid which the EU provides to Airbus to develop new aircraft constitutes an illegal trade practice. Airbus's dishonest behavior has had a devastating effect on the commercial aviation industry in the United States. Launch aid gives Airbus access to billions in government funds which it could never afford to borrow on commercial terms. This free money directly harms the United States and our competitors in these fields. As the USTR pointed out in a 2006 submission to the World Trade Organization, launch aid helped force Lockheed and McDonnell-Douglas from the large commercial aircraft market. It forced them out of the field because of government subsidy by Europe.

Launch aid has also contributed to a loss of 19 percent of Boeing's market share. Imagine two of your main competitors are forced out of the field,

Lockheed and McDonnell-Douglas, and you lose 19 percent of market share, because of a European subsidization in this field. This has harmed the United States substantially, in a big way, and this is a huge ruling for us.

This WTO interim ruling is a big win for the United States and U.S. companies that have had to deal with dishonest behavior by Airbus over the years—or at least it should be a big win. For years the Department of Defense has said it cannot consider foreign subsidies when it holds a competition for defense procurements. In particular, DOD has said it would not consider launch aid last year when it evaluated the cost of the Airbus proposal to build a new aerial refueling tanker for the Air Force.

So here we have a case, supported by administrations, Republican and Democrat, over several years against Airbus that comes out in our favor from the WTO, and the next big bid this may come into effect in is in the military bidding of this tanker, the \$40 billion U.S. Department of Defense tanker bid. The Department of Defense is saying we cannot consider the issue of launch aid.

I think that is wrong. I think it is wrongheaded. I think it is harmful and I think it is at cross purposes for our government, where one end of the government, the U.S. Trade Representative office, sues Airbus for subsidization and the other end, the Department of Defense, says we don't care, and if you give us a cheaper aircraft that way, that is fine. That is at cross purposes, and I think clearly what we should listen to is what the WTO has said, that this launch aid is illegal and it should not be allowed to use it to subsidize a military bid in this country by a foreign competitor.

Last year the Air Force chose Airbus to build the tanker because the cost seemed very low. But now we know that the Airbus pricetag covered up development costs that were illegally subsidized by the EU, and we have that from a World Trade Organization interim ruling.

The Department of Defense, I believe, has an obligation to listen to the Office of the U.S. Trade Representative when designing a new tanker competition. Defense procurement should be coordinated with our trade policy. If the WTO agrees with arguments made by the U.S. Trade Representative, why should the Department of Defense, our Department of Defense, be allowed to object? We cannot afford to have the Pentagon undermining our Trade Representative and our trade policy negotiating position at the World Trade Organization. We have seen how launch aid to Airbus distorts the commercial aircraft market, driving two major U.S. competitors out of the field and cutting back Boeing's share of the marketplace by nearly 20 percent. The WTO ruling should keep us from relearning that lesson in the military marketplace as well. Defense contracts should never

stack the deck against American companies, particularly when the WTO foreign companies are engaged in illegal trade practices.

Everyone agrees that the Air Force needs new tankers. In this current fleet of tankers, many of the planes are already over 50 years old, and when they are finally replaced some of them will be 80 years old and will still be out there flying. They need to be replaced. Tankers are a vital platform for the Air Force and for all of our Armed Forces. They enable the rest of our forces to deploy across the world. Taxpayers have a right to expect a new tanker competition will have a level playing field, particularly for U.S. entrants.

We should not ask taxpayers to ignore the illegal trade practices of companies vying to build a new tanker and we should not ask taxpayers to outsource this crucial capability to a foreign company offering unrealistic, bought-down-by-the-Government-subsidy bargain basement prices, subsidization from the French Government, from the German Government, to get a U.S. military contract that puts our workers out of jobs.

I call on the Secretary of Defense to ensure the new tanker competition accounts for the recent ruling from the World Trade Organization. DOD should factor the value of launch aid subsidies into the cost estimates for any tanker proposal Airbus might submit. This is the only fair way to account for the way Airbus manipulates the aircraft market and has done so successfully in the commercial aviation field to the great detriment of the United States.

I call on the President to ensure Federal procurements are coordinated with U.S. trade policy. This kind of coordination should be a no-brainer. Our trade policy should not be undermined from within and our procurement policies should reflect our trade priorities.

This is a key issue. It is a key issue up in front of the military. It is a key economic development issue for this country. It is a key contract, a \$40 billion military contract. It should be won fairly and squarely by a U.S. company, not by a subsidized European group.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask to speak as in morning business.

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

ENERGY CHALLENGE

Mr. ALEXANDER. Mr. President, today I want to challenge two popular misconceptions in the Waxman-Markey climate change and energy bill that is now before the Senate after passing the House of Representatives.

The first is the idea that deliberately raising energy prices will somehow be good for job growth and the economy.

The second is that, whatever the problems created by Waxman-Markey, they can mostly be resolved by building more windmills.

Waxman-Markey started out as a bill to reduce carbon emissions in order to deal with climate change. It has ended up as a \$100-billion-a-year energy tax nailed to a renewable energy mandate that will saddle consumers with expensive energy for years to come. Instead of a broad-based, national clean energy policy, Waxman-Markey has given us a narrow, expensive national windmill policy.

I believe cheap energy means good jobs.

My perspective, of course, comes from Tennessee, where Alcoa has shut down its smelter where my Dad worked. They are waiting for a cheaper electricity contract from the Tennessee Valley Authority. Goodman, a company in Fayetteville that makes a large percentage of all the air conditioners in the United States, tells me that if their electricity prices go up too much then those jobs will go overseas. Eastman Chemical employs 7,000 Tennesseans and uses coal as a feedstock. The company says if Waxman-Markey goes through they too might be headed overseas. The Valero refinery in Memphis employs 600 people refining fuels, including jet fuel for Federal Express at its Memphis hub. Waxman-Markey would cost Valero \$400 million or more per year. Today its profits are \$40 million per year at that refinery.

We have two big supercomputers at the Oak Ridge National Laboratory in part because of our abundance of low-cost electricity. Just one of these machines consumes 7 megawatts. Nationwide, computers use 5 percent of our electricity and it is still growing.

Our Governor has attracted two manufacturing plants to make polysilicon for solar cells—these are the “green jobs” everyone loves to talk about. Each of those plants uses 120 megawatts. If they are going to make affordable solar cells, they can't pay high electricity costs.

A third of Tennessee's manufacturing jobs are in auto manufacturing. Auto parts suppliers watch their costs, including electricity costs, and if they go up too much they will be making auto parts in Mexico and Japan instead of Tennessee and Michigan.

Last December 10 percent of Nashvillians, even with TVA's relatively low residential electric rates, said they couldn't afford to pay their electric bills.

So let's step back for a moment and ask: What kind of America are we trying to create with this climate-change and energy bill? I suggest we want an America in which we have enough clean, cheap, and reliable energy to create good jobs and run a prosperous industrial and high-tech society. In order to support the American economy that creates about 25 percent of the world's wealth, we need to produce about 25 percent of the world's energy.

We want an America in which we are not creating excessive carbon emissions and running the risk of encouraging global warming.

We want an America with cleaner air—where smog in Los Angeles and in the Great Smoky Mountains is a thing of the past—and where our children are less likely to suffer asthma attacks brought on by breathing pollutants.

We want an America in which we are not creating “energy sprawl” by occupying vast tracts of farmlands, deserts, and mountaintops with energy installations that ruin scenic landscapes. The great American outdoors is a revered part of the American character. We have spent a century preserving it. We do not want to destroy the environment in the name of saving the environment.

We want an America in which we create hundreds of thousands of “green jobs” but not at the expense of destroying millions of red, white, and blue jobs. It doesn't make any sense to employ people in the renewable energy sector if we are throwing them out of work in manufacturing and the high tech sector.

That is what will happen if these new technologies raise the price of electricity and send manufacturing and other energy-intensive industries overseas searching for clean energy.

We want new, clean, energy-efficient cars, but we want them built in Michigan and Ohio and Tennessee, not Japan and Mexico. We want an America where we are the unquestioned champion in cutting-edge scientific research and lead the world in creating the new technologies of the future. We want an America capable of producing enough of our own energy so we cannot be held hostage by some other energy-producing country. None of those goals are met by Waxman-Markey.

This bill produces a huge new tax on the economy. In addition, it requires 15 percent of our electricity to come from a narrowly defined group of renewable sources defined as wind, solar, geothermal, and biomass. While promising and intriguing, we cannot expect renewable energy to do anything more in the foreseeable future than to supplement our current base load electricity production. It cannot replace it. What the Waxman-Markey bill proves, once again, is that one of government's biggest mistakes is taking a good idea, renewable energy, and expanding it until it does not work anymore.

Republican Senators have a better idea: Produce more American energy and use less.

First, we should build 100 new nuclear reactors over the next 20 years, just as we did from 1970 to 1990. That would double our level of nuclear generation to 40 percent of our electricity. Add 10 percent for Sun and wind and other renewables, another 10 percent for hydroelectric, maybe 5 percent more for natural gas. By 2030, we begin to have a low-cost, low-carbon, clean energy policy that also puts us within sight of meeting the goals of the Kyoto Protocol on global warming.

Step two is to electrify half of our cars and trucks. I think we can do it

within 20 years. This should reduce our dependence on foreign oil by one-third, clean the air, and keep fuel prices low. According to estimates by the Brookings Institution scholars, we could do this with the unused nighttime electricity we have today without building one new powerplant.

Step three is to explore offshore for natural gas, which is low carbon, and oil. We should use less but more of our own.

The final step is to double funding for energy research and development and launch mini-Manhattan Projects like the one we had in World War II to meet seven energy challenges: improving batteries for plug-in vehicles, making solar power cost competitive, making carbon capture a reality, safely recycling used nuclear fuel, perfecting advanced biofuels, designing green buildings, and providing energy from nuclear fusion.

Basically, our policy should be to conserve and use our nuclear gas and oil resources until we figure out how to make renewable and alternative energies more reliable and cost competitive.

Instead of following this simple, four-fold, low-cost clean energy strategy, the Obama administration wants to spend tens of billions of dollars covering an area the size of West Virginia with 50-story wind turbines while it squirms uncomfortably at every mention of nuclear power.

According to the San Francisco Chronicle last week:

The Department of Energy is starting a new partnership with the nation's six largest wind turbine manufacturers in an effort to provide 20 percent of the nation's energy from wind by 2030.

In his inaugural address, the President spoke eloquently of powering the country with the wind, the Sun, and the Earth.

In June, the Wall Street Journal asked Boone Pickens, Amory Lovins, Al Gore, and President Obama how to reduce dependence on foreign oil and contribute less to climate change. These 4 came up with 24 suggestions, from placing veterans in green jobs to generating 20 to 30 percent of electricity by wind, but made not one mention of nuclear power.

Over the next 10 years, the wind industry will receive direct Federal taxpayer subsidies of about \$28 billion, according to the congressional Joint Committee on Taxation. Most of this cost is due to the renewable production tax credit that is worth about 3 cents per kilowatt hour to wind developers and costs taxpayers \$26 billion. Fully 75 percent of the renewable tax credit goes to wind. Solar, geothermal, biomass, and hydropower combined make up the remaining 25 percent. There will be \$1 billion for construction subsidies through clean renewable energy bonds. There will be an investment tax credit for residential and small industrial wind turbines. There will be accelerated depreciation of small wind turbines. Plus, there will be \$11 billion

provided by the stimulus for building the “smart grid” and new transmission lines. The North American Electric Reliability Corporation tells us the entire U.S. grid needs upgrading, but the transmission projects announced so far will all go to bringing wind and solar electricity from remote places to population centers.

All this does not even mention the Waxman-Markey renewable energy mandate, which will have the practical effect of forcing utilities in many States to buy government-subsidized wind energy they do not necessarily need from far-away States with better wind resources.

Let me give you an example. Between 2000 and 2004, the TVA constructed a 30-megawatt wind farm on Buffalo Mountain in Tennessee at a cost of \$60 million. It is the only wind farm in the Southeast. You will read in the papers that having a 30-megawatt wind farm means generating 30 megawatts of electricity. That is only what they call its “nameplate capacity.” That is not real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time since the wind does not blow very much in the Southeast. That means TVA is paying \$60 million over 20 years to generate 6 megawatts of electricity. Multiply this out, and you will see it means spending \$10 billion to generate 1,000 megawatts, which makes Tennessee’s wind mills more expensive than the costliest nuclear reactor.

TVA considers the Buffalo Mountain wind farm to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert. Nevertheless, Waxman-Markey will now force TVA and every other utility in the country to get at least 12 percent of their electricity from a narrowly defined group of renewable sources. Hydroelectric dams, for example, probably the best source of renewable energy, do not count because—well, I am not sure exactly why. But environmental groups have been opposing them since the 1950s. Nuclear does not count as renewable, either, even though we have plenty of uranium and reprocessing the fuel could stretch it out for hundreds of years. Instead, the TVA is now requesting bids for 1,250 megawatts of renewable power that it does not really need and may not be able to use.

Wind now produces 1.3 percent of America’s total electricity and 4.5 percent of our carbon-free clean electricity. Yet, according to the Energy Information Administration, wind turbines are being subsidized at 30 times the rate of all other renewables and 19 times the rate of nuclear power, which, by the way, provides 70 percent of our carbon-free, clean electricity.

So instead of a clean, broad-based energy policy or even a clean, renewable energy policy, what we have in practice is a national windmill policy. But wait a minute. They tell us all this is not really about producing clean, cheap en-

ergy; it is about creating green jobs. There are two problems with this argument. First, there must be at least as many welders, mechanics, construction workers, and engineers who would be employed in building 100 new nuclear plants during the next 20 years as in all the so-called renewable energies together. Second, while there may be hundreds of thousands of green jobs, there are tens of millions of red, white, and blue jobs in America that will be quickly lost because of rising energy prices.

Let’s look at California. The Golden State has been imposing renewable energy mandates for years. It has not built a base load coal or nuclear plant in 20 years. Meanwhile, it has built renewables, renewables, and renewables, with plenty of expensive natural gas to back them up. All of this contributed mightily to the California electricity shortage of the year 2000. Now the State has the highest electricity prices in the continental United States west of Washington, DC. Manufacturers are leaving in droves. Even Google and Yahoo are building their server farms elsewhere. With all of this job loss, the State had an 11.9-percent unemployment rate in July and, until recently, a \$28 billion budget gap. Its bond rating is now the lowest of the 50 States.

I cannot believe the high cost of electricity in California has not contributed to all of this. Has this tempered the State’s enthusiasm for expensive renewable energy? Apparently not. California lawmakers are developing legislation to increase the current 20 percent renewable standard to 33 percent by 2020. State energy agencies have concluded it could cost \$114 billion or more to meet the 33 percent mandate, more than double what the original 20 percent requirement cost. That comes to \$3,000 per Californian.

Yet, according to the Wall Street Journal’s news page on July 3 of this year:

The state auditor warned this week that the electricity sector poses a “high risk” to the state economy. A staff report from the state energy commission also warns that California can find itself uncomfortably tight on power by 2011 if problems continue to pile up.

Utilities complain that the ambitious renewable-energy mandates, combined with tougher environmental regulations on conventional plants, are compromising their ability to deliver adequate power. “Conflicting state policies are a problem,” said Stewart Hemphill, senior vice president of procurement at Southern California Edison.

Renewable energy is intriguing and it is useful. But today it is 4 percent of our electricity. It has many challenges. What many people forget is that wind and solar energy is only available, on average, about one-third of the time. And electricity today cannot be stored in commercial quantities with current technologies; you either use it or you lose it.

When you see 1,000 megawatts of wind and solar power reported in the newspaper, remember it is only about

300 megawatts because these sources only produce electricity about one-third of the time, compared to American nuclear plants producing electricity 90 percent of the time.

Denmark, with the world’s biggest percentage of wind power, claims to get 20 percent of its electricity from wind. Yet it still produces 47 percent of its power with coal and imports more than 25 percent of its electricity from Sweden and Germany. Moreover, it is not clear that its carbon emissions have decreased at all over the last 10 years. Worse yet, because of wind variability, Denmark must export almost half of its wind power to Germany and then import nuclear and hydropower back from Germany, Sweden, and Norway.

Then there is what conservation groups are calling energy sprawl and which we are only beginning to come to grips with. One nuclear plant generates 1,000 megawatts and occupies 1 square mile. One big solar thermal plant with giant mirrors generating the same 1,000 megawatts in the western desert will occupy 30 square miles. That is more than 5 miles on a side. To generate the same 1,000 megawatts with wind, you would need 270 square miles of 50-story wind turbines. That is an area more than four times the size of Washington, DC, or that is an unbroken line of turbines along our ridgetops from Johnson City, TN, to Harrisburg, PA. If wind farms move offshore, you would need to line the entire 127-mile New Jersey coast with windmills 2 miles deep just to replace one nuclear reactor that sits on a square mile.

We have not even talked about when these wind farms outlive their useful life cycle of 20 years or so. Who is responsible for their removal? We have already seen this problem in Hawaii and Altamonte Pass in California. The developers should be required to put up bonds to ensure these turbines are taken down in case the developers walk away.

For those of us in the Southeast where the wind blows less than 20 percent of the time, they say use biomass, which means burning wood products in sort of a controlled bonfire. That is a good idea as far as it goes. It might conserve resources and reduce forest fires, but we would need a forest 1½ times the size of the 550,000-acre Great Smoky Mountain National Park to feed a 1,000-megawatt biomass plant on a sustained basis. It would take hundreds of trucks each day to deliver the wood to the biomass plant. It is hard for me to see how this reduces carbon emissions.

Already we are beginning to see the problems. Boone Pickens, who said wind turbines are too ugly to put on his own ranch, recently postponed what was to be America’s largest wind farm because of the difficulty of building transmission lines from west Texas to population centers. The Sacramento Municipal Utility District pulled out of another huge project to bring wind energy from Sierra Nevada for the same

reasons. The transmission lines were meeting too much opposition, particularly from environmentalists.

We hope renewable energy can be reliable and low cost enough to supplement, but when we are talking about using wind energy as a substitute for base load energy, we haven't thought about what it is going to look like in practice.

In conclusion, let's take a look at the true source of base load electricity, nuclear power. Nuclear power already produces 20 percent of our electricity and 70 percent of our carbon-free electricity. It is so profitable, there is enough to pay back construction loans and still have low rates. For example, TVA's Brown's Ferry will be repaid in 3 years not 10 as had been expected. Nuclear power receives very little in the way of Federal subsidies. All 100 plants built between 1970 and 1990 were built with private funds. The Price-Anderson insurance program for nuclear plants has never paid a penny of taxpayer money in insurance claims.

There are other myths surrounding nuclear power besides subsidies. We need to dispel those. Nuclear opponents claim we don't know what to do with the fuel. That is not true. Scientists, including the administration's Nobel Prize winning Secretary of Energy, Dr. CHU, tells us we can store used fuel safely onsite for 40 to 60 years while we work out the best way to recycle the used fuel.

We can't wait any longer to start building our future with clean, reliable, and affordable energy. The time has come for action. We can revive America's industrial and high-tech economy with the technology we already have at hand. The only requirement is that we open our minds to the possibilities and potential of nuclear power. As we do, our policy of cheap and clean energy based on nuclear power, electric cars, offshore exploration, and doubling the energy research and development will help family budgets and create jobs. It will also prove to be the fastest way to increase American energy independence, to clean the air, and to reduce global warming.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

HEALTH CARE

Ms. KLOBUCHAR. Mr. President, I will be speaking about health care, but I did want to note, I was listening to my colleague and friend from Tennessee. I have invited him before, but in Minnesota we think our wind turbines are so beautiful, we have opened a bed and breakfast near Pipestone. Come, stay overnight, and wake up in the morning and look at a wind turbine. I guess it is all in the eye of the beholder. We are excited about the power that wind has brought to our State.

I wish to address the very important issue of health care. I first want to commend my colleague who is here with me today, Senator CANTWELL, for her commitment to passing a proconsumer health care bill that is focused on reducing cost so that it makes health care more affordable to all people.

I rise to speak about an issue that is an economic imperative—true reform in the way we pay for health care. If we don't act, costs will continue to skyrocket. The country spent \$2.4 trillion on health care last year alone; that is, \$1 out of every \$6 spent in the economy was spent on health care. By 2018, national health care spending is expected to reach \$4.4 trillion, over 20 percent of our entire economy. These costs are breaking the backs of our families and businesses. Premiums have doubled in just the last 10 years.

We can see from this chart, in 1999, single coverage and family coverage. For single coverage in 1999, the premium was \$2,196, the premium an individual would pay. Now it is up to \$4,704. A family in 1999 paid \$5,791. Now they are paying \$12,680, a doubling of the premiums for families. All of the statistics, all the studies show if we don't do anything, if we just put our heads in the sand, we will see a doubling of those premiums again.

A recent study by the Council of Economic Advisers found that small businesses pay up to 18 percent more than large businesses to provide health care insurance for their employees, often forcing these businesses to lay off employees or cut back on coverage.

I met with farmers today. I have met with cattle ranchers. I met with people who are farming and trying their best—self-employed. I have met with a small business up in northern Minnesota in Two Harbors called Branite Gear, a backpack company. They make fine backpacks for our troops. Do you know how much the owner of that company now pays for health care for his family of four: \$24,000. He said he now employs 15 people. If he would have known this back 15 years ago, when he started that company, he wouldn't have started it then. He is proud of that company, but his small business cannot afford to pay this kind of money.

These costs are also breaking the backs of American taxpayers. At the current rate of spending, Medicare, such a crucial program for our seniors, a safety net, something they must have, is scheduled to be in the red by the year 2017. So those people who are 55 years old and want to have Medicare should care about cost reform. If you are 65 years old and you plan to live a great life until you are 95 or 100, you should care about a strong Medicare that isn't going in the red.

A recent Congressional Budget Office estimate shows that the majority of the projected \$344 billion increase in Federal revenues in 2010 are scheduled to go automatically to cover the rising

cost of health care. To put it simply, my bottom line for health care reform is that we must get our money's worth from our health care dollars. Right now that is not happening.

With 92 percent of our population covered, Minnesota is fortunate to have one of the highest coverage rates of health insurance in the country. Part of that is we have very good health care. We have a lot of nonprofit health care insurance agencies. We also have Minnesota Care which extends coverage to so many of our people who can't afford it. As any Minnesota family or business knows, the price of health insurance coverage has been going up faster than almost anything else, much faster than wages. People are worried about the stability of their coverage. That is where I have found unity between Democrats, Republicans, and independents. People want stability. They don't want to be thrown off because their kid gets sick. They want coverage, and they want their kid to have coverage. If they change jobs, they want to keep their coverage, and they also want more affordable health care.

I have been pressing Senate colleagues and the administration to make sure we have reform that results in more affordable and more accessible health care coverage. The problem is, we are paying too much. We are not getting a good return all the time on what we pay. The solution must be to get the best value for our health care dollars; otherwise, costs will continue to wreak havoc on the budgets of government, businesses, and individual families.

The root of the problem is that most health care is purchased on a fee-for-service basis so more tests and more surgeries mean more money. Oftentimes those surgeries and tests are completely unwarranted. We want quality, and we want outcome to be the measure of good health care. Quantity, not quality, is what pays right now.

According to researchers at Dartmouth Medical School, nearly \$700 billion per year is wasted on unnecessary or ineffective health care. That is 30 percent of total health care spending.

My favorite story is about an HMO in the southwestern part of the United States that said: Let's look at a better way to treat diabetes. Instead of having people trying to get in to see their doctors, we will have them seen by nurses and nurse practitioners, and we will have it overseen by two endocrinologists. They actually saw health care professionals more often and quality went up. Costs went down. And guess what. They got reimbursed less for that system because of the way our current system rewards quantity over quality.

This chart says \$50 billion. The reason it says \$50 billion is that an independent study from Dartmouth looked at how Mayo Clinic, one of our premier health care institutions, treats chronically ill patients in their last 4 years

of life. Quality is incredibly high. What they looked at was the Mayo protocol; if we use that in hospitals all over the country, how much would we save? You would think it would cost more because it is higher quality. You would actually save \$50 billion in taxpayer money every 5 years just for this set group of patients, if the Mayo protocol was followed, because they have integrated care. They work as a team, and they are careful and do what the patient wants. They put the patient in the driver's seat.

In Minnesota we have several examples of this coordinated, outcome-oriented system, not just the Mayo Clinic but also St. Mary's in Duluth and Health Partners that has done some groundbreaking work with diabetes. As this chart shows, on spending per patient, just using the Mayo protocol for chronically ill patients, \$50 billion would be saved every 5 years.

To begin reining in costs we need to have all health care providers aiming for high-quality, cost-effective results. We must take significant steps to ensure that Medicare remains available for future generations. I want to be able to get Medicare and so do those people who are 65. To do that, we have to make the system efficient and cost-effective with the highest quality. Let's reduce those hospital readmissions, have less infections in the hospitals. Let's put those kinds of Mayo quality standards in place like we see at the Cleveland Clinic and other places across the country.

These policy changes are important steps to make sure Medicare is paying for the outcome of treatment, not the number of treatments.

We have seen basic outlines from the Finance Committee bill, but we haven't seen it yet. I support the committee's efforts to develop a national program on payment bundling. In too many places, patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes. To better reward and encourage this collaboration, we need to have better coordination of care and less incentive to bill Medicare purely by volume. Increasing the bundling of services in Medicare's payment system has the potential to deliver savings and start encouraging quality integrated care.

When it comes to improving care, changing who pays the doctor isn't as much the issue right now, when we are looking at improved care, as it is changing that payment system.

The lesson of high-quality, efficient States such as Minnesota is that someone has to be responsible for the care of the patient from start to finish. Bundling will help encourage hospitals, doctors, and post-acute care providers to achieve savings for the Medicare Program through increased collaboration and improved coordination.

One of the interesting things I don't think people always know about is, they say: If we save money, will that

mean worse care? The answer actually is no. It is the opposite.

Does higher spending equal better care? In fact, when we look across the country, higher spending does not equal better care. In fact, it is the opposite. Here we have a chart that shows the highest quality care in the country with the lowest utilization, where they are most cost efficient.

Maybe you know your doctor well. You go to the specialist they refer you to so you are not running around with your x-ray to 15 different specialists not knowing who is better. Look at this: highest utilization has the lowest quality care.

Research has shown moving toward a better integrated and coordinated delivery system would save Medicare alone up to \$100 billion per year. Because Medicare is the single largest purchaser of health care, linking payment to quality outcomes is essential to improve health care outcomes for everyone.

We must also stop paying for care that doesn't result in quality results. Reducing preventable hospital readmissions—and I am hopeful this will be in the Senate bill—is vital to curbing the wasteful health care spending plaguing our national budget. In one year, hospital readmissions cost Medicare \$17.4 billion. A 2007 report by MedPAC found that Medicare paid an average of \$7,200 per readmission that was likely preventable. Who wants to go back in the hospital? I don't think anyone wants to go back in the hospital. So not only are we getting lower quality care because certain quality parameters are not met, we are also spending more money for it.

I am encouraged that the Finance Committee's outline includes a provision that calls for reduced payments to hospitals for preventable readmissions. We know there are some readmissions that are going to happen. It happens all the time—preventable readmissions. Paying for quality results also means reducing hospital-acquired infections. We should not have to pay for an infection that comes as a result of a hospital stay itself. No one wants to get an extra infection in a hospital, and there are vast differences among hospitals in those infection rates. So let's put those quality protocols in place.

Third, we need to better reward integrated care systems. At places such as the Mayo Clinic, a patient's overall care is managed by a primary care physician in coordination with specialists, nurses, and other care providers as needed. It is one-stop shopping.

It reminds me of a football team. We do not have 10 wide receivers running around, running into each other, just like we would not have 10 specialists in health care. We have one quarterback who is a primary care physician, and then we have a team that works together. That is what we want to encourage in the health care system to save money.

To better reward and encourage this collaboration, we need to encourage

the creation of accountable care organizations. These are groups of providers that work together, as they do in Minnesota, to deliver quality, coordinated care to patients. We want to put incentives in that reward this kind of care.

The President stood before his health care summit and asked: Why should Minnesota be punished when it rewards, when it creates this kind of good, high-efficient care? The sad thing is, right now it is because when we just base pay on volume and we do not pay any attention to what the results are or what the infection rates are or what the readmission rates are, we are not getting that kind of quality care people deserve.

The last thing I want to focus on is something Senator CANTWELL, who will be speaking after me, and I have been so focused on right now; that is, putting some kind of quality index in place. The proposal here is to move us toward a system that links quality to cost. Right now, we do not have that in place. I believe we need to do more in the finance bill than we even have in the House bill to get this value index in place. This is a bill I have introduced.

Senator CANTWELL is one of the lead sponsors, as well as Senator GREGG of New Hampshire.

The indexing will help regulate over-utilization because those who produce more volume will need to also improve care or the increased volume will negatively impact fees.

This legislation will authorize the Health and Human Services Secretary to create a value index as part of the formula used to determine Medicare's fee schedule.

By adding a value index, our bill uses cost measures that are structured to allow areas with justifiably higher costs—and we know there are different costs around the country—to compete on an equal playing field with lower cost areas. Rewarding value in this way would give physicians a financial incentive to maximize the quality of their services instead of the quantity.

Linking rewards to outcomes creates the incentive for physicians and hospitals to work together to improve quality and efficiency. This proposal would also work in tandem with other proposals—like those being advocated by others and those I have mentioned today, the coordinated, integrated care, the bundling, and other ways—to improve the Medicare payment system.

We know there are also other ways, and I will end with just mentioning these—that we can improve efficiency in health care spending: One, as a former prosecutor, I care a lot about this, to reduce Medicare fraud. Law enforcement authorities estimate that health care fraud costs taxpayers and costs those seniors on Medicare more than \$60 billion every year. This is as much as 20 percent of total Medicare spending. There are ways, and we have some bills that have already been introduced, to greatly reduce this.

Secondly, something the President raised in his speech before Congress is this idea of looking at malpractice reform. I can tell you, in Minnesota, in 2006, we had the lowest malpractice premiums in the Nation. Areas like ours, with more efficient care, tend to have lower malpractice premiums, and that is what our doctors want.

One of the things we have is a certificate of merit system that has been implemented in a number of States and goes hand in hand with efficient care, requiring a medical expert to sign off on any complaint, and it has worked.

We need to reform our health care system. I am so proud to be in the Chamber with my colleague, Senator CANTWELL, a member of the Finance Committee, who has been, day to day, night by night, advocating for this kind of reform. We want our seniors to stay on Medicare and have the kind of safety net they deserve. We want people who are 55 years old to be able to get Medicare when they are the age to get Medicare. The way we do this is by actually increasing quality and decreasing costs.

We do this in the State of Minnesota. We know we can do it in other places of the country. I plead with my colleagues on the Finance Committee that we have to look at the long-term costs if we are going to bring reform. We have outlined some ways to do this today. We look forward to working with people from all over the country. But this has to be a major element of reform.

I yield the floor.

THE PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Washington.

Ms. CANTWELL. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Ms. CANTWELL. Thank you, Madam President.

Madam President, I rise to talk about the health care reform bill and the most urgent need to make sure we have provider reform as part of the insurance reform package.

I thank the Senator from Minnesota for her leadership on this issue. She has hit the ground running when it comes to the issue of health care reform, advocating for changes in policy and introducing legislation at the beginning of this year called the value index legislation. I am proud to be a sponsor of that legislation and proud we have worked together so diligently to try to communicate why this is so important for America.

Clearly, Minnesota has had good results and is leading our country in the kinds of health care practices we need to adopt. Senator KLOBUCHAR has been able to put that into legislation and to champion that legislation and to work on the floor organizing colleagues from like States to communicate this issue.

I am happy to be joining her in the letter we are sending to our Senate leadership and

to the President of the United States talking about why it is so important to get these reforms adopted.

So I thank her for being out here this evening to communicate this important public policy area, and, again, for having Minnesota be front and center in this debate.

What we are trying to address is an urgent problem; that is, the Medicare system, basically—if we do nothing—is going to go broke. It is doubling in its cost to the Federal Government.

We are talking about reform. We are talking about adding more people. So if we look at Medicare spending and where we are today and the amount we are going to see in the future, we know we are quickly growing that number—from 2009 to 2015—to be over \$1.2 trillion. So the cost of this—of Medicare doubling over 10 years—is something we know as a country we cannot sustain.

Without health care reform—without even the discussion of adding the uninsured—we know we cannot sustain the doubling of Medicare in the next 10 years. So we need to change the system.

We know what the cause of this crisis is, too. There are many elements to health care and health care costs, but we know from the many hearings and testimony we have had from experts that the fee-for-service system is driving up the cost of health care. Fee for service rewards providers for the quantity of services they provide without regard to whether those services benefit the patient.

I ask my colleagues if they have ever experienced this situation I am about to describe because I know many Americans will tell you this is exactly what they have experienced. Have you ever asked yourself why your physician, while you are in the middle of a health care appointment, seems so hurried? Have you ever asked yourself why the doctor seems so hurried to go to the next appointment?

Well, the reason is because that is the way we pay doctors. We pay doctors by the number of patients they see and the number of procedures they order. So the system we have today actually creates an incentive for doctors to spend as little time with each patient as possible.

If we think about that, if we think about where our health care system is today, how is that good for delivering outcomes? How is that good for making sure the patient gets the best care?

I want to make sure I am clear. This is not the fault of the doctors. They are just following the rules of the game as it is being played today. Indeed, many physician organizations are advocating the changes in organizational structure that the Senator from Minnesota and I are advocating. They understand it is a daunting task to reform health care. But in this case, they know the problem is simple enough to grasp. All we have to do is follow the money, and what we see in both private insurance

and Medicare is that we are routinely paying for duplicative or inefficient care. Then the cost of Medicare and the cost eventually to taxpayers skyrockets.

So if we look at the fee-for-service model, it is pretty clear. It is a feedback loop. In business, in technology we call this a positive feedback loop because it just feeds each other because we have more use, we order more tests, we have more duplication of services, and we have more spending, and the cycle just keeps going and it keeps perpetrating itself. The end result is, we just keep adding costs to our system.

Nowhere is there an outcome that is judged here, nor is there a value to the patient. It is a fee for service that just generates more spending. We cannot emphasize that enough because the current system promotes an overutilization of what are scarce health care dollars and resources.

As one national study shows, there is an estimated \$700 billion a year in wasted health care dollars. That is health care spending that may not even be—certainly it is wasted dollars. Some people have said it can even do harm in the way the money is spent.

So we are out here today advocating for a different model. We are out here saying it is good to talk about insurance reform, but if Medicare is one in every five health care dollars and Medicare is driving health care spending, it is also driving expensive health insurance. So if we have expensive fee-for-service Medicare that is helping to waste precious Medicare dollars, you bet it is also driving expensive health insurance.

The good news is, we already know there is a viable alternative. The reason we know that is because we know there are States such as Washington and Minnesota and many others across the country that have put some of these new practices into place. We know they are working in the real world. In some parts of the country, we have reforms that have reversed these trends and they have cut costs and they have put the emphasis where it belongs.

The bottom line is, they put the patient first. Imagine that: putting the patient first—not the number of procedures ordered, not the number of people seen, but putting the patient first by making sure we are focusing on their outcomes.

These States and parts of the country have done this by organizing a delivery of care system so the doctors can take the time with their patients, and they can take the lead in coordinating their care. Patients in these delivery systems get better access to their physicians, they experience shorter waiting times, they benefit from coordinated care that is provided by their primary care physician and other health care individuals, and the health care outcomes are better.

In fact, if we look at some of these States, and we look at some of the individual criteria, who in America

would not like shorter waiting times to get to see the health care provider they need to see or better access to doctors or to have one doctor coordinate with their other health care providers their specific needs and treatments and to guarantee better outcomes?

On this chart is data from the Robert Wood Johnson Foundation from 2008 of what we get when we put a coordinated care delivery system in place and we integrate the care of the individual in the delivery system. So this kind of delivery system is good for individuals, but it is also good for the taxpayer because not only does the patient benefit, we cut down on the bureaucracy and that \$700 billion of wasteful spending I talked about a few minutes ago.

So I believe every part of the country ought to take heed of this phenomenal result and the fact that, as my colleague from Minnesota said, we could save the taxpayers over \$100 billion a year if we made this change to coordinated care across the country.

When Medicare is structured in a way that it encourages better quality and more efficient care, we will also see the price in private insurance go down as well because the cost of correlation of Medicare driving private insurance is there.

So my colleagues who come from States that have more expensive Medicare might think that is somewhat of a benefit, but I guarantee it is also driving more expensive private insurance and your citizens are not getting the best care. This Robert Wood Johnson Foundation study proves that. If we were looking at other States, all these checkmarks on the cost and utilization would be high.

So we know the health care debate puts us at a crossroads. It puts us at a crossroads about what we are going to do about our current health care system. We can either fix these problems or we can exacerbate it and make it worse. We all want to help the uninsured in America, but to add more people to this health care system, to cover more people under health care without changing the way we pay for Medicare is going to explode the Federal deficit. So we want to make sure we don't exacerbate this problem.

As the Senator from Minnesota said, her home State has implemented these things. So has Washington State. We know that where health care costs are managed efficiently, we are producing great results. But we know the gap between these reimbursement rates in other areas of the country is still leaving us with inefficient delivery systems, and we know that for our States, we are delivering efficient care. If you continue to have inefficient systems in other parts of the country that pay more but are less efficient and don't deliver patients better care, you are going to continue to have health care practitioners migrate to those areas. That is why fixing the health care system but not addressing this issue is not a real solution for us because we can-

not continue to see people from Washington and Minnesota and other places migrate to high-cost, high-paid doctor States, with no guaranteeing of better outcomes but certainly more pay for physicians.

We know the fee-for-service model is bleeding our country, and we know we need to make changes to that. We need to have a quality care system. So that is why I joined Senator KLOBUCHAR at the beginning of the year in introducing legislation for a value index and that is why we have been fighting in the Finance Committee to add these kinds of reforms to the system. I am very proud the Finance Committee is looking at insurance reform, to ban practices such as excluding individuals just because they have a preexisting condition, but provider reform in how Medicare is delivered is as crucial to delivering a good health care system in America. We are advocating that we have a health care system that puts the patient first, that puts them in the focus of how physicians get paid.

We do this specifically by striking a blow against fee for service and replacing it with a model that allows physicians to spend more time with their patients, to better coordinate their care, to provide them with preventive care for the future, and to make sure they are getting the quality of care they deserve. As one of my constituents came into my office to talk about this said: I don't want to be medicated, I want to be cured. What she meant is don't just write me a prescription and tell me to go away; I want you to focus on my specific health care needs. That is what so many people think about our health care system. At a time when we do have advances in new technologies and preventive care and wellness, that can get our consumers focusing on their own health care needs.

So our proposal changes the current payment incentive structure by using a new value index to measure the quality and efficiency of service. And only by replacing the fee-for-service system with this new value index will we start to control health care costs. According to testimony before the Senate Finance Committee, this is where we are going to get our biggest savings in health care cost reduction. The fee-for-service system, as one of the witnesses said, is the most broken part of Medicare. Under the value index system that we are proposing, the Federal Government would do much better and taxpayers would do much better in making sure we do not see that doubling of Medicare rates.

That is why my colleagues and I are sending a letter—and I see my colleague from Washington on the floor, Senator MURRAY, who several years ago introduced the MediFair legislation; legislation that said we have to have fairness in the way Medicare dollars are spent around the country. We can't continue to incent areas of good practice while we are warning areas of inefficient care, and she has been a

champion behind this issue for many years. So I appreciate her being on the floor because I know she cares passionately about this issue as well. I guess that is the point.

Those of us who are from these regions are tired of providing efficient, coordinated care and not—I think the Presiding Officer is from one of those States. You can't believe the frustration we have of going to community after community, knowing we provide better outcomes, knowing we provide better care, knowing people have made it work on the lowest margins possible. Yet people are leaving our States because they can go make a better buck somewhere else off the inefficient health care system we are delivering. It would be one thing if they could make that quicker buck by going to some State and they were saying: You know what. We are more expensive, but we deliver more care. That is not what the Robert Wood Johnson Foundation says. It says they don't deliver better care. If you can imagine, if you have that fee-for-service model, where you are spending more and ordering more and out of time and so you order all that, how are you getting the best outcomes? You are throwing a lot of money at it, but you are not focusing on what is the real quality of care to deliver to that patient.

I know my colleagues on the Finance Committee are trying to focus on health care reforms for the overall system. There are various proposals that I am sure we will see tomorrow as this draft legislation comes out talking about value-based reforms for hospitals and pilot programs for certain regions and accountable care organizations which can help, in the long run, drive down costs by having global health care budgets. But I would say to my colleagues we cannot just have tweaks to this system. We can't just have pilot programs. We can't just gently turn the wheel of the Titanic and think it is going to avoid the catastrophe we are going to see if we don't reform Medicare.

So we will be working hard in the next couple weeks. As I said, we are sending a letter to the President and to the leadership here that it is time to fix this system; that we have the opportunity to have a 21st century health care delivery system, with all the great information and all the great technology that is out there, but this system can't keep rewarding insurance companies by 435 percent annual profits just because our whole system is set up to order more. Because this isn't about paying for volume. The point is not to pay for volume; it is to pay for value. We want to make sure we are paying for that value and not just the fee-for-service volume system that currently doesn't put patients first in America.

So we will be working hard to get these implemented so we can support this health care legislation.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2366, AS MODIFIED

Mr. LAUTENBERG. Madam President, I seek recognition because in front of us we have a proposal I think could be very damaging to our country. An amendment has been proposed that I consider unnecessary and potentially dangerous which is being offered by the Senator from Mississippi, Mr. WICKER.

What we are finding is that there is a challenge to whether Amtrak can continue to operate after the 1st of October. It has been modified, but initially it would propose a ban put on Amtrak's operations unless guns can be carried in baggage on Amtrak trains. While that is an issue that could be discussed—think about it: Amtrak carries 28 million people in a year, and Amtrak produces far less toxic emissions and is much more energy efficient. We have been delinquent for so many years in investing in good railroading. In this advanced country, in this, the richest country in the world, no matter what our economic condition is, it is incomprehensible for that kind of a choice to be put forward: Either you carry guns in our trains—in your baggage on our trains or else we shut down the railroad.

It is preposterous when you think of the services that are offered, not just directly on the Amtrak trains but on the Amtrak tracks where, in many States, it is also used by commuting services. It would cripple the functioning of our country. It is outrageous that, at this point in time, when we have worked so hard to generate funding for Amtrak to improve the service, to bring it up to the 21st century, and it is suggested that maybe we ought to shut it down because we have a disagreement about whether guns can be carried in baggage on railroad cars.

This amendment now has moved the time period to discontinuing the service in March. Well, I don't know what the value of that is, very frankly. If that kind of a threat hangs over us, do we continue to invest billions of dollars? Do we try to get private investors to buy Amtrak bonds? I don't think so, not when we face a threat such as that.

Last fall, this Chamber voted overwhelmingly, 74 to 24, to reauthorize Amtrak and modernize our Nation's passenger rail system and, oddly enough, the Senator from Mississippi voted for this legislation. Amtrak has made much progress because of that new law, but the amendment on the floor would undo all that.

The Wicker amendment, as I said earlier, would completely shut down our Nation's passenger rail service. That is hardly a thing to do when our infrastructure is so severely degraded because of a far greater use than we ever expected. I wish to be clear. This amendment would hardly give Amtrak any time before it might be required to start allowing firearms to be carried on its trains. At this moment, Amtrak will tell you they don't have the means to carry these guns securely and safely.

Senator WICKER noted in 2004 Amtrak made a decision to stop transporting guns in the name of security. Why did it happen in 2004? I remind those who can hear that it was September 11, 2001, and the terrorist attacks in Madrid which reminded us that railroad travel organizations are an attractive target for terrorist attacks.

Amtrak determined it lacked the ability to securely transport checked firearms. It is a decision that was not casually made.

I wish to be able to work with the Senator from Mississippi and Amtrak to see if we can develop a reasonable plan so that passengers can safely and reasonably transport guns in checked bags on Amtrak train. I don't agree with it, but I am happy to discuss it, in deference to Senator WICKER. When you think of what Amtrak means in our country, I remind you that on September 11, when the World Trade Center came crashing down, taking with it almost 3,000 lives, the only way you could get there on that day, and a couple days thereafter, was by train, by Amtrak. Aviation was shut down across the country and in much of the world. Highways were jammed beyond effective use. But Amtrak was there to help. And to say that our security doesn't raise the issue of whether we can transport guns on Amtrak—that doesn't make sense to me.

If Senator WICKER's amendment is adopted, all Amtrak trains across the country, and those that use Amtrak's tracks, could come to a complete halt in a matter of months.

It is outrageous to propose something this crippling over an issue that can be resolved. Yet, the Wicker amendment threatens to leave us with no passenger rail service in America. We cannot afford to sabotage our passenger train service to meet this crazy timetable—and I say crazy. When you think about it, for years, we fought to get Amtrak standing as it should be, the principal rail service in a country like ours. Amtrak was created in 1970, taken out of private hands and put into government hands as a quasi-government corporation. We are spending \$1.5 billion a year to bring Amtrak up to current standards. The Recovery Act included \$8 billion for high-speed rail, plus the President's budget called for a billion dollars annually for 5 years. By comparison, foreign governments—in 2005, France's national railway agency got \$8.3 billion in government spending. I said it was \$1½ billion in America, and France spent \$8.3 billion. Why? Because it is efficient. It reduces toxic emissions and the dependency on foreign oil. Germany spent about \$9 billion annually on passenger rail service. Spain has a plan to spend \$150 billion on rail from 2005 to 2020, or an average of \$10 billion a year. And we are trying to play catchup now.

Since 1971, a total of \$33 billion has been spent on Amtrak. That is almost 40 years, averaging less than a billion dollars a year, as we see what other

countries have done. Ridership on Amtrak, in 1988, was 21 million. In 2008, it was 28 million. People are turning to Amtrak because they know it is a very respectable way to travel, if it is available to you.

So when we look at that and see that the growth of ridership is so substantial, that tells us we ought to figure out ways to do things differently. When we look at the whole picture, frankly, it brings a lot of concern when you think of the demand for Amtrak services. Amtrak, in the last year, had 28 million riders. For instance, New York City, the financial center of the world and the country, is dependent on the functioning of that financial system. We saw what happened when it almost broke down in these last months. In an average day in New York City, more people travel through New York's Penn Station than John F. Kennedy Airport, LaGuardia, and Liberty Airport put together on the same day. Penn Station—more people travel through there than all three of those airports in a day. And unless guns are permitted to be put aboard a train, we should shut down Amtrak? We should punish the American people because we cannot have guns travel on Amtrak trains? This cannot be justified by any stretch of the imagination.

Also, we fail to look at something else. When we put people on Amtrak, we free up room in the skyways and on the highways. I cannot tell you how often I often fly between here and New Jersey, my home State, and I have had a pilot say welcome aboard such-and-such airline, and we will be departing soon for a 45-minute flight to Newark Liberty Airport. We get on the plane, the doors close, and they move us away from the gate, and the pilot gets on and says: We just learned that in the New York area we have a 2-hour delay, so we sat there looking at one another crossly. Everybody was angry and upset. If I had taken Amtrak—I came down yesterday in just over 2½ hours. What a difference. Very often, airplane trips less than 250 miles are the slowest means of travel because of the delays from airport to airport, and because of weather, et cetera. There are hardly any highways that I travel in the country, as my colleagues do—no matter what city you go to, if it is during particular hours, you cannot get there from here.

I have been in the Senate now for 25 years. When I first came to Washington, the ride from where I live was about a 12-minute ride. Now, in the evening, I can wait a half an hour while red lights change to green and traffic doesn't move. Go by rail. We see what happens in a reasonable facsimile, when you look at the Metro, a very successful operation here in Washington, DC. People want the convenience, the reliability, and they don't worry about the weather. It makes us feel better about our time spent. We get home with the family, and we get

to work on time, and we get to the doctor, and other places you have to go on a regular basis.

I hope my colleagues in the Senate will look at this and say it could be an important issue for some people—certainly, for some particular interest. Typically, it is the NRA pushing this interest, but discounting that, people have a right to vote. But I plead with my colleagues, please, don't punish the American people, or the American economy, and don't take the chance for that disruption, and don't diminish our ability for rapid movement if we have to in a moment of threat.

I hope the vote will say if you want to have this discussion, let's have it, but don't put a sword hanging over the head of Amtrak.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the status of the floor?

The PRESIDING OFFICER. The Senate is considering H.R. 3288.

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. tomorrow, September 16, the Senate resume consideration of H.R. 3288 and Senator COBURN be recognized for up to 30 minutes and that Senator MURRAY be recognized for up to 10 minutes; that upon the use or yielding back of that time as has been specified, the Senate proceed to vote in relation to the amendments in the order listed below, with no second-degree amendment in order to any of the listed amendments prior to a vote in relation thereto; that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in any sequence the succeeding votes be limited to 10 minutes each: Coburn amendment No. 2374; Coburn amendment No. 2377; Coburn amendment No. 2371; Coburn amendment No. 2370; Coburn amendment No. 2372; Wicker amendment No. 2366, as modified; and Vitter amendment No. 2376.

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

Mr. REID. Mr. President, I am going to send to the desk—I think it is already there—cloture motions on the substitute amendment and on the bill. I am certainly hopeful that cloture will not be necessary. Senator MURRAY is a wonderful manager. She does great work. She is working to come up with an agreement that will provide for consideration of other amendments to the bill, but we have not been able to get consent. I hope we can.

We have just entered into an agreement which will provide for votes in relation to seven pending amendments.

There are at least two pending amendments that will not require rollcall votes. Maybe some of the others won't. Members should expect up to five rollcall votes tomorrow morning starting around 11:30.

CLOTURE MOTION

Mr. President, I have at the desk a cloture motion on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 committee-reported substitute amendment to H.R. 3288, the Transportation, HUD and Related Agencies Appropriations Act for Fiscal Year 2010.

Harry Reid, Byron L. Dorgan, Mary L. Landrieu, Jon Tester, Patty Murray, Jack Reed, Daniel K. Inouye, Richard J. Durbin, Mark Udall, Bernard Sanders, Patrick J. Leahy, Ben Nelson, Frank R. Lautenberg, Michael F. Bennet, Tom Udall, Blanche L. Lincoln, Herb Kohl.

CLOTURE MOTION

Mr. REID. Mr. President, I have at the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 H.R. 3288, the Transportation, HUD, and Related Agencies Appropriations Act for Fiscal Year 2010.

Patty Murray, Daniel K. Inouye, Al Franken, Jon Tester, Benjamin L. Cardin, John D. Rockefeller, IV, Charles E. Schumer, Mark Begich, Mary L. Landrieu, Mark Udall, Byron L. Dorgan, Frank R. Lautenberg, Robert Menendez, Patrick J. Leahy, Dianne Feinstein, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum as required under rule XXII be waived.

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

MORNING BUSINESS

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

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

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. REID. Mr. President, I rise today to call attention to the upcoming anniversary of the signing of the Constitution of the United States of America. September 17, 1787, will mark the 222nd year that has passed since that final

meeting in Independence Hall, when 39 delegates supported the adoption of the Constitution.

Beginning on May 25, 1787, 55 delegates gathered almost daily in the State House in Philadelphia to revise the Articles of Confederation. By the middle of June, it became apparent to the delegates that merely amending of the Articles of Confederation would not suffice. These inspired men worked together to form a new government that would embody the principals of liberty, democracy, and equality. What resulted was an entirely new document designed to bind the individual States more firmly into one nation by ceding greater power to the central government while still respecting the sovereignty of the States and the rights of the people. After being signed in September of 1787, Congress sent printed copies of the Constitution to the State legislatures for ratification. By June 21, 1788, nine States had approved the Constitution, finally forming "a more perfect Union."

The Constitution of the United States of America stands today as our Nation's most sacred and inspired document. It is the oldest Constitution in the world and an enduring legacy of a generation of patriots eager to provide liberty and protection to the citizens of this new country. The Constitution is the basis for our laws, our rights, and our responsibilities as Americans. It is a gift for which we all should be grateful. As President Coolidge once remarked, "To live under the American Constitution is the greatest political privilege that was ever accorded to the human race."

As our country continues to age, year by year, the importance of the Constitution will never fade. It is a living document, and is as relevant now as it was to its framers in the 18th century. I call upon my colleagues in the Senate to join me in celebrating the signing of the Constitution, and in turn, the assurance of our freedoms as citizens of the United States of America.

CELEBRATION OF CARBON DAY

Mr. DURBIN. Mr. President, this year, the State of Illinois has designated September 15, 2009, as Carbon Day. As an official State holiday, communities across the State are encouraged to focus on reducing our State's carbon footprint and preserving our environment. Schools, organizations, businesses, and communities throughout Illinois will participate in organized events ranging from tree plantings to those promoting recycling and composting.

Carbon Day allows Illinois residents to find their own ways to help reduce greenhouse gas emissions and participate in the fight against global warming. Most of us don't think too much about how our daily activities contribute to greenhouse gases. This new State holiday asks people to think about that and offers ideas each of us can use to make a difference.

We do need to act. Global warming likely will lead to more severe heat waves and more fierce storms. That affects all of us. These are weather patterns that compromise air and water quality, reduce agricultural productivity, and threaten public health.

The simple step of planting a tree this fall can make a difference in someone's carbon footprint. One tree alone can absorb as much carbon dioxide as a single car can produce over 26,000 miles of driving. The more trees we plant, the greater the impact. One acre of trees may remove up to 2.6 tons of carbon dioxide from the atmosphere in 1 year alone. Trees planted in the fall generally require less water than those planted in the spring, making this a good time to get started.

Every person can contribute to reducing greenhouse gas emissions and work to provide future generations with a healthy environment. This September 15, I urge the people of Illinois to participate in Carbon Day events throughout the State, learn about the simple steps they can take to reduce their carbon footprint, and have a lasting impact on their environment.

REMEMBERING SENATOR EDWARD M. KENNEDY

Ms. SNOWE. Mr. President, I join with my colleagues today to express my profound and heartfelt sadness on the passing of Senator Edward M. Kennedy, a universally acknowledged "lion of this institution"—an unsurpassed colleague, a legislator's legislator, and political icon of incalculable, landmark significance to the U.S. Senate and the Nation and a good friend to me and to so many others in this body through the years.

Like all of my colleagues here today, I want to first and foremost offer my most sincere condolences to Ted's extraordinary wife Vicki, who has been such a tower of strength, courage, and faith; as well as to Ted's three children Kara, Ted, Jr., and PATRICK KENNEDY and two stepchildren Curran and Caroline Raclin; Ted's sister, Jean Kennedy Smith, and to his entire family who have done so much to shape the course of our Nation. My heart goes out to Senator Kennedy's numerous grandchildren, nieces, and nephews whose participation in his funeral mass could not have been more moving. I also extend my deepest sympathies to the people of Massachusetts, who have lost a legendary champion and fierce advocate for nearly half a century.

And how powerful and poignant was the remarkable outpouring of respect and affection for Senator Kennedy by the American people—from the streets of Boston, outside the John F. Kennedy Presidential Library and Museum, and near the Basilica of Our Lady of Perpetual Help, to congressional staff assembled on the Senate steps and mourners and well-wishers on the Capitol grounds or along the route to his final resting place at Arlington National Cemetery.

On an occasion of such a large and historic loss, summoning the appropriate words to capture the immense depth and breadth of this moment as well as the magnitude of its meaning represents the most daunting of challenges. Like every Senator fortunate enough to serve in this esteemed chamber during the span of the last 46 years, I have never known a Senate without Ted Kennedy, and it is difficult to comprehend that this hallowed Chamber will never again resound with Senator Kennedy's booming voice that would literally shake these walls.

As I look around this Chamber, I know I am far from alone in saying I will miss Ted's oratorical command of rhetoric and argumentation as well as his passion-filled gestures that punctuated his statements, and of course I will never forget those occasions when Ted would really get wound up as only Ted could, and his glasses would come off, and he would swing them around and around, faster and faster as his polemic reached a crescendo. And so, there is a highly personal and inescapable void among all of us that is at once acutely palpable, indescribable, and unforgettable.

I can still remember entering the Senate in 1995 having served in the U.S. House of Representatives and looking to my fellow New Englander, Senator Kennedy, as a model legislator, the best of his generation even then, for what can be achieved in the Senate with passion and devotion and an almost peerless ability to simply "get things done."

I always profoundly admired Ted for his commitment to this country and the steadfast, immutable determination he exhibited each and every day as he sought to better our Nation to the benefit not just of his constituents in Massachusetts but to all Americans. And he did so with uncommon civility and candor, facility and efficacy, partisanship and bipartisanship, as well as the most seriousness of purpose and irrepressible good humor. In short, Ted Kennedy combined legislative craftsmanship and legendary statesmanship that were the marvel of his time and that represented a pinnacle of leadership.

And part and parcel of his historic and overarching legacy is not just the results produced by his hard-fought labors, which have reached every corner of our country, but how he legislated and conducted the demanding task of advancing the public policy process. Where there was a divide, he saw an opportunity to repair the breach. Where there were opposing forces, he resolved to find a point of alliance.

As my colleagues here can attest, Senator Kennedy was ever-cognizant that your adversary today could, and frankly often would be, your ally tomorrow—the staunch opponent you encounter on one occasion may well support you on another down the road. Because for Ted, common ground was not simply a plot of earth he tilled, cul-

tivated, or nourished, it was soil he intuitively knew was meant to be shared and that would be improved through collaboration. And he understood keenly that the most powerful light was not the spotlight, but reflected light that shone first on someone else.

And if Ted Kennedy put into practice the idea that politics in the often-cited words of German Chancellor Bismarck was indeed "the art of the possible," he was also equally adept at implementing the notion that leadership was the catalyst for accomplishing the impossible. Not, however, by going it alone but rather by enlisting the active support of others.

The fact is, like so many of my colleagues in this Chamber, I was privileged to work with Senator Kennedy on several memorable measures, and one recent endeavor in particular exemplifies his collaborative spirit—the Genetic Information Nondiscrimination Act. That experience for me represented a microcosm of Ted's unrivaled political and public policy acumen.

To begin with, Senator Kennedy, as chairman of the Senate Committee on Health, Education, Labor, and Pensions or HELP, ordinarily would have been the lead sponsor on legislation being reported out of his committee. But, as all of us in this Chamber know, there was nothing "ordinary" about Ted Kennedy, and he graciously deferred the lead sponsorship to me and instead joined as lead Democratic sponsor of our measure, a gesture of incredible generosity and good will that I will never forget. And so, after already twice garnering Senate passage, we began a third attempt to achieve Senate enactment of vital reforms to protect Americans from both health insurance and workplace discrimination based on their genetic makeup. Beginning in November of 2006, we embarked on what was to be a second 18-month-long effort to systematically address every issue which opponents raised. Senator Kennedy's remarkable capacity to build consensus with both his colleagues and stakeholders, spoke to his consummate skills as a legislator and negotiator.

And Ted never tired in this undertaking, and his knowledge and skills and those of his superb and dedicated staff helped ensure our success when, on May 21 of last year, we at last witnessed the enactment into law of this landmark civil rights protection. Our victory was tempered, however, by the fact that due to his illness, even then, Ted could not join us at the White House that day for the signing. And yet it speaks enormous volumes that Senator Kennedy chose to devote his remaining energies in the past 15 months prior to his passing to ensuring that health reform advance ever forward.

As anyone who has come into contact with Ted Kennedy can tell you, he possessed and exuded a contagious joy and exuberance that permeated all he did. I well recall a few years ago being in

Boston for a Base Closure and Realignment—BRAC—Commission hearing, and we were waiting for an elevator. As many in this Chamber will recall, this was a very anxious and uncertain period for a number of us. But I will always remember seeing the elevator doors open and who should appear but Ted Kennedy, alongside a large group of his constituents, fighting the closure of a facility in Massachusetts. And without missing a beat, he roared with his sonorous voice: “You go fight them Olympia with everything you’ve got!” The whole crowd with him cheered.

That moment reflected so much of what Ted exemplified, encompassed, and meant to so many, and he approached his causes with a ferocity of spirit and feeling that was unmatched. It is true, as all of us in this institution know all too well, if Ted Kennedy were opposite you in a debate, and sometimes I was, it could be rough going and you had better be prepared! But if he were with you, let’s just say your chances for victory increased exponentially!

And Ted never lost that gusto—not in legislating and not in life. Who could forget witnessing Ted throwing out the first pitch for New England’s beloved Boston Red Sox at this year’s home opener at Fenway Park? Or his zeal for his beloved Massachusetts or, for that matter, the Maine coast which he loved so much where he sailed every summer. Indeed, one year he and Vicki visited an inn near our family place at Hancock Point. And I will always remember the excitement and anticipation he exhibited as he showed me his map of the journey he and Vicki were preparing to undertake, sailing along the beautiful Maine coastline.

As my colleagues know above all, this greatest of deliberative bodies has lost a giant and a legislative standard-bearer who was tirelessly devoted to its history, its stewardship, and its purpose, and his ardor and love for this most august institution and the Nation it serves will never be extinguished. Senator Kennedy now ranks among a rarefied, pantheon of legendary Senators such as Daniel Webster and Henry Clay. He was, to evoke the title of the Pulitzer-Prize winning book by his brother, John, truly a “profile in courage.”

The great American poet, Carl Sandburg, once wrote: “I see America not in the setting sun of night . . . I see America in the crimson light of a rising sun. I see great days ahead, great days possible to men and women of will and vision.” Those days are indeed possible for this Senate, this Congress, and our country precisely because of the indefatigable will and limitless vision of public servants such as Senator Ted Kennedy. We honor his memory and his legacy best by striving every day to make this process work for the U.S. Senate and for the American people.

And what Maine’s own Henry Wadsworth Longfellow penned about another Senator from Massachusetts,

Charles Sumner, we say today about Senator Kennedy:

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

So it will forever be with Senator Edward M. Kennedy. We will not see his like again. He will be sorely missed.

15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, this week we celebrate the 15th anniversary of the Violence Against Women Act, VAWA, one of our most powerful tools to combat domestic violence and other crimes perpetrated against women and families.

The enactment of the Violence Against Women Act in 1994 marked an important national commitment to survivors of domestic violence and sexual assault. This landmark legislation filled a void in Federal law that left many victims without the help they needed. In commemorating this milestone, I would like to recognize the leadership of Vice President JOE BIDEN. His dedication to eliminating violence against women and families was vital to our success in passing the original legislation and subsequent reauthorizations. I am proud to have worked with him on this important matter for nearly two decades.

As a prosecutor in Vermont earlier in my career, I witnessed the devastating impact of domestic violence and sexual assault. I saw how it affects people from all walks of life, regardless of gender, race, culture, age, class or sexuality. Our Nation has made remarkable progress since that time in recognizing that domestic violence and sexual assault are crimes, and we have responded with better laws, social support, and coordinated community resources.

Since the Violence Against Women Act became law, domestic violence reporting rates by women have increased by as much as 50 percent, and reporting rates by men have risen by 37 percent. At the same time, the number of individuals killed by an intimate partner has decreased by 24 percent for women and 48 percent for men. These are huge improvements, and we should be proud of the work we have accomplished together. There is, of course, more work to be done. Millions of women, men, children, and families continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

Earlier this year, I chaired a Judiciary Committee hearing on the ongoing importance of VAWA. We heard from individuals around the country who shared with us the impact the law has had on their lives and the continuing need to strengthen it. We have been hearing for some time about important steps we can take to enhance VAWA, which is why at the beginning of this year I introduced the Improving Assist-

ance to Domestic and Sexual Violence Victims Act of 2009, a bill to make several needed corrections and improvements to VAWA. Among other important changes, this bill would bolster privacy protections for victims of domestic violence and offer greater help in rural and tribal areas. These improvements would ensure that the law is as effective and strong as it was intended to be and that it meets the needs of those it seeks to protect. We were able to report this bill from the Judiciary Committee in May but with an amendment that has complicated further progress.

On this 15th anniversary, it is important that we pause to celebrate what we have accomplished. There is no doubt we have made great strides in reducing domestic violence and sexual assault, but we know more work remains to be done. I look forward to working together with other Senators, the Obama-Biden administration, and experts in the field to ensure that VAWA remains a vital resource for prosecutors, law enforcement agencies, victim service providers, and, most importantly, the women and families who are threatened with violence and abuse.

GLENN'S FERRY CENTENNIAL CELEBRATION

Mr. RISCH. Mr. President, I rise today to congratulate and acknowledge the 100th anniversary of the founding of the city of Glenns Ferry, ID. On September 26, 2009, the citizens of Glenns Ferry will gather in the high school gymnasium to commemorate the 100th year of its founding. This is a very historic and special day for this community.

Glenns Ferry boasts a colorful Western heritage as one of the most famous river crossings on the Oregon Trail. Pioneers would ford the Snake River at the Three Island Crossing until 1869 when Gustavus “Gus” Glenn constructed a ferry roughly 2 miles upstream. Gus’s ferry would cut-off nearly 20 miles from the Southern Oregon Trail route, as it carried two wagons at a time across the river.

In 1870, Gus’s brother Oliver S. Glenn—known as O.S.—joined him in operating the ferry and together they ran it successfully until 1876. In 1871, the town site was platted just downstream from the ferry site and a community started to grow from the desert.

In 1883, this area was inundated by a force of tracklayers whose duty it was to lay the tracks of the Oregon Short Line railroad. The tracklayers camp required 23 saloons and a dance hall. With the establishment of a post office and the appointment of O.S. Glenn as postmaster, the site required a formal name. And what more suitable a name than “Glenns Ferry” in recognition of the enormous contributions made by the Glenn family.

The coming of the railroad caused the eventual discontinuation of the

ferry service in approximately 1889. Although Glenn's Ferry was abandoned, the name was not, but was instead given to the city, which was incorporated in October of 1909.

Since that time, Glens Ferry has developed into a prosperous community along interstate 84 and has retained its historical western roots while incorporating new business and development. In 1971, the Three Island State Park was developed with campgrounds, cabins and a history center. Each August for the past 25 years, the park joined with the city of Glens Ferry to reenact the crossing just like the pioneers in the 1800s prior to the ferry's development. Last month marked the last reenactment of the dangerous river crossing, but the annual festival will continue in celebration of the city's heritage.

The economic backbone of Glens Ferry is agriculture. Elmore County grows a wide variety of crops and animals—cattle, alfalfa hay, potatoes, grapes, sugarbeets, wheat, barley, and dairy. Glens Ferry has become known for its award-winning wines at Carmela Vineyards and Cold Springs Winery. Glens Ferry is also the home of Korey Hall, fullback for the Green Bay Packers and former Boise State University football star.

Glens Ferry has much to celebrate and look forward to in its next century as it provides important goods and services at home and abroad. Congratulations to the city of Glens Ferry for 100 years of service and success.

ADDITIONAL STATEMENTS

COMMENDING TOM WALSH

• Mr. BARRASSO. Mr. President, a great man is being honored by the Salvation Army in Casper, WY. Tom Walsh is a patriot, a teacher, a leader, and a friend. It is fitting that the Salvation Army has bestowed upon him this year's Others Award. It is the highest award the local Salvation Army unit bestows for outstanding contributions and impacts in the community.

Born and raised in Thermopolis, WY, Tom attended the University of Wyoming and ultimately received a doctorate from the University of Colorado. How fortunate we are that Tom and his wife Rita chose Casper as the place to live, work, and raise their family.

When one looks around the Casper community, Tom's influence is obvious. He served as mayor and on the Casper City Council. The Casper Chamber of Commerce also benefited from his guidance. Our world-famous drum and bugle corps, the Casper Troopers, have been the recipients of his time, talent, and generosity. The list goes on and on.

Tom had a distinguished career in the Wyoming Legislature. He was effective in passing legislation to improve our community and our State,

particularly in the areas of education, county libraries, tort reform, community colleges, and substance abuse. Some of the efforts he is most proud of include the Business Ready Communities Program and the Veterans Property Tax Exemption Program. Tom resigned his service as a State representative due to his battle with leukemia—a battle he is fighting with distinction and tenacity.

Though Tom's great achievements are numerous, I know he is particularly proud of his role as an Army Reserve ambassador. In this position, Tom provided extraordinary support to our soldiers and their families while stationed on the frontlines in the global war on terrorism. Tom went far above the duties of an Army Reserve ambassador. He used his position as a State legislator to successfully sponsor a bill to make it easier for Wyoming families to cope while their breadwinner is off to war. The bill created a \$5 million trust fund, used to help qualifying families with special financial needs. The bill that passed into Wyoming law during the 57th Wyoming Legislature demonstrates the public's concern for and commitment to our Reserve members and their families as they adjust to the new reality of modern war. For his efforts, he received the Patrick Henry Award from the National Guard Association.

Mr. President, join me in sending our congratulations and thanks to Tom Walsh. Receiving the Others Award from the Casper Salvation Army is a fitting tribute to this fine American.●

COMMENDING REAR ADMIRAL CHRISTINE M. BRUZEK-KOHLER

• Mr. INOUE. Mr. President, I would like to recognize a great American and a dedicated naval officer who has diligently served for the past 35 years and most recently served as the Director, Navy Nurse Corps. Admiral Bruzek-Kohler, a native of Camden, New Jersey, entered the Navy in 1974 after earning her Bachelor of Science in Nursing from Villanova University. Admiral Bruzek-Kohler served in many nursing roles, obtained her master's and doctoral degrees, and was selected to serve in many distinguished senior health executive assignments including executive officer, commanding officer, and now regional commander and commander. However, the most rewarding role of her career was serving as the 21st Director Navy Nurse Corps, where she led more than 4100 Active-Duty and Reserve nurses to advance the role and relevance of nursing in the military and throughout our Nation. With visionary leadership, she championed initiatives that successfully increased nurse recruitment and retention through accession and specialty pay bonuses, loan repayment programs, and educational opportunities to both military and Federal civilian nurses. Seeing firsthand the physical and psychological wounds of war borne by our

young servicemembers and their families, Admiral Bruzek-Kohler spearheaded nursing operational readiness improvements to include clinical sustainment policies and the expansion of mental health nurse specialists and mental health nurse practitioners within the Nurse Corps.

Admiral Bruzek-Kohler served with passion and conviction and profoundly impacted Federal nursing issues within the Navy and our nation. Her performance reflects exceptionally on herself, the U.S. Navy, the Department of Defense, and the United States of America. I extend my deepest appreciation to Admiral Bruzek-Kohler on behalf of a grateful nation for her years of dedicated service to the Navy Nurse Corps.●

COMMENDING FORT VALLEY STATE UNIVERSITY

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate Fort Valley State University in Fort Valley, GA, and the schools leadership team, headed by its great president and alumnus, Dr. Larry E. Rivers.

This fall, more than 1,500 new freshmen have started classes at Fort Valley State University, making their mark on their very first day as the largest incoming freshman class in the schools history. This large freshmen class allowed the school to exceed the enrollment goal set by Dr. Rivers. In fact, total enrollment has doubled since Dr. Rivers arrival at Fort Valley State University in 2006.

The 2010 edition of Americas Best Colleges by U.S. News Media Group listed Fort Valley State University as No. 21 among historically Black colleges and universities. FVSU is listed among first-tier schools such as Spelman College, Howard University, and Morehouse College.

Due to these great achievements by FVSU, the school is expanding at a rapid pace. A new \$9 million stadium opened on August 29, 2009, to start the Wildcat football season. In addition, plans for 2010 include a \$16.7 million science building and a \$6 million student amenities building. Other plans for the future include a Family Development Center and the expansion of the Stallworth Agricultural Research Building to add additional laboratory space. The Georgia Board of Regents also recently approved new FVSU College of Education programs, including agriculture education 6–12, special education general curriculum/early childhood education P–5, middle grades education 4–8, and school counselor. The board of regents also approved online bachelors degree programs in political science, psychology and English—Technical English and professional writing—and offsite programs in criminal justice, business administration, and an online criminal justice franchise.

It is also evident through the school's community outreach efforts that the young people who attend Fort

Valley State University are putting the skills they learn in the classroom to even greater use in the surrounding community and are learning to make a positive difference in the lives of others.

I am pleased to acknowledge the great work that is done each day at Fort Valley State University, and I appreciate the vision of Dr. Rivers and his team to ensure students receive the highest quality education possible.●

RECOGNIZING HOWARD HIGH SCHOOL OF TECHNOLOGY

● Mr. KAUFMAN. Mr. President, I wish to honor Howard High School of Technology in Wilmington, which is celebrating its 140th anniversary this month. This institution was the only high school for African Americans in my home State of Delaware until the 1920s and played an important role in the historic Supreme Court case *Brown v. Board of Education*.

Howard High School was founded in 1869 as a four-room elementary school, which eventually began to graduate high school students in 1893. Today, the school boasts 860 students in grades 9 through 12. Graduates earn both a high school diploma and a certificate of competency in one of 13 programs. Howard was a Blue Ribbon school in 1997 and 1999 as a result of its students' academic success. It has also been a National Service Learning Leader School since 2000, receiving grants to engage students in service activities linked to academic achievement and civic responsibility.

In April 2005, Howard High School was designated as a national landmark because of its significance in the 1954 *Brown v. Board of Education* case, which struck down the "separate but equal" doctrine and ended the segregation of public schools. Howard graduate Louis Redding worked with a team of lawyers, led by Thurgood Marshall, to win the landmark ruling. Delaware's specific case, *Belton v. Gebhart*, challenged the inferior conditions of two schools designated for African-American children. In the suburb of Claymont, African-American children were prohibited from attending the area's local high school. Instead, they had to ride a school bus for nearly an hour to attend Howard High.

I congratulate Howard High School of Technology on its anniversary and wish its students, teachers, and administrators much success as it continues to serve as one of Wilmington's pre-eminent schools, open to all and fostering achievement in a number of academic fields.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:46 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 59. Concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 59. Concurrent resolution supporting the goals and ideals of senior caregiving and affordability; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2916. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption" (RIN0648-AX54) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2917. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (RIN0648-XQ72) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2918. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XQ76) as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2919. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off

West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 1, No. 2, and No. 3" (RIN0648-XQ50) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2920. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XR04) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2921. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska" (RIN0648-XQ26) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2922. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels" (RIN0648-XQ36) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2923. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XQ35) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2924. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (RIN0648-XQ93) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2925. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Total Allowable Catch (TAC) Harvested for Loligo Squid Trimester II" (RIN0648-XQ73) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Data

Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes" (RIN2120-AG87) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Activation of Ice Protection" (RIN2120-AI90) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Standards; Fire Protection" (RIN2120-AJ04) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska" ((RIN2120-AA66) (8-10/8-11/0926/AAL-24)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of VOR Federal Airway—329; Alabama—Florida" ((RIN2120-AA66) (8-10/8-11/0229/ASO-13)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Plentywood, Montana" ((RIN2120-AA66) (8-10/8-11/0025/ANM-4)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ironwood, Michigan" ((RIN2120-AA66) (7-30/7-30/0052/AGL-1)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Monee, Illinois" ((RIN2120-AA66) (7-30/7-30/1314/AGL-21)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Iowa Falls, Iowa" ((RIN2120-AA66) (7-31/1272/

ACE-4)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines" ((RIN2120-AA64) (8-17/8-18/0555/NE-18)) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2936. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ten Sleep, Wyoming)" (MB Docket No. 08-242) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2937. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Santa Fe, New Mexico" ((DA 09-1757) (MB Docket No. 09-110)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2938. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Colorado Springs, Colorado" ((DA 09-1758) (MB Docket No. 09-111)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2939. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Fond du Lac, Wisconsin" ((DA 09-1794) (MB Docket No. 09-115)) as received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2940. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dulac, Louisiana)" ((RM-11513) (MB Docket No. 09-18)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2941. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations (Waverly, Alabama)" ((MB Docket No. 09-54) (RM-11520)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2942. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract the administrative management and correspondence functions currently being performed by six (6) military personnel of the Fleet Air Reconnaissance Squadron Seven (VQ-7), lo-

cated at Tinker Air Force Base, Oklahoma; to the Committee on Armed Services.

EC-2943. A communication from the Acting Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report entitled "Department of Defense Report to Congress on Commercial Software Reuse Preference, Section 803 of Public Law 110-417"; to the Committee on Armed Services.

EC-2944. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Defining 'Small Number of Animals' for Minor Use Designation" ((Docket No. FDA-2008-N-0176) (RIN0910-AG03)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2945. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Tobacco Products Scientific Advisory Committee; Establishment" (Docket No. FDA-2009-N-0381) received in the Office of the President of the Senate in September 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2946. A communication from the Chief of the Planning and Regulatory Affairs Branch, Supplemental Foods Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certifications and General Administrative Provisions" (RIN0584-AD73) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2947. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon and Imported Irish Potatoes; Relaxation of Size Requirements" ((Docket No. AMS-FV-08-0062) (FV08-945-1 FR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2948. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins" ((Docket No. AMS-FV-08-0114) (FV09-989-1 FIR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2949. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Change in Reporting Requirements" ((Docket No. AMS-FV-08-0017) (FV08-920-2 FR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2950. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled

“Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes” ((Docket No. AMS-FV-08-0097) (FV09-980-1 FR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2951. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dried Prunes Produced in California; Decreased Assessment Rate” ((Docket No. AMS-FV-09-0048) (FV09-993-1 IFR)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2952. A communication from the Administrator of Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Order Amending Marketing Order No. 905” ((Docket No. AMS-FV-07-0132) (FV08-905-1)) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2953. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revisions to Certain End-User Controls under the Export Administration Regulations; Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List” (RIN0694-AE54) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2954. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Cuba: Revisions to Gift Parcel and Baggage Restrictions, Creation of License Exception for Donated Consumer Communications Devices and Expansion of Licensing Policy Regarding Telecommunications” (RIN0694-AE60) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2955. A communication from the Special Inspector General for the Troubled Asset Relief Program, transmitting, the Quarterly Report to Congress of the Special Inspector General for the Troubled Asset Relief Programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2956. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Assistance Regulations” (RIN1991-AB77) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Energy and Natural Resources.

EC-2957. A communication from the Senior Counsel for Regulatory Affairs, Office of Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Payments in Lieu of Low Income Housing Tax Credits” (RIN1505-AC17) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Finance.

EC-2958. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Corrections to Rev.

Proc. 2009-39 Regarding Taxpayers Before the Joint Committee on Taxation” (Notice 2009-67) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Finance.

EC-2959. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revocation of Elections by Multiemployer Defined Benefit Pension Plans to Freeze Funded Status under Section 204 of WRERA” (Notice 2009-43) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Finance.

EC-2960. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Public-Private Investment Partnerships” (Rev. Proc. 2009-42) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Finance.

EC-2961. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2009 Marginal Production Rates under Section 613A” (Notice 2009-74) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Finance.

EC-2962. A communication from the Secretary General of the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly, transmitting, a report relative to the Vilnius Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Eighteenth Annual Session; to the Committee on Foreign Relations.

EC-2963. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Charging for Investigational Drugs under an Investigational New Drug Application” ((Docket No. FDA-2006-N-0237) (RIN0910-AF13)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2964. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Expanded Access to Investigational Drugs for Treatment Use” ((Docket No. FDA-2006-N-0238) (RIN0910-AF14)) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2965. A communication from the Director, National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, an addendum to the report entitled “Fiscal Year 2008 Performance Summary Report”; to the Committee on the Judiciary.

EC-2966. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “American Recovery and Reinvestment Act: 504 Loan Program Debt Refinancing” (RIN3245-AF91) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Small Business and Entrepreneurship.

EC-2967. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of

a rule entitled “Small Business Investment Companies—Leverage Eligibility and Portfolio Diversification Requirements” (RIN3245-AF92) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1669. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. KOHL, Mr. HATCH, and Mr. KYL):

S. 1670. A bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. SCHUMER):

S. 1671. A bill to enhance the reporting requirements on the status of the Arab League trade boycott of Israel and other trade boycotts of Israel; to the Committee on Finance.

By Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN):

S. 1672. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1673. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DODD, Mr. SHELBY, and Mr. INHOFE):

S. 1674. A bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. HARKIN, Mr. KERRY, Mr. DODD, Mr. WYDEN, Mr. MENENDEZ, Ms. STABENOW, Ms. KLOBUCHAR, Mr. CASEY, Mr. FRANKEN, Mr. BROWN, Mr. REED, Mr. SANDERS, Mrs. MURRAY, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LEAHY, Mr. BEGICH, Mr. LIEBERMAN, Mrs. BOXER, Mrs. McCASKILL, Mr. AKAKA, Mrs. SHAHEEN, Mr. KAUFMAN, Mr. WEBB, and Mr. TESTER):

S. Res. 266. A resolution recognizing the contributions of John Sweeney to the United States labor movement; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. BENNETT, Mrs. HUTCHISON, Mr. BAYH, Mr. FRANKEN, Mr. MENENDEZ, Ms. KLOBUCHAR, and Mrs. BOXER):

S. Res. 267. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. BROWN, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mrs. BOXER, Mr. KAUFMAN, Mr. CORNYN, and Mrs. FEINSTEIN):

S. Res. 268. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation; considered and agreed to.

By Mr. MENENDEZ (for himself and Mr. SCHUMER):

S. Con. Res. 39. A concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 451

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 511

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 511, a bill to amend part B of title

XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 599

At the request of Mr. CARPER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 850

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cospon-

sor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

At the request of Mr. CASEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000, 000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1257

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1327

At the request of Mr. JOHNSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1327, a bill to reauthorize the public and Indian housing drug elimination program of the Department of Housing and Urban Development, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1504

At the request of Mr. SPECTER, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 1504, a bill to provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

S. 1511

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1511, a bill to amend titles XVIII and XIX of the Social Security Act to improve awareness and access to colorectal cancer screening tests under the Medicare and Medicaid programs, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1635

At the request of Mr. DORGAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1635, a bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes.

S. 1663

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1663, a bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding a voluntary employees' beneficiary association with respect to former employees of Delphi Corporation.

S. RES. 263

At the request of Mr. GRASSLEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 263, a resolution designating October 2009 as "National Medicine Abuse Awareness Month".

AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 2361 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2365

At the request of Ms. LANDRIEU, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 2365 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1669. A bill to provide all Medicare beneficiaries with the right to guaranteed issue of a Medicare supplemental policy; to the Committee on Finance.

Mr. KERRY. Mr. President, a key component of the health reform debate is ensuring that all people—regardless of their health status—have access to comprehensive and affordable coverage options. Unfortunately, under current law Medicare beneficiaries are subject to discriminatory medical practices that deny coverage options based on their age, condition, or disability.

Medigap plans provide vital assistance to Medicare beneficiaries in paying Medicare cost-sharing. Without supplemental coverage, the absence of an out-of-pocket limit in Medicare leaves beneficiaries vulnerable to catastrophic medical expenses.

Unfortunately, Medicare beneficiaries with disabilities or who have end-stage renal disease, ESRD, do not have the same guaranteed issue rights as Medicare beneficiaries age 65 and older. In the absence of equal opportunity and access to Medigap policies

at the Federal level, 29 States have chosen to grant the same rights to disabled and ESRD beneficiaries that seniors currently enjoy.

ESRD beneficiaries are also the only group of Medicare beneficiaries currently denied the same Medicare choices as other Medicare beneficiaries. They are statutorily prohibited from enrolling in Medicare Advantage plans.

Today I am introducing the Equal Access to Medicare Options Act, a bill that improves coverage options to Medicare beneficiaries. First, the legislation would extend guaranteed issue of Medigap policies to all Medicare beneficiaries rather than limiting guaranteed issue to those beneficiaries who are over 65 years of age. This change will significantly improve coverage options and affordability for beneficiaries with disabilities or end-stage renal disease.

Second, the legislation recognizes that Medicare beneficiaries need flexibility to adjust their coverage as changes to their plans are made. More specifically, the legislation would give guaranteed issue rights to Medicare Advantage enrollees if they decide to switch to traditional Medicare during an enrollment period. Today, if a Medicare Advantage enrollee learns of premium increases or benefit reduction in their plan, they have the option of returning to traditional Medicare but they have no assurance they can buy Medigap coverage if they do so.

Third, the legislation would provide guaranteed issue to dual eligibles who lose their Medicaid coverage and find themselves in traditional Medicare without the cost protections of Medicaid and without supplemental coverage options.

Finally, this legislation would for the first time give beneficiaries with end-stage renal disease the option of enrolling in Medicare Advantage plans.

I would like to thank a number of organizations who have been integral to the development of the Equal Access to Medicare Options Act and who have endorsed it today, including the AARP, California Health Advocates, Center for Medicare Advocacy, Consortium for Citizens with Disabilities, Consumers Union, Dialysis Patient Citizens, Fresenius Medical Care, Medicare Rights Center, and the National Kidney Foundation.

These reforms would ensure that all Medicare beneficiaries regardless of their disability or age have equal opportunity and access to affordable Medicare options to reduce out-of-pocket costs. I look forward to working with my colleagues in the Senate to achieve these goals in the context of health care reform.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. KOHL, Mr. HATCH, and Mr. KYL):

S. 1670. A bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, during the past decade we have witnessed tremendous development in the way video content is made available to consumers. Today, as a result of digital technology, we can watch movies, television programs, and other video not only on our television sets, but also on our computers, phones, and other mobile devices. In order to maximize the potential of digital content, Congress must ensure that our copyright and communications laws are modernized and updated to accommodate the digital revolution. Today, I join with Senators Sessions, KOHL, HATCH, and KYL in introducing the Satellite Television Modernization Act of 2009. Our legislation will reauthorize, modernize, and simplify important portions of the statutory license used by satellite providers that will otherwise expire at the end of this year.

The transition to digital television requires Congress to modernize the statutory copyright licenses that allow cable and satellite providers to retransmit the content of local broadcast stations. In February, many stations across the country, including those in Vermont, made the digital transition and can now offer multiple programming channels over a single, crystal-clear digital signal. In June, the remaining broadcast stations across the country completed the digital transition. The current statutory licenses, however, are based on the now outdated analog standard. In our reauthorization, we seek to ensure that the licenses work properly in the digital world.

In June 2008, the U.S. Copyright Office issued a report on the statutory licenses, and offered recommendations on how to improve the current system. The Copyright Office's principal recommendation was to move toward abolishing the compulsory licenses, in particular the distant signal licenses. Short of that, the Copyright Office offered suggestions on how to harmonize and streamline the licenses.

The legislation we introduce today draws on the recommendations of the Copyright Office and takes important steps toward limiting future reliance on the section 119 distant signal license used by satellite providers. This legislation will move locally oriented elements out of the distant signal license—such as the special exception that allows Vermonters in the State's southern-most counties to receive Vermont broadcast stations by satellite—and place them into the section 122 license, which facilitates the retransmission of local content with the consent of the broadcaster. The bill will also fix an anomaly in the distant signal license, which will make it easier for satellite providers to serve local markets that are missing a network affiliate.

Making these changes will improve the ability of satellite providers to deliver a full complement of network stations to consumers, as well as make it

easier for them to offer local stations. In Vermont, these changes will have the additional benefit of fostering competition between DISH Network and DirecTV, by allowing DISH to offer Vermont broadcast stations in southern Vermont, a service DirecTV provides today. The legislation also adds a new provision to the local license that will allow satellite providers such as DISH to import a missing network station from an adjacent market when the local market is not served by all four principle networks, after the provider first obtains the station's consent. This new provision will make it more likely and reasonable for DISH to launch local service in these markets, which is good for local broadcasters, good for satellite providers, and good for consumers.

These changes will not only improve the satellite licenses, but will begin the process of phasing out the distant signal license as satellite providers offer local service in more markets. As the distant signal license fades, Congress should follow the Copyright Office's suggestion and move ultimately toward a market-based system, in which statutory licenses are unnecessary.

One further step we can take toward a marketplace model this year is to allow broadcast stations to opt-out of the statutory licenses. All non-broadcast channels carried by cable and satellite providers, such as ESPN and the USA Network, are able to aggregate a complex series of content rights, and negotiate for carriage in the free market. Local broadcasters should be permitted to do the same if they, too, are able to aggregate the necessary rights to license directly to cable and satellite providers. This is a proposal I expect the Judiciary Committee to examine as the bill moves through the markup process. I encourage all industry participants to work with the Committee so that we can address any concerns about this market-based approach.

Short of repealing the compulsory licenses, the Copyright Office recommended harmonizing the cable and satellite licenses in order to create regulatory parity between the two industries. The section 111 license used by cable, for instance, is based on FCC rules that have long since been repealed, and the license itself has not been significantly updated since it was established more than 30 years ago. The arcane nature of the cable license can at times produce unintended results, such as cable companies paying copyright holders for content that consumers do not actually receive. This is referred to as the phantom signal problem. In contrast, satellite companies pay a flat, per subscriber rate based on consumers actually receiving a broadcast station. Comprehensive reforms to section 111 that aim to modernize the statute and create regulatory parity between cable and satellite providers would address these disparities. We

take a more modest approach in the bill we introduce today. The legislation contains an amendment that will resolve the phantom signal issue. I appreciate that members of the content community and the cable system came together to find a solution on which they can all agree.

The Satellite Television Modernization Act is one component of the reauthorization. Portions of the expiring law are within the jurisdiction of the Senate Committee on Commerce, and I look forward to working with the leadership of that Committee, and our counterparts in the House of Representatives, to enact legislation that once again improves the law by fostering competition, protecting broadcasters, and improving service to consumers.

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

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

S. 1670

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Television Modernization Act of 2009".

SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS OF SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE HOME VIEWING.

Section 119 of title 17, United States Code, is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)—
- (i) in subparagraph (A)—
- (I) by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)"; and
- (II) by striking "(5), (6), (7), and (8)" and inserting "(4), (5), (6), and (7)";
- (ii) in subparagraph (B)—
- (I) in clause (i), by striking the second sentence; and
- (II) in clause (ii)—
- (aa) in subclause (I)—
- (AA) by striking "the Individual Location" and all that follows through "No. 98-201," and inserting "the predictive digital model established by the Federal Communications Commission,"; and
- (BB) by striking "under section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3))"; and
- (bb) in subclause (II), by striking "section 339(c)(4) of the Communications Act of 1934 (47 U.S.C. 339(c)(4))" and inserting "rules established by the Federal Communications Commission";
- (iii) by striking subparagraph (C);
- (iv) by redesignating subparagraph (D) as subparagraph (C); and
- (v) in subparagraph (C) (as so redesignated)—
- (I) in clause (i), by striking "network station—" and all that follows through the period at the end and inserting "network station a list, aggregated by designated market area (as that term is defined in section 122(j)), identifying (by name and address, including street or rural route number, city, State, and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.";
- (II) in clause (ii), by striking "the network—" and all that follows through the period at the end and inserting "the network a

list, aggregated by designated market area (as that term is defined in section 122(j)), identifying (by name and address, including street or rural route number, city, State, and zip code) any persons who have been added or dropped as subscribers under clause (i)(I) since the last submission under clause (i)."; and

(III) in clause (iv), at the end of the second sentence, by striking the ending quotation mark and semicolon;

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively;

(D) by amending paragraph (3) (as so redesignated) to read as follows:

"(3) STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—

"(A) FUTURE APPLICABILITY.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of a primary transmission of a network station to a person who—

"(i) is not a subscriber lawfully receiving such secondary transmission as of December 31, 2009; and

"(ii) at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same television network pursuant to the statutory license under section 122, and such secondary transmission of such primary transmission can reach such person.

"(B) OTHER PROVISIONS NOT AFFECTED.—This paragraph shall not affect the applicability of the statutory license to secondary transmissions to unserved households included under paragraph (11).

"(C) WAIVER.—A subscriber who is denied the secondary transmission of a network station under this paragraph may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station in the local market affiliated with the same network where the subscriber is located. The network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station shall be deemed to agree to the waiver request. Unless specifically stated by the network station, a waiver that was granted before the date of the enactment of the Satellite Home Viewer Extension and Reauthorization Act of 2004 under section 339(c)(2) of the Communications Act of 1934 (47 U.S.C. 339(c)(2)) shall not constitute a waiver for purposes of this subparagraph.

"(D) AVAILABLE DEFINED.—For purposes of this paragraph, a satellite carrier makes available a secondary transmission of the primary transmission of a local station to a subscriber or person if the satellite carrier offers that secondary transmission to other subscribers who reside in the same zip code as that subscriber or person.";

(E) in paragraph (4) (as so redesignated), by striking "section 509";

(F) in paragraph (6) (as so redesignated)—

(i) in subparagraph (A)(ii), by striking "\$5" and inserting "\$250"; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking "\$250,000" and inserting "\$2,500,000"; and

(II) in clause (ii), by striking "\$250,000" and inserting "\$2,500,000"; and

(G) by striking paragraph (15); and

(H) by redesignating paragraph (16) as paragraph (14);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "(b) DEPOSITS AND DISTRIBUTION OF ROYALTY FEES.—"; and

(B) in paragraph (1), by striking the matter following subparagraph (B);

(3) by amending subsection (c) to read as follows:

"(c) ADJUSTMENT OF ROYALTY FEES.—

"(1) APPLICABILITY AND DETERMINATION OF ROYALTY FEES.—

"(A) INITIAL FEE.—The appropriate fee for purposes of determining the royalty fee under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and superstations shall be the appropriate fee set forth in subchapter E of chapter III of title 37, Code of Federal Regulations, as in effect on July 1, 2009, as modified under this paragraph.

"(B) FEE SET BY VOLUNTARY NEGOTIATION.—On or before January 4, 2010, Copyright Royalty Judges shall cause to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining the royalty fee to be paid by satellite carriers for the secondary transmission of the primary transmission of network stations and superstations under subsection (b)(1)(B).

"(C) NEGOTIATIONS.—Satellite carriers, distributors, and copyright owners entitled to royalty fees under this section shall negotiate in good faith in an effort to reach a voluntary agreement or agreements for the payment of royalty fees. Any such satellite carriers, distributors, and copyright owners may at any time negotiate and agree to the royalty fee, and may designate common agents to negotiate, agree to, or pay such fees. If the parties fail to identify common agents, Copyright Royalty Judges shall do so, after requesting recommendations from the parties to the negotiation proceeding. The parties to each negotiation proceeding shall bear the cost thereof.

"(D)(i) AGREEMENTS BINDING ON PARTIES; FILING OF AGREEMENTS; PUBLIC NOTICE.—Voluntary agreements negotiated at any time in accordance with this paragraph shall be binding upon all satellite carriers, distributors, and copyright owners that are parties thereto. Copies of such agreements shall be filed with the Copyright Office within 30 days after execution in accordance with regulations that the Register of Copyrights shall prescribe.

"(ii)(I) Within 10 days after publication in the Federal Register of a notice of the initiation of voluntary negotiation proceedings, parties who have reached a voluntary agreement may request that the royalty fees in that agreement be applied to all satellite carriers, distributors, and copyright owners without convening a proceeding pursuant to subparagraph (F).

"(II) Upon receiving a request under subclause (I), the Copyright Royalty Judges shall immediately provide public notice of the royalty fees from the voluntary agreement and afford parties an opportunity to state that they object to those fees.

"(III) The Copyright Royalty Judges shall adopt the royalty fees from the voluntary agreement for all satellite carriers, distributors, and copyright owners without convening a proceeding unless a party with an intent to participate in the proceeding and a significant interest in the outcome of that proceeding objects under subclause (II).

"(E) PERIOD AGREEMENT IS IN EFFECT.—The obligation to pay the royalty fees established under a voluntary agreement which has been filed with the Copyright Office in accordance with this paragraph shall become effective on the date specified in the agreement, and shall remain in effect until December 31, 2014, or in accordance with the terms of the agreement, whichever is later.

"(F) PROCEEDING TO ESTABLISH ROYALTY FEES.—

"(i) NOTICE OF INITIATION OF PROCEEDINGS; VOLUNTARY AGREEMENTS.—On or before May 3, 2010, the Copyright Royalty Judges shall cause notice to be published in the Federal Register of the initiation of proceedings for the purpose of determining the royalty fee to be paid for the secondary transmission of primary transmission of network stations and superstations under subsection (b)(1)(B) by satellite carriers and distributors—

"(I) in the absence of a voluntary agreement filed in accordance with subparagraph (D) that establishes royalty fees to be paid by all satellite carriers and distributors; or

"(II) if an objection to the fees from a voluntary agreement submitted for adoption by the Copyright Royalty Judges to apply to all satellite carriers, distributors, and copyright owners is received under subparagraph (D) from a party with an intent to participate in the proceeding and a significant interest in the outcome of that proceeding.

Such proceeding shall be conducted as provided under chapter 8 of this title.

"(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust those fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Office pursuant to subparagraph (D). In determining the fair market value, the Copyright Royalty Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

"(I) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

"(II) the economic impact of such fees on copyright owners and satellite carriers; and

"(III) the impact on the continued availability of secondary transmissions to the public.

"(iii) PERIOD DURING WHICH DECISION OF COPYRIGHT ROYALTY JUDGES EFFECTIVE.—The obligation to pay the royalty fee established under a determination which is made by the Copyright Royalty Judges under this paragraph shall be effective as of January 1, 2010.

"(iv) PERSONS SUBJECT TO ROYALTY FEE.—The royalty fee referred to clause (iii) shall be binding on all satellite carriers, distributors, and copyright owners, who are not party to a voluntary agreement filed with the Copyright Office under subparagraph (D).

"(2) ROYALTY FEE ANNUAL ADJUSTMENT.—The royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmission of network stations and superstations shall be adjusted annually by the Copyright Royalty Judges to reflect any changes occurring during the preceding 12 months in the cost of living as determined by the most recent Consumer Price Index (for all consumers and items) published by the Secretary of Labor prior to December 1. Notification of the adjusted rates shall be published in the Federal Register prior to December 1 of that year.";

(4) in subsection (d)—

(A) in paragraph (10)—

(i) by amending subparagraph (A) to read as follows:

"(A)(i) is located in a local market in which there is no primary network station affiliated with such network licensed to a community within such local market; or

“(ii) cannot receive, through the use of a conventional, stationary, outdoor rooftop receiving antenna, an over-the-air signal of a primary network station affiliated with that network that does not exceed the signal intensity standard in section 73.622(e)(1) of title 47 of the Code of Federal Regulations as in effect on January 1, 2010.”;

(i) in subparagraph (B), by striking “(a)(14)” and inserting “(a)(13)”;

(iii) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(101)”;

(B) in paragraph (11), by striking “, except that” and all that follows through “located”;

(C) by striking paragraph (12); and

(D) by redesignating paragraph (13) as paragraph (12); and

(5) by striking subsection (f).

SEC. 3. LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

Section 122 of title 17, United States Code, is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

“(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED AND LOW POWER STATIONS.—A secondary transmission of a performance or a display of a work embodied in a primary transmission of a television broadcast station or low power television station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) SECONDARY TRANSMISSIONS OF SIGNIFICANTLY VIEWED SIGNALS.—The statutory license shall apply to the secondary transmission of the primary transmission of a network station or a superstation to a subscriber who resides outside the station’s local market but within a community in which the signal has been determined by the Federal Communications Commission, to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) CARRIAGE OF LOW POWER TELEVISION STATIONS.—

“(i) IN GENERAL.—The statutory license shall apply to the secondary transmission of the primary transmission of a network sta-

tion or a superstation that is licensed as a low power television station, to a subscriber who resides within the same local market.

“(ii) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(3) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or a display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

“(B) STATES WITH ALL NETWORK STATIONS AND SUPERSTATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and superstations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47 of the Code of Federal Regulations).

“(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

“(i) on January 1, 2004, were in local markets principally comprised of counties in another State; and

“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

“(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

“(ii) the total number of television households in the 2 counties combined did not ex-

ceed 10,000 for the year 2003 according to Nielsen Media Research.

“(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of 3 or more noncommercial educational broadcast stations licensed by a single State, political, educational, or special purpose subdivision of a State, or a public agency, the statutory license provided for in this paragraph shall apply to the secondary transmission of that system to any subscriber in any county or county equivalent within that State that is located in a designated market that is not otherwise eligible to receive secondary transmissions of a noncommercial television broadcast station located within that State pursuant to paragraph (1). If a satellite carrier makes secondary transmissions to an adjacent underserved county, local noncommercial educational broadcast stations shall not be repositioned in the channel lineup as a consequence of these retransmissions.

“(4) SHORT MARKETS.—A secondary transmission of a performance of a display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of a primary transmission of a network station from a market adjacent to such local market and no station affiliated with such network is licensed to a community within the local market.

“(5) APPLICABILITY OF ROYALTY RATES.—The royalty rates under section 119(b)(1)(B) shall apply to the secondary transmissions to which the statutory license under paragraphs (3) and (4) apply.

“(b) REPORTING REQUIREMENTS.—

“(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station—

“(A) a list, aggregated by designated market area (as that term is defined in subsection (j)), identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a list, to be prepared and submitted separately from the list required under subparagraph (A), aggregated by designated market area (by name and address, including street or rural route number, city, State, and zip code), which shall indicate those subscribers being served pursuant to paragraphs (2), (3), or (4) of subsection (a).

“(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network—

“(A) a list, aggregated by designated market area (as that term is defined in subsection (j)), identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a list, to be prepared and submitted separately from the list required under subparagraph (A), aggregated by designated market area (by name and street address, including street or rural route number, city, State, and zip code), identifying those subscribers whose service pursuant to paragraphs (2), (3), or (4) of subsection (a) has been added or dropped.

“(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite

carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

“(4) REQUIREMENTS OF NETWORKS.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register of Copyrights shall maintain for public inspection a file of all such documents.

“(c) NO ROYALTY FEE REQUIRED FOR CERTAIN SECONDARY TRANSMISSIONS.—A satellite carrier whose secondary transmissions are subject to statutory licensing under paragraphs (1) and (2) of subsection (a) shall have no royalty obligation for such secondary transmissions.”;

(2) in subsection (f)—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(ii) in subparagraph (B)(ii), by striking “\$250,000” and inserting “\$2,500,000”;

(3) in subsection (j)—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power television as defined under section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.”.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

Section 338(a) of the Communications Act of 1934 (47 U.S.C. 338(a)) is amended—

(1) by amending the first paragraph (3) to read as follows:

“(3) CARRIAGE OF LOW POWER, SIGNIFICANTLY VIEWED, AND SPECIAL EXCEPTION STATIONS OPTIONAL.—No station whose signal is provided under paragraph (2) or (3) of section 122(a) of title 17, United States Code, shall be entitled to insist on carriage under this section, regardless of whether the satellite carrier provides secondary transmissions of the primary transmissions of other stations in the same local market pursuant to such section 122, nor shall any such carriage be considered in connection with the requirements of subsection (c) of this section.”; and

(2) by redesignating the second paragraph (3) (relating to effective date) and paragraph (4) as paragraphs (4) and (5), respectively.

SEC. 5. EXTENSION OF AUTHORITY.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103-369) is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

SEC. 6. MODIFICATIONS TO THE CABLE STATUTORY LICENSE.

(a) UPDATE AND CLARIFICATION OF ROYALTY CALCULATION METHODOLOGY.—Section 111(d)(1) of title 17, United States Code, is amended by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) except in the case of a cable system whose royalty fee is specified in subparagraph (C) or (D), a total royalty fee for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during said period for the basic serv-

ice of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 per centum for the privilege of further transmitting any nonnetwork programming of a primary transmitter in whole or in part beyond the local service area of such primary transmitter, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv).

“(ii) 1.064 per centum of such gross receipts for the first distant signal equivalent.

“(iii) 0.701 of 1 per centum of such gross receipts for each of the second, third, and fourth distant signal equivalents.

“(iv) 0.330 of 1 per centum of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter;

“(C) in computing the amounts payable under clauses (ii) through (iv), any fraction of a distant signal equivalent shall be computed at its fractional value or in the case of any cable system located partly within and partly without the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located without the local service area of such primary transmitter;

“(D) in computing the amounts payable under clauses (ii) through (iv), if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system, the gross receipts and the distant signal equivalent values for each secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides each such secondary transmission, provided, however, that the total royalty fee for the period paid by such system shall in no event be less than the royalty fee calculated in accordance with clause (i) multiplied by the gross receipts from all subscribers to the system; and provided further, that a cable system that on a statement submitted prior to the date of enactment of the Satellite Television Modernization Act of 2009, computed its royalty fee consistent with the methodology in this subparagraph or that amends a statement filed prior to the date of enactment of such Act to compute the royalty fee due using this methodology shall not be subject to an action for infringement, or eligible for any royalty refund, arising out of its use of such methodology on such statement;

“(E) if the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters total \$263,800 or less, gross receipts of the cable system for the purpose of this subparagraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system’s gross receipts be reduced to less than \$10,400. The royalty fee payable under this subparagraph shall be 0.5 of 1 per centum, regardless of the number of distant signal equivalents, if any; and

“(F) if the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this subparagraph shall be—

“(i) 0.5 of 1 per centum of any gross receipts up to \$263,800; and

“(ii) 1 per centum of any gross receipts in excess of \$263,800 but less than \$527,600 regardless of the number of distant signal equivalents, if any.”.

(b) NO QUINQUENNIAL ADJUSTMENTS UNTIL 2015.—Section 804(b) of title 17, United States

Code, is amended by striking “2005” each place that term appears and inserting “2015”.

(c) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary broadcast transmitters (as such terms are defined in subsection (f) of section 111 of title 17, United States Code) that are in addition to the payments calculated and deposited in accordance with subsection (d) of such section 111 shall be deemed to have been deposited for the particular accounting period during which they are received and shall be distributed as specified in subsection (d) of such section 111.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (a), shall take effect beginning with the statement of account covering the first accounting period in 2010.

Mr. HATCH. Mr. President, I rise today to introduce with my colleague from Vermont, Senator LEAHY, the Satellite Television Modernization Act. I also note the efforts of Senators SESSIONS, KOHL, and KYL in crafting this bipartisan bill.

It is hard to believe that 5 years have transpired since we passed the Satellite Home Viewer Extension Act, SHVERA, of 2004. Much has occurred since that time, including the transition from analog to digital signals, which occurred in June. That is why the proposed legislation will not only reauthorize the statutory license used by satellite television providers, but will bring all of the statutory licenses into the digital age so that consumers can receive a good quality digital signal. Additionally, S. 1670 expands access to low power stations by broadening the license for low power stations to cover the entire local market; permits satellite providers to carry a noncommercial educational broadcast station if a station is part of a state-wide network; improves the ability of both DirecTV and DISH Network to provide local signals to local markets; and addresses the “phantom signal” issue, where currently cable providers may be required to pay royalty fees under section 111 based on subscribers who do not receive the content for which the royalty is being paid.

I hasten to point out, however, that much more needs to be done to move away from government regulation and toward a marketplace where satellite providers and cable providers can compete based on market forces. This is not a new issue for this body. In fact, during the 2004 reauthorization of SHVERA, Congress required that the U.S. Copyright Office prepare a report to make recommendations on the operations of, and revisions to, sections 111, 119, and 122 of the Copyright Act. The Copyright Office provided this report to Congress on June 30, 2008.

While I will not provide a line by line summary of the Report, I will underscore some key findings that the Copyright Office, under the leadership of Register of Copyrights Marybeth Peters, suggests that Congress consider

when legislating in this area of the law. Specifically, the Copyright Office found that “below-market rates may have been justifiable when cable and satellite were nascent industries and needed a mechanism to allow them to serve their subscriber base with valuable distant signals.” The Report continues by stating that “the current multichannel video distribution marketplace is robust and has, for a long time, overshadowed the broadcast industry.” Moreover, the Copyright Office further argues that “it is now time to phase out section 111 and section 119 so that copyright owners can negotiate market rates for the carriage of programming.”

I agree with the Copyright Office that something needs to be done to “phase out” these compulsory licenses. There is no longer any reason that the cable and satellite industries need a government-sponsored subsidy—paid for by program providers—for the right to retransmit broadcast signals. I believe we can devise a way that would phase out these compulsory licenses without disrupting the market. In fact, it is already being done today, as cable and satellite services license programming for more than 550 non-broadcast networks directly in the marketplace without a need for a compulsory license.

Some have suggested a market trigger mechanism that would create an opportunity for, but not require, copyright owners to license their copyrighted programming on broadcast television in the same manner as they do currently for cable channels like TBS, ESPN, Nickelodeon, Disney Channel, FX, and Bravo. Copyright owners would have a choice between continuing to operate under the compulsory license, or if they prefer, licensing cable and satellite retransmission of their works directly through the free market as is done every day for the hundreds of non-broadcast cable channels.

I hope that industry stakeholders will participate in creating a practical and reasonable approach to rectifying this important issue. At a minimum, it is time to let program creators and distributors have the option to determine the terms and conditions for their intellectual property rights. I am pleased that Senate Judiciary Committee Chairman PAT LEAHY is committed to exploring viable options for a marketplace model, and I look forward to working with him and our colleagues on this and other issues before final passage of this bill.

By Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN):

S. 1672. A bill to reauthorize the National Oilheat Research Alliance Act of 2000; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I introduce, along with Senator SNOWE and Senator SHAHEEN, the National Oilheat Research Alliance Reauthorization Act

of 2009. Since its establishment in 2001, the National Oilheat Research Alliance, NORA, has been a helpful entity for consumers of home heating fuel.

As part of the Energy Act of 2000, Congress authorized the heating oil industry to conduct a referendum to create NORA and to permit a small fraction of the wholesale price of heating oil—2/10 of a cent per gallon—to be paid by oilheat wholesale distributors to fund industry-led research and development, energy conservation, safety, training, and consumer education initiatives.

Since that time, R&D funded in part by NORA has been responsible for gains in efficiency as well as improvement in equipment that run on biofuels. In my home state, the next generation of oilheat technicians is being taught using classes developed by NORA.

NORA’s current authorization expires in February 2010. The bipartisan bill we are introducing today extends the authorization for another year to allow NORA to continue operating. This extension will give Congress time to complete a longer-term reauthorization that will make important reforms to NORA. It is essential that this extension be signed into law before the end of this year. Otherwise, NORA will be forced to start shutdown procedures in advance of the authorization lapsing.

Currently, the oilheat industry in 23 states and the District of Columbia—representing more than 8.5 million homes and businesses—participates in NORA. It is important that Congress act quickly on this bill to ensure that the benefits NORA creates for these families and businesses continue uninterrupted.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD.

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

S. 1672

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Oilheat Research Alliance Reauthorization Act of 2009”.

SEC. 2. REAUTHORIZATION.

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106-469) is amended by striking “the date that is 9 years after the date on which the Alliance is established” and inserting “February 6, 2011”.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1673. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations; to the Committee on Finance.

Mr. BEGICH. Mr. President, I am pleased today to join my colleague, Senator MURKOWSKI, in introducing legislation that would give Alaska Na-

tive Corporation, ANC, parity for an important tax incentive encouraging the permanent protection of land through the charitable donation of a conservation easement. I would also like to commend our colleague Congressman DON YOUNG, who today introduces a companion bill in the House of Representatives.

America’s wildlife, waters, and land are an invaluable part of our Nation’s heritage. It is imperative to preserve these natural treasures for future generations. Congress long ago concluded that it was good public policy to encourage the charitable contribution of conservation easements to organizations dedicated to maintaining natural habitats or open spaces help protect the nation’s heritage. A conservation easement creates a legally enforceable land preservation agreement between a willing landowner and another organization. The purpose of a conservation easement is to protect permanently land from certain forms of development or use. The property that is the subject to the easement remains the private property of the landowner. The organization holding the easement must monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

In 2006, Congress enhanced the charitable tax deduction for conservation easements in order to encourage such gifts. With the 2006 legislation, Congress temporarily increased the maximum deduction limit for individuals donating qualified conservation easements from 30 percent to 50 percent of the taxpayer’s adjusted gross income. Congress also created an exception for qualified farmers or ranchers, which are non-publicly traded corporations or individuals whose gross income from the trade or business of farming is greater than 50 percent of the taxpayer’s gross income. In the case of a qualified farmer or rancher, the limitation increased from 30 percent to 100 percent. The 2008 Farm Bill extended the temporary rules for two additional years to charitable contributions made before December 31, 2009.

Unfortunately, the way the law was crafted has disadvantaged a number of important landowners in my home state. Alaska Native Corporations, ANCs, own nearly 90 percent of the private land in Alaska, including some of the most scenic and resource rich. However, although they are very similar to the small communal family farms that are eligible, subsistence-based Alaskan Native communities are ineligible for these important new tax incentives. For thousands of years, Alaska has been home to Native communities, whose rich heritages, languages, and traditions have thrived in the region’s unique landscape. Members of Alaska Native communities continue to have a deeply symbiotic relationship with the land even today. Much like their ancestors, many Native Alaskan communities engage in

traditional subsistence activities, with nearly 70 percent of their food coming from the land or adjacent waters. For many communities, subsistence is an economic necessity considering both the lack of economic development and the cost and difficulty involved in purchasing food. For example, in Kotzebue, a community in Northwestern Alaska, milk costs nearly \$10 per gallon. In Buckland, a village home to approximately 400 people, a pound of hamburger, when it is actually available, costs \$14.00.

In Alaska, the Native Corporations have an important role to be stewards of the land. Their shareholders see themselves as the caretakers of the land and water as their ancestors have for thousands of years. Nonetheless, in Alaska today this means they have to balance the need for resource development and the need to cultivate the land for subsistence activities. The traditional lifestyles of Native Alaskans are under increasing stress from outside influences. Population growth and the pressure to pursue cash-generating activities have increased the desire for substantial development, significantly adding to the ecological stress on already fragile ecosystems. Without permanent protection, their lands could be developed in a manner that would destroy its ability to support the traditional ways and subsistence lifestyles crucial to Alaskan Native communities. Making use of tax incentives available to other Americans will make it easier for Native communities to make the right decisions for their shareholders.

Today, Alaska Native communities are not eligible for the 50 percent deduction available to individuals because they are federally chartered as C corporations under the Alaska Native Claims Settlement Act of 1971, ANCSA. This leaves Alaska Natives without the ability to convert to an eligible entity as other landowners can. In addition, most Alaska Native Corporations do not have sufficient gross income from the trade or business of what is considered traditional farming to be eligible for the 100 percent deduction available to qualified farmers or ranchers. This is in spite of the fact that as a group the Alaska Native shareholders of Alaska Native Corporations receive far more in subsistence benefits than they receive in income from the Alaska Native Corporation. As a result, Alaska Native Corporations do not have the same ability to offset the cost to permanently protect their properties, which contain important wildlife, fish, and other habitats, through donations of qualified conservation easements.

The bill I am introducing with Senator MURKOWSKI will allow Alaska Native Corporations to protect these important wildlife habitats, many used for subsistence, by providing an enhanced deduction for qualified conservation easements. The legislation modifies Section 170(b)(2) of the Internal Revenue Code by creating a new

subsection that provides Alaska Native Corporations with a deduction for donations of certain qualified conservation easements. In order to be eligible, a qualified charitable conservation contribution must: (1) otherwise qualify under Section 170(h)(1); (2) be made by a Native Corporation; and (3) be land that was conveyed by ANCSA. Under Section 170(b)(2)(iii)(I), "Native Corporation" is defined by ANCSA, section 3(m). Under Section 170(b)(2)(i), the maximum deduction limit would be set at 100 percent of the taxpayer's adjusted gross income. If the taxpayer has deductions in excess of the applicable percentage-of-income limitation, Section 170(b)(2)(ii) would allow the taxpayer to carry-forward the deduction for up to 15 years.

Congress must act to assist Alaska Native communities in permanently protecting their culturally, historically, and ecologically significant land, preserving the communities and their rich traditions in the process. I urge my colleagues to support this important legislation.

By Mr. WYDEN (for himself, Mr. DODD, Mr. SHELBY, and Mr. INHOFE):

S. 1674. A bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; to the Committee on Finance.

Mr. WYDEN. Mr. President, I come here today to introduce the bipartisan Improving Access to Clinical Trials Act. I would like to begin by thanking my friend Congressman EDWARD MARKEY for introducing this legislation in the House. I also want to thank Senator DODD, Senator SHELBY and Senator INHOFE for cosponsoring this legislation. I would also like to thank the Cystic Fibrosis Foundation for bringing this issue to my attention.

The legislation I am introducing today is important because it would give people who are eligible for Social Security Income and Medicaid the same access to clinical trials as those who are more financially fortunate. Currently, those with rare diseases, such as Cystic Fibrosis and Tuberculous Sclerosis rely on clinical trials as their only hope. Little is known about these diseases and a clinical trial may often be the only way individuals can seek treatment for these rare diseases and contribute to helping find a cure.

Currently, SSI and Medicaid eligible individuals who want to participate in a clinical trial have to worry about whether or not they will see a loss or a reduction in their benefits for their participation in a clinical trial if the trial offers any sort of research compensation to participants as part of its approved Internal Review Board study design. This legislation would make it so benefits that these individuals receive from clinical trials are not counted against those who are seeking SSI

or Medicaid benefits or those who are already eligible for these benefits.

A good example of why this legislation is needed is Sean from Maryland. Sean is a Medicaid beneficiary who voluntarily enrolled in a clinical trial. He was paid for his participation in the study and subsequently lost his health benefits. Shortly after the study he contracted pneumonia and was treated for the illness. After hospitalization he found out that the money he received would disqualify him for Medicaid. Because he lost his health benefits he now owes \$80,000 for the two weeks of treatment he received for pneumonia.

While I believe this bill fixes a fundamental problem that has precluded hope for too many people who have a rare disease and receive SSI or Medicaid, I have heard some legitimate concerns that research compensation may create the wrong kind of incentives for low-income people. These are important concerns and when it comes to this issue I believe there do need to be important safeguards in place. That is why this bill includes a GAO study to make sure that the program is working and that it is fair to those on SSI and Medicaid who are participating in clinical trials for rare diseases. The bill sunsets in 5 years so that Congress can reexamine the issue after getting the GAO report on the program.

I urge my colleagues to support this legislation so that adults on SSI and Medicaid can have the same access to clinical trials as those more financially fortunate. I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY on passing this bill this year.

Mr. INHOFE. Mr. President, I am pleased to introduce legislation today with my colleague, Senator RON WYDEN, to introduce the Improving Access to Clinical Trials Act, I-ACT, a bill to allow patients with rare diseases to participate in clinical drug studies without losing their eligibility for public assistance like Supplemental Security Income, SSI, and Medicaid. This bill provides potentially lifesaving treatments through clinical trials for those suffering with rare diseases, like cystic fibrosis, CF, a life-threatening genetic disease that affects about 30,000 people nationwide. This hits especially close to home for me because I have a staff member, Sage Streck, with CF, and she has participated in some of these trials that further drug research as they seek better treatments for rare diseases. About half of these patients are on Medicare or Medicaid and are eligible for SSI benefits.

Cystic fibrosis used to be primarily a childhood disease because people simply didn't live long enough to reach adulthood. But now, thanks to the many treatments discovered through clinical trials, the average life expectancy is 37 years old. Additionally, these advances in science allow CF patients to live more normal lives and not spend all their lives in hospitals or

using respiratory machines. The more CF patients can participate in clinical trials, the faster scientists can discover new treatments and eventually a cure.

Sage has personally seen in her lifetime five drugs that started in clinical trials and are now available to CF patients. Each medication has increased her quality of life and decreased the amount of time she has spent in the hospital or on IV antibiotics. There are more than 30 promising drugs in the research pipeline right now that the CF Foundation is calling miracle drugs so it is imperative that patients have access to clinical trials so these drugs can get on the market.

Under current law, the small compensation provided to trial participants, which averages around \$500, is included as additional income that could cause a person to lose their public assistance benefits, like Supplemental Security Income, SSI, and Medicaid. These benefits are crucial for patients living with rare diseases. For instance, nearly 50 percent of the CF population uses SSI or Medicaid. As a result, patients choose not to enroll in clinical trials that could dramatically improve their lives out of the fear that they may lose the benefits on which they rely.

This bill allows patients with a rare disease to disregard up to \$2,000 of compensation received for participation in a clinical trial in their SSI and Medicaid income calculations. Though it will have a negligible impact on the Federal budget, it will make a dramatic difference in the lives of those who will gain access to potentially life-saving treatments by enrolling in clinical trials as well as all those in the future whose lives will be improved by the medical advances that arise from this research.

Please join me in supporting this legislation that will provide patients with rare disease access to potentially life-saving clinical trials without losing their public assistance health benefits.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—RECOGNIZING THE CONTRIBUTIONS OF JOHN SWEENEY TO THE UNITED STATES LABOR MOVEMENT

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. DURBIN, Mr. HARKIN, Mr. KERRY, Mr. DODD, Mr. WYDEN, Mr. MENENDEZ, Ms. STABENOW, Ms. KLOBUCHAR, Mr. CASEY, Mr. FRANKEN, Mr. BROWN, Mr. REED, Mr. SANDERS, Mrs. MURRAY, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LEAHY, Mr. BEGICH, Mr. LIEBERMAN, Mrs. BOXER, Mrs. MCCASKILL, Mr. AKAKA, Mrs. SHAHEEN, Mr. KAUFMAN, Mr. WEBB, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 266

Whereas John Sweeney was born in the Bronx, New York, to hard-working Irish im-

migrant parents, who instilled in him a sense of faith, a commitment to justice, and a love for the United States and its infinite potential to provide opportunity to all people;

Whereas John Sweeney was raised by his father, a bus driver, and his mother, a domestic worker, who both worked hard to allow him to attend St. Joseph's School, Cardinal Hayes High School, and Iona College, where he worked as a porter and a grave digger to help pay for his tuition;

Whereas because of his upbringing and his experiences growing up, John Sweeney gave up a high-paying career to dedicate his life to helping the labor movement and improving the lives of millions of working families across the United States;

Whereas John Sweeney's career in the labor movement has taken him from working on behalf of the factory workers of the International Ladies' Garment Workers' Union (ILGWU) and the doormen and cleaning women of the Service Employees International Union (SEIU) to being elected, in October 1995, to serve as the president of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO);

Whereas John Sweeney transformed labor organization and engaged the people of the United States on economic justice issues through methods such as the innovative "Justice for Janitors" campaign, while also nearly doubling the membership of the SEIU during his time as its president, making it the first union to reach 1,000,000 members;

Whereas John Sweeney led efforts at SEIU that resulted in landmark equal wage rulings for female building employees and launched an organization drive that gave nearly 20,000 home care employees a voice in improving their own income and working conditions;

Whereas John Sweeney has served as a transformational figure for millions of working individuals in the United States, and as president of the AFL-CIO, he has worked to revitalize and modernize the role of labor unions, train a new generation of organizers, promote diversity in union leadership, and make unions a driving force for social justice;

Whereas under John Sweeney's leadership, the National Labor College has become a first-rate institute of higher learning, providing an unparalleled opportunity for advancement to countless workers in the United States;

Whereas John Sweeney has fought on multiple fronts for legislation that advances justice, opportunity, and fairness for workers and their families, including legislation for a fair minimum wage, increased family leave, and improved worker health and safety rules;

Whereas because of his mother's experiences as a domestic worker, John Sweeney has personally dedicated himself to working on a Domestic Workers Bill of Rights for the State of New York;

Whereas John Sweeney has championed the effort to provide high-quality health care that is affordable and available to everyone in the United States; and

Whereas John Sweeney, as an author, father, grandfather, organizer, and inveterate advocate for the voiceless, continues to inspire a new generation of labor leaders: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions that John Sweeney has made to the labor movement and to the lives of working men and women across the United States;

(2) congratulates John Sweeney on his decades of extraordinary and dedicated service; and

(3) honors John Sweeney for his commitment to economic and social justice and his

tireless advocacy on behalf of the working families of this Nation.

SENATE RESOLUTION 267—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. BENNET, Mrs. HUTCHISON, Mr. BAYH, Mr. FRANKEN, Mr. MENENDEZ, Ms. KLOBUCHAR, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 267

Whereas ovarian cancer is the deadliest of all gynecologic cancers, and the reported mortality rate from ovarian cancer is increasing;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the "War on Cancer" was declared, nearly 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas, if ovarian cancer is diagnosed and treated at an early stage, before the cancer spreads outside of the ovary, the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are the best way to save the lives of women;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance holds a number of events to increase public awareness of ovarian cancer; and

Whereas the President has designated September 2009 as "National Ovarian Cancer Awareness Month": Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

SENATE RESOLUTION 268—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. BROWN, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI,

Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mrs. BOXER, Mr. KAUFMAN, Mr. CORNYN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 268

Whereas from September 15, 2009, through October 15, 2009, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is projected to reach \$1,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting more than 1,500,000 employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and bravely fought in every war in United States history;

Whereas more than 29,000 Hispanics have served with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas as of September 11, 2009, approximately 11 percent of the more than 4,329 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat in the Senate, 28 seats in the House of Representatives, 2 seats in the Cabinet, and 1 seat on the Supreme Court; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2009, through October 15, 2009;

(2) esteems the integral role of Latinos and their manifold heritage in the American economy, culture, and identity; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

SENATE CONCURRENT RESOLUTION 39—EXPRESSING THE SENSE OF THE CONGRESS THAT STABLE AND AFFORDABLE HOUSING IS AN ESSENTIAL COMPONENT OF AN EFFECTIVE STRATEGY FOR THE PREVENTION, TREATMENT, AND CARE OF HUMAN IMMUNODEFICIENCY VIRUS, AND THAT THE UNITED STATES SHOULD MAKE A COMMITMENT TO PROVIDING ADEQUATE FUNDING FOR THE DEVELOPMENT OF HOUSING AS A RESPONSE TO THE ACQUIRED IMMUNODEFICIENCY SYNDROME PANDEMIC

Mr. MENENDEZ (for himself and Mr. SCHUMER) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 39

Whereas adequate and secure housing for people with human immunodeficiency virus or acquired immunodeficiency syndrome (referred to in this resolution as "HIV/AIDS") is a challenge with global dimensions, and adequate housing is one of the greatest unmet needs of people in the United States with HIV/AIDS;

Whereas growing empirical evidence shows that the socioeconomic status and structural factors such as access to adequate housing are key determinants of health;

Whereas the link between poverty, disparities in the risk of human immunodeficiency virus (referred to in this resolution as "HIV") infection, and health outcomes is well established, and new research demonstrates the direct relationship between inadequate housing and greater risk of HIV infection, poor health outcomes, and early death;

Whereas rates of HIV infection are 3 to 16 times higher among people who are homeless or have an unstable housing situation, 70 percent of all people living with HIV/AIDS report an experience of homelessness or housing instability during their lifetime, and the HIV/AIDS death rate is 7 to 9 times higher for homeless adults than for the general population;

Whereas poor living conditions, including overcrowding and homelessness, undermine safety, privacy, and efforts to promote self-respect, human dignity, and responsible sexual behavior;

Whereas people who are homeless or have an unstable housing situation are 2 to 6 times more likely to use hard drugs, share needles, or exchange sex for money and housing than similar persons with stable housing, because the lack of stable housing directly impacts the ability of people living in poverty to reduce HIV risk behaviors;

Whereas, in spite of the evidence indicating that adequate housing has a direct positive effect on HIV prevention, treatment, and health outcomes, the housing resources devoted to the national response to HIV/AIDS have been inadequate, and housing has been largely ignored in policy discussions at the international level; and

Whereas, in 1990, Congress recognized the housing needs of people with HIV/AIDS when it enacted the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), commonly referred to as the "Housing Opportunities for Persons with AIDS Program" or "HOPWA Program", as part of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and the HOPWA program cur-

rently serves approximately 70,000 households: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) stable and affordable housing is an essential component of an effective strategy for HIV prevention, treatment, and care; and
(2) the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 2371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*.

SA 2372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*.

SA 2373. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2374. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*.

SA 2375. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*.

SA 2376. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*.

SA 2377. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*.

SA 2378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2379. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2380. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2381. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2382. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2383. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2384. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2385. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2386. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3288, *supra*; which was ordered to lie on the table.

SA 2387. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 886, to establish

a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 2388. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2390. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2391. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2392. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2393. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2394. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2395. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2396. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2397. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2398. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2399. Mr. REID (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2400. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2401. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2402. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2404. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2405. Mrs. MURRAY (for herself, Mr. BOND, and Mr. DODD) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2406. Mrs. MURRAY (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used for any purpose described in subsection (b) until the date on which the Secretary of Transportation certifies, based on the estimates made under section 9503(d)(1) of the Internal Revenue Code of 1986 of unfunded highway authorizations in relation to net highway receipts (as those terms are defined in that section) for the period of fiscal years 2010 through 2013, that the Highway Trust Fund contains or will contain amounts sufficient to cover all such unfunded highway authorizations for those fiscal years.

(b) The purposes referred to in subsection (a) are—

- (1) the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity;
- (2) transportation museums;
- (3) scenic beautification projects; and
- (4) pedestrian or bicycle facility projects.

SA 2371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 1 _____. None of the funds made available by this Act may be used to implement section 133(d)(2) of title 23, United States Code.

SA 2372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used for a museum.

SA 2373. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amend-

ment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used for the reduction of vehicle-caused wildlife mortality or the maintenance of habitat connectivity.

SA 2374. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the “Department”), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

- (1) the number of residential homes that the Department owned during the years 2004 and 2009;
- (2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;
- (3) a detailed explanation of the reasons for the ownership by the Department of the homes;
- (4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and
- (5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

SA 2375. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act, amounts provided in this Act for a congressionally directed spending item shall be made available to the Department of Transportation for NextGen and NextGen programs.

(b) In this section, the term “congressionally directed spending item” shall have the same meaning given such term in rule XLIV of the Standing Rules of the Senate.

SA 2376. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.—. None of the funds made available in this act shall be used to restrict implementation or enforcement of the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

SA 2377. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SA 2378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, line 18, strike “\$2,942,352,000” and insert “\$4,142,352,000”.

On page 210, strike line 15 and all that follows through page 213, line 2.

SA 2379. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, line 18, strike “\$2,942,352,000” and insert “\$5,845,576,210”.

On page 210, strike line 15 and all that follows through page 213, line 2.

On page 332, after line 25, add the following:

SEC. 415. Notwithstanding any other provision in this Act, all amounts designated as congressionally directed spending items in Senate Report 111-69 are rescinded.

SA 2380. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and

Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENHANCED VOUCHER ASSISTANCE FOR CERTAIN ASSISTED HOUSING RESIDENTS.

(a) ENHANCED VOUCHER ASSISTANCE.—Notwithstanding any other provision of law, contract, or covenant, and subject only to the availability of amounts provided in advance in appropriation Acts—

(1) upon the expiration, pursuant to paragraph (2), of the use restrictions applicable to the covered properties pursuant to the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 17151 note), each family who is an eligible low-income or moderate income family, as such terms are used for purposes of section 223(f)(2)(A) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A)), and, as of such expiration, is residing in dwelling unit in the covered properties not covered by project-based rental assistance, shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), and each such family who chooses to remain in the covered properties shall have 3 years from the date of the issuance of such enhanced voucher to commence use of the voucher;

(2) such use restrictions applicable to the covered properties shall be deemed to expire on March 1, 2010, but only if the owner of the covered properties enters into agreements with the Secretary to maintain the project-based rental assistance for the properties for a period beginning upon such expiration of not fewer than 20 years; and

(3) the contract rents for dwelling units in the covered properties covered by project-based rental assistance shall be determined during the period ending upon the expiration of such use restrictions pursuant to paragraph (2) based upon the rents for comparable unassisted and unrestricted units in the area in which the covered properties are located; except that before May 1, 2012, the rental assistance payments for such project-based units in the covered property known as Georgetowne Houses II shall be restricted to the rent levels provided under the Emergency Low Income Housing Preservation Act of 1987.

(b) COVERED PROPERTIES.—For purposes of this section, the term “covered properties” means the housing developments known as Georgetowne Houses I and II (formerly identified by FHA project nos. 023-55058 and 023-55179), located in Boston, Massachusetts.

(c) FUNDING.—Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

(d) APPLICABILITY.—This section shall take effect upon the date of enactment of this Act, and nothing in this section may be construed to require any administrative guidance.

SA 2381. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 _____. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 2406 (119 Stat. 1350) by striking “in Fort Worth” in the project description and inserting “, or construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth”.

SA 2382. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, between lines 22 and 23, insert the following:

SEC. 172. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the Federal Transit Administration, shall submit a report and implementation plan to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

(b) The report and plan required under subsection (a) shall include recommendations, including legislative proposals and actions that will be taken by the Department of Transportation, for—

(1) reducing the amounts appropriated pursuant to section 5316 of title 49, United States Code, for the Job Access and Reverse Commute Program (referred to in this section as the “Program”) that lapse before being utilized;

(2) reducing, revising, or eliminating reporting and certification requirements under the Program that act as a deterrent to potential applicants without significantly increasing the integrity of the program; and

(3) addressing the concerns and challenges cited by States and local authorities in the Government Accountability Office report entitled “Progress and Challenges in Implementing and Evaluating the Job Access and Reverse Commute Program” (GAO-09-496), issued May 21, 2009, including recommendations related to—

(A) reducing the effort required to obtain and maintain funding for the Program;

(B) whether specific reporting and certification requirements improve program integrity relative to the burden on grantees;

(C) whether duplicative efforts in administering the Program with other Federal Transit Administration programs could be streamlined;

(D) whether additional technical assistance or reduced administrative burdens would improve the participation of small nonprofit organizations and other local authorities that lack experience with Federal grants; and

(E) whether reduced matching fund requirements for certain types of applicants or after an initial grant solicitation fails to attract sufficient interest would reduce the amount of funds that lapse.

SA 2383. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, amounts made available in this Act for foreclosure prevention efforts shall be allocated by the Secretary of Housing and Urban Development solely on the basis of need.

SA 2384. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 18 and 19, insert the following:

SEC. 197. Section 199 of the Department of Transportation Appropriations Act, 2009 (division I of Public Law 111-8) is amended by striking “fiscal year 2009” and inserting “fiscal years 2009 and 2010”.

SA 2385. Mrs. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 18 and 19, insert the following:

SEC. 197. (a) Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

“§ 31152. Transportation of horses

“(a) IN GENERAL.—A person may not transport, or cause to be transported, a horse from a place in a State through or to a place in another State in a commercial motor vehicle that—

“(1) has 2 or more levels stacked on top of one another; or

“(2) contains more than 30 horses.

“(b) ENFORCEMENT.—

“(1) IN GENERAL.—If the Administrator of the Federal Motor Carrier Safety Administration determines that a person has violated subsection (a) after providing that person with notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, the Administrator shall impose a civil penalty of not less than \$1,000 and not more than \$5,000 for each horse that the person transported, or caused to be transported, in violation of subsection (a).

“(2) RELATIONSHIP TO OTHER LAWS.—A civil penalty imposed under this subsection shall be in addition to any other penalty or remedy available under any other law.

“(c) DEFINITIONS.—In this section:

“(1) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given that term in section 31101.

“(2) STATE.—The term ‘State’ means any of the several States, the District of Columbia, or any other territory or possession of the United States.”.

(b) The table of sections for such chapter is amended by inserting after the item relating to section 31151 the following:

“31152. Transportation of horses.”.

SA 2386. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Section 3044(a) of SAFETEA-LU (Public Law 109-59) is amended by striking the description for item 386 and inserting “Suffolk County, NY Extended preliminary engineering, design, and construction of intermodal facility in Wyandanch”.

SA 2387. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 886, to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 5, line 24, strike “Any” and insert “Notwithstanding any other provision of law, including section 1341 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’) and section 11 of title 41, United States Code (commonly known as the ‘Adequacy of Appropriations Act’), any”.

On page 8, line 25, after “section” insert “(excluding any fees collected under subsection (c)(4))”.

On page 16, line 19, strike “(a) IN GENERAL.—”.

On page 16, line 22, strike “market risk” and insert “risk to the Government”.

On page 16, strike line 23 and all that follows through page 17, line 3.

SA 2388. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 234. REPORT ON HUD PROGRAMS IN HURRICANE DISASTER AREAS.

(a) DEFINITIONS.—In this section—

(1) the terms “Department” and “Secretary” mean the Department of Housing and Urban Development and the Secretary thereof, respectively;

(2) the term “covered program” means a program—

(A) relating to recovery from Hurricane Katrina of 2005 or Hurricane Rita of 2005; or

(B) carried out using funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115); and

(3) the term “hurricane disaster area” means an area for which the President has declared a major disaster, as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008.

(b) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(1) evaluates the block-by-block impact of any project approved for a hurricane disaster area under a program of the Department, including any project under a covered program;

(2) identifies any impediments to the use of programs of the Department (including covered programs) to carry out projects in hurricane disaster areas, including—

(A) any program requirements or regulations;

(B) a lack of administrative or program staff capacity; and

(C) a lack of clear process for requesting and receiving reimbursements of project funds; and

(3) makes recommendations, if any, on how—

(A) to improve coordination between Federal, State, and local agencies; and

(B) for each block of a hurricane disaster area, to expedite the implementation of any project carried out in such block using Federal funds.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HURRICANE ASSISTANCE TO FAMILIES.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may use—

(1) not more than \$80,000,000 of funds reserved by the Department of Homeland Security under an Inter-Agency Agreement with the Department of Housing and Urban Development for victims of Hurricanes Ike and Gustav of 2008 to provide assistance under section 8(o) of the United States Housing Act of 1937, and related fee provisions, to eligible families receiving assistance under the DHAP-Ike program, except that such assistance shall not be made available to other families upon turnover; and

(2) not more than an additional \$10,000,000 of funds reserved by the Department of Homeland Security under the Inter-Agency Agreement described in paragraph (1) to provide assistance under section 8(o) of the United States Housing Act of 1937, and related fee provisions, to families residing in Federal Emergency Management Agency transitional housing units because of Hurricanes Ike and Gustav of 2008.

SA 2390. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, line 1, strike “\$100,000,000” and insert “\$115,000,000”.

On page 277, line 18, strike the period and insert “: *Provided further*, That of the amounts made available under this heading,

not less than \$15,000,000 shall be awarded to nonprofit legal aid organizations to provide foreclosure prevention assistance.”

On page 286, line 21, strike “\$200,000,000” and insert “\$185,000,000”.

SA 2391. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SECTION 234. HOME RETENTION AND ECONOMIC STABILIZATION.

(a) FORECLOSURE DEFERMENT.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:

“§ 128A. Foreclosure deferment and reset notification for mortgages

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) DEFERMENT PAYMENT AMOUNT.—The term ‘deferment payment amount’ means the amount of the monthly payment that is due on an eligible deferred-foreclosure mortgage during the deferment period.

“(2) DEFERMENT PERIOD.—The term ‘deferment period’ means the period that—

“(A) begins when the eligible consumer sends notice of the exercise of the deferral right under subsection (b)(1) with respect to an eligible deferred-foreclosure mortgage to the creditor or servicer; and

“(B) ends on the earliest of the following applicable dates:

“(i) The date that is 270 days after the beginning of the period.

“(ii) The end of the 30-day period beginning on any due date for any deferment payment (on such mortgage, in accordance with this section) which remains unpaid as of the end of such 30-day period.

“(iii) The date on which the creditor or servicer enters into a qualified loan modification with the consumer.

“(iv) The date on which the deferment is terminated by judicial order.

“(3) DEFERMENT PERIOD TRIGGER.—The term ‘deferment period trigger’ means the date on which the consumer becomes eligible for a deferment under subsection (b)(1) with respect to an eligible deferred-foreclosure mortgage and occurs on the earlier of—

“(A) the date of any adjustment or reset of the interest rate on such mortgage;

“(B) the date by which the consumer is 60 days delinquent on mortgage payments; or

“(C) the date of the first increase in the minimum monthly payment due under such mortgage after the origination of such mortgage.

“(4) ELIGIBLE DEFERRED-FORECLOSURE MORTGAGE.—The term ‘eligible deferred-foreclosure mortgage’ means a consumer credit transaction that is secured by the principal dwelling of an eligible consumer that—

“(A) was entered into before the date of enactment of this section; and

“(B) has reached the deferment period trigger.

“(5) ELIGIBLE CONSUMER.—The term ‘eligible consumer’ means a consumer who—

“(A) is a mortgagor or borrower on an eligible deferred-foreclosure mortgage;

“(B) has resided at the property secured by such mortgage since the mortgage transaction was entered into and intends to reside at such property at least until the end of the deferment period;

“(C) has a current monthly income that, when multiplied by 12, is less than 200 percent of the area median annual income for the relevant family size in the State in which the residence is located; and

“(D) during the deferment period, responds to reasonable inquiries from a creditor or servicer with respect to an eligible deferred-foreclosure mortgage.

“(6) QUALIFIED LOAN MODIFICATION.—

“(A) IN GENERAL.—The term ‘qualified loan modification’ means a permanent, sustainable loan modification.

“(B) FDIC REGULATIONS.—Not later than 60 days after the date of enactment of the Department of Housing and Urban Development Appropriations Act, 2010, the Chairperson of the Federal Deposit Insurance Corporation shall promulgate rules establishing under what circumstances a loan modification will qualify as permanent and sustainable.

“(b) RIGHT TO DEFERMENT OF INSTITUTION OF ACTION ON FORECLOSURE.—

“(1) RIGHT ESTABLISHED.—Any eligible deferred-foreclosure consumer shall have the right to defer any initiation of a foreclosure, whether judicial or nonjudicial, or any action in connection with a foreclosure already instituted, including any foreclosure sale, with respect to any eligible deferred-foreclosure mortgage by any creditor, servicer, or holder of such mortgage, or any other person acting on behalf of any such creditor, servicer, or holder, until the end of the deferment period.

“(2) ENFORCEMENT OF RIGHT.—An eligible deferred-foreclosure consumer may defend against a foreclosure or bring an action in any court of competent or general jurisdiction to compel compliance with the right of the consumer under paragraph (1) to defer any initiation of a foreclosure or any action in connection with a foreclosure already instituted, including any foreclosure sale, with respect to any eligible deferred-foreclosure mortgage.

“(c) NOTICE TO CONSUMER BEFORE ANY FORECLOSURE ACTION.—

“(1) NOTICE OF RIGHT REQUIRED.—Before initiating any foreclosure with respect to any eligible deferred-foreclosure mortgage, the creditor or servicer shall notify, by personal service, any eligible deferred-foreclosure consumer with respect to such mortgage of such consumer’s right under subsection (b) to defer the initiation of foreclosure.

“(2) CONTENTS OF NOTICE.—The Board shall prescribe, by regulations under sections 105 and 122, the content and format, including the size of the font, of the notices under paragraph (1) in a manner that maximizes the likelihood that the consumer will obtain and understand all the information necessary to exercise the right to defer any action to institute foreclosure, including—

“(A) the manner and format for obtaining such deferral, including a sample notice form, an identification form, and a certification form for the consumer to use in complying with subsection (d)(1);

“(B) contact information for the creditor or servicer, as the case may be and any third party involved in foreclosure proceedings, including State or local officials; and

“(C) contact information for obtaining any counseling concerning the exercise of such deferral from a counselor approved by the appropriate State housing finance agency or the Secretary of Housing and Urban Development.

“(3) TIMING.—No foreclosure action or proceeding with respect to any eligible deferred-foreclosure mortgage shall be valid unless the creditor or servicer has provided the notice required under this subsection to the consumer at least 30 days before instituting any such action or proceeding and at least

once during each subsequent 30-day period until the foreclosure becomes final.

“(d) INSTITUTION OF DEFERMENT.—

“(1) PROCEDURE REQUIRED.—Any eligible deferred-foreclosure consumer who chooses to exercise a deferment right under subsection (b) shall provide—

“(A) notice of the exercise of such to the servicer or other person described in the notice to the consumer under subsection (e) by any reasonable means including by mail, service whether directly or to any agent, including at the address of any registered agent;

“(B) a clear identification of the eligible deferred-foreclosure consumer and the address of the property securing the mortgage; and

“(C) a certification that at least 1 consumer borrower with respect to such mortgage resides at the property secured by such mortgage and intends to reside at such property at least until the end of the deferment period.

“(2) SUFFICIENCY OF NOTICE.—

“(A) IN GENERAL.—Notice and delivery of an affidavit under paragraph (1) may be made by any reasonable means including by mail, service whether directly or to any agent, including at the address of any registered agent with the secretary of state for the State in which the property is located, or any attorney representing the consumer, or by such means as the terms of the mortgage or regulations prescribed by the Board may provide.

“(B) OTHER PARTIES.—If any court, any sheriff or other official designated under State law, or any other person authorized under State law and the contracts of the parties to maintain any foreclosure proceeding or conduct any foreclosure sale receives, directly or indirectly, a copy of any notice provided under this subsection by an eligible deferred-foreclosure consumer with respect to any eligible deferred-foreclosure mortgage, no foreclosure action may be taken by the court, sheriff, official, or other person with respect to such mortgage during the applicable deferred-foreclosure period.

“(3) ACKNOWLEDGMENT.—

“(A) IN GENERAL.—Any creditor, servicer, or holder of an eligible deferred-foreclosure mortgage, or any other person acting on behalf of any such creditor, servicer, or holder, who receives a notice from a consumer under paragraph (2) shall acknowledge to the consumer the receipt of the notice of the exercise of the deferment right under subsection (b) before the end of the 10-business day period beginning on the date of such receipt.

“(B) CONTENTS OF NOTICE.—The acknowledgment provided to any eligible deferred-foreclosure consumer under subparagraph (A) shall include the date on which the next payment is due on the eligible deferred-foreclosure mortgage, the deferment payment amount, the date on which each subsequent payment is due, and the address or the delivery method for each such payment that is acceptable to the recipient.

“(4) MONTHLY PAYMENT NOTICES.—Each periodic statement of account submitted by the creditor or servicer with respect to any eligible deferred-foreclosure mortgage during the period while any deferment right under subsection (b) is in effect shall include—

“(A) the due date and the amount of the next payment due on such mortgage;

“(B) the address or the delivery method for such payment;

“(C) the date on which the deferral of the foreclosure will terminate; and

“(D) a notice that failure to make such payment in a timely manner will jeopardize the continuation of the deferral of the foreclosure.

“(e) DEFERMENT PAYMENT.—

“(1) **IN GENERAL.**—During the deferment period with respect to any eligible deferred-foreclosure mortgage for which any deferment right has been exercised under subsection (b), monthly payments shall continue to be made by the consumer with respect to such mortgage.

“(2) **AMOUNT OF PAYMENT.**—The deferment payment amount for purposes of monthly payments under paragraph (1) with respect to any eligible deferred-foreclosure mortgage shall be, as applicable, the lesser of—

“(A) the minimum monthly payment of principal and interest on the date on which the loan was originated;

“(B) a monthly payment based on the outstanding loan principal plus a rate of interest calculated at a fixed annual percentage rate, in an amount equal to the most recent conventional mortgage rate plus a 100 basis point premium for risk, amortized over a period of 30 years minus the period of time since the origination of the loan; or

“(C) the amount of the first minimum monthly payment due under the mortgage after the origination of such mortgage.

“(3) **AMORTIZATION OF DIFFERENCE.**—The difference between the amount of any monthly payment due under the terms of any eligible deferred-foreclosure mortgage and the deferment payment amount shall be amortized over the life of the mortgage beginning after the deferred-foreclosure period in accordance with regulations which the Board shall prescribe.

“(4) **CHARGES PROHIBITED.**—No creditor or servicer may impose any late fee or other fee or charge during the deferment period with respect to any eligible deferred-foreclosure mortgage for which any deferment right has been exercised under subsection (b) or in connection with the exercise of such deferment right.

“(f) **NOTICE OF RESET AND ALTERNATIVES.**—During the 1-month period that ends 120 days before the date on which the interest rate in effect during the introductory period of an eligible deferred-foreclosure mortgage adjusts or resets to a variable interest rate, or the minimum monthly payment of principal and interest required first increases from the amount of the first such minimum monthly payment due under the mortgage after the origination of such mortgage, the creditor or servicer of such loan shall provide a written notice, separate and distinct from all other correspondence to the consumer, that includes the following:

“(1) Any index or formula used—

“(A) in determining the annual percentage rate applicable as of the effective date of a reset or adjustment; and

“(B) in making any increases in the minimum monthly payments due, and a source of information about the index or formula.

“(2) A good faith estimate, based on accepted industry standards and disclosed in a clear and conspicuous manner, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, or increase, as applicable, and the assumptions on which this estimate is based.

“(3) A list of alternatives consumers may pursue before the date of adjustment or reset, or increase, as applicable, and descriptions of the actions consumers must take to pursue such alternatives, including—

“(A) refinancing;

“(B) renegotiation of loan terms;

“(C) payment forbearance;

“(D) pre-foreclosure sales;

“(E) any payment assistance available from the State in which the property is located; and

“(F) any refinancing, loan modification, or other assistance program available through

the Federal Government that may apply to the loan.

“(4) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

“(5) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.

“(g) **MOST RECENT CONVENTIONAL MORTGAGE RATE.**—For purposes of subsection (f)(1)(A)(ii), the term ‘most recent conventional mortgage rate’ means the contract interest rate on commitments for fixed-rate first mortgages most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication), in the week preceding a date of determination for purposes of applying this subsection.

“(h) **DUTY OF CONSUMER TO MAINTAIN PROPERTY.**—Any eligible deferred-foreclosure consumer for whom a deferment of foreclosure is in effect under this section with respect to any eligible deferred-foreclosure mortgage may not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to substantially deteriorate, or commit waste on the property.

“(i) **DECLARATION OF RIGHTS.**—In addition to the right of any party to a mortgage to seek a declaratory judgment under section 2201 of title 28, United States Code, any such party may apply prior to the end of the deferment period to any State court of competent or general jurisdiction for an order establishing the rights, duties, and conditions imposed on or applicable to any party to the mortgage, including the terms and conditions of a deferment.

“(j) **COORDINATION WITH STATE LAW.**—

“(1) **IN GENERAL.**—No provision of this section shall be construed as annulling, altering, or affecting the laws of any State relating to deferment of foreclosures, except to the extent that those laws are inconsistent with the provisions of this section, and then only to the extent of the inconsistency.

“(2) **RULE OF CONSTRUCTION.**—A State law is not inconsistent with this section if the protection that such law affords any consumer is greater than the protection afforded by this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

“128A. Foreclosure deferment and reset notification for certain mortgages.”.

SA 2392. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of law, the Secretary of Transpor-

tation may not reallocate any funds made available through any Act of Congress from the intermodal transportation facility at the Bronx Zoo, New York to any other purpose. Funds appropriated for such facility that are due to expire on September 30, 2009, shall continue to be available for such purpose until 1 year after the date of the enactment of this Act.

SA 2393. Mr. JOHANNNS submitted an amendment intended to be proposed by him to the bill H.R. 3847, making appropriations for the Departments of Commerce and Justice, and Science, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 5 _____. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2394. Mr. JOHANNNS submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4 _____. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2395. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1 _____. None of the funds made available by this Act may be used for the construction, maintenance, or development of the California-Nevada Super Speed Train Commission for the MAGLEV project to create a travel corridor between Las Vegas, Nevada, and Anaheim, California.

SA 2396. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, line 9, strike “Provided, That” and all that follows through “this Act.” on line 12, and insert the following: “Provided, That the Secretary of Housing and Urban Development shall award such amounts without regard to any congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate) or any congressional earmark (as defined in

rule XXI of the Rules of the House of Representatives) in a committee report or joint explanatory statement relating to this Act: Provided further, That such amounts shall be awarded as grants, on a competitive basis: Provided further, That the Secretary of Housing and Urban Development shall consider the following factors when awarding Neighborhood Initiative funds under this paragraph: 1) economic development strategies that utilize local community-based partnerships between businesses, non-profits and the public sector; 2) neighborhood revitalization efforts that integrate sustainable community and building design processes; 3) input by residents and other stakeholders; 4) creation of homeownership opportunities; 5) links between housing programs and welfare reform initiatives in the neighborhood; and 6) links between workforce development strategies and economic development strategies."

SA 2397. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . Section 3046(a)(22) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) in the paragraph heading, by striking "FUEL CELL-POWERED BUS" and inserting "HYDROGEN-POWERED TRANSIT"; and

(2) by striking "Fuel Cell-Powered Bus" and inserting "Hydrogen-Powered Transit".

SA 2398. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, line 7, strike "items 523, 267, and 131" and insert "items 131, 267, 523, and 657".

SA 2399. Mr. REID (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 332, after line 25, add the following:

SEC. 415. (a) Congress makes the following findings:

(1) Tourism, including conventions and meetings, is an important part of the United States economy that generates billions of dollars in tax revenues for many localities.

(2) Analysts estimate that approximately 90 percent of employers in the travel industry are small businesses and more than 12 percent of United States employees are employed by the travel industry.

(3) Many local economies around the country have developed into destinations for vacationers and conventioners alike, and those local economies depend on the travel industry to support local employment, create new jobs, and generate tax revenues for critical public services.

(4) These same destinations are home to large and small businesses that have unique skills, amenities, and resources for planning and facilitating meetings and conventions for all purposes and, consequently, may deliver value and convenience for individuals and organizations in need of a location for an official event.

(5) Locating an official event in such a city frequently may save taxpayer dollars, as compared to other locations.

(6) Agencies and departments of the United States have a responsibility to find ways to maximize taxpayer dollars in conducting official business, including planning and conducting official meetings attended by Federal employees.

(7) In deciding where to locate an official government meeting by applying this principle of maximizing taxpayer dollars, government officials often will conclude that many locations known as resort destinations also will provide the best value and convenience for official meetings and business.

(8) Resort and vacation destination cities tend to be affected disproportionately during economic downturns and, therefore, are especially vulnerable to discrimination by meeting and convention planners, which could exacerbate unemployment and related demands on United States taxpayers.

(b) None of the funds appropriated or otherwise made available under this Act may be used by an agency or department of the United States to establish or implement an internal policy regarding travel, event, meeting, or conference locations that discourages or prohibits the selection of such a location because the location is perceived to be a resort or vacation destination.

SA 2400. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 205, strike line 12 and all that follows through page 210, line 14, and insert the following:

OPERATING GRANTS TO THE NATIONAL
RAILROAD PASSENGER CORPORATION
(INCLUDING RESCISSION)

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$550,000,000, to remain available until expended: *Provided*, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: *Provided further*, That 1 year after such determination is made, the Council of the Inspectors General on Integ-

riety and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: *Provided further*, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: *Provided further*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-year financial plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the capital investments to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in

similar format and substance to those submitted by executive agencies of the Federal Government.

Of the amounts made available under this heading in Public Law 111-8, all unobligated balances as of the later of September 30, 2009 or the date of the enactment of this Act are rescinded.

CAPITAL AND DEBT SERVICE GRANTS TO THE
NATIONAL RAILROAD PASSENGER CORPORATION
(INCLUDING RESCISSION)

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), \$940,000,000, to remain available until expended, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That of the funding provided under this heading, not less than \$144,000,000 shall be for bringing the stations on the Corporation's rail system into compliance with the Americans with Disabilities Act: *Provided further*, That grants shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110-432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: *Provided further*, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

Of the amounts made available under this heading in Public Law 111-8, all unobligated balances as of the later of September 30, 2009 or the date of the enactment of this Act are rescinded.

SA 2401. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 2406 (119 Stat. 1350) by striking the project description and inserting "Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and

Clear Fork of the Trinity River in Fort Worth".

SA 2402. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program shall be used for the development, coordination, and analysis of data collection procedures and national performance measures.

SA 2403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 11 and 12, insert the following:

SEC. 2. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

SA 2404. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, strike lines 8 through 12 and insert the following:

SEC. 166. In determining the local share of the cost of the project authorized to be carried out under section 3043(c)(70) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1644) for purposes of the rating process for New Starts projects, the Secretary shall consider any portion of the corridor advanced entirely with non-Federal funds.

SA 2405. Mrs. MURRAY (for herself, Mr. BOND, and Mr. DODD) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The first numbered paragraph under the heading "Tenant-Based Rental Assistance" in the Department of Housing and Urban Development Appropriations Act, 2009

(Public Law 111-8) is amended by adding the following before the period at the end:

"*Provided further*, That up to \$200,000,000 from the \$4,000,000,000 which are available on October 1, 2009 shall be available to adjust allocations for public housing agencies to prevent termination of assistance to families".

SA 2406. Mrs. MURRAY (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 222, strike line 11 and all that follows through page 223, line 2, and insert the following:

SEC. 169. Section 5309(g)(4)(A) of title 49, United States Code, is amended—

(1) by striking "The total estimated" and inserting the following:

"(i) IN GENERAL.—The total estimated"; and

(2) by adding at the end the following:

"(ii) SPECIAL RULE FOR FISCAL YEAR 2010.—For fiscal year 2010—

"(I) the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding full funding grant agreements entered into on or before September 30, 2009, and all outstanding letters of intent and early systems work agreements under this subsection for major new fixed guideway capital projects may be not more than the greater of the amount authorized under sections 5338(a)(3) and 5338(c) for such projects or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(A) and (m)(2)(A)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by a letter or agreement; and

"(II) the Secretary may enter into full funding grant agreements under this subsection for major new fixed guideway capital projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 17, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to examine the Federal tax treatment of health care benefits provided by tribal governments to their citizens.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MURRAY. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet during the session of the Senate on September 15, 2009, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on September 15, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 15, 2009 at 10 a.m., in room 215 of the Dirksen Senate Office Building to conduct a hearing entitled "Unemployment Insurance Benefits: Where Do We Go From Here?"

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 15, 2009 at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on September 15, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Human Rights at Home: Mental Illness in U.S. Prisons and Jails."

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 15, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 15, 2009, at 2:30 p.m. to conduct a hearing entitled "Security Clearance Reform: Moving Forward on Modernization."

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

NATIONAL OVARIAN CANCER AWARENESS MONTH

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 267 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 267) supporting the goals and ideals of National Ovarian Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 267

Whereas ovarian cancer is the deadliest of all gynecologic cancers, and the reported mortality rate from ovarian cancer is increasing;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the "War on Cancer" was declared, nearly 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas, if ovarian cancer is diagnosed and treated at an early stage, before the cancer spreads outside of the ovary, the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are the best way to save the lives of women;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance holds a number of events to increase public awareness of ovarian cancer; and

Whereas the President has designated September 2009 as "National Ovarian Cancer Awareness Month": Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

HISPANIC HERITAGE MONTH

Mrs. SHAHEEN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 268 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas from September 15, 2009, through October 15, 2009, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is projected to reach \$1,000,000,000,000 by 2010 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting more than 1,500,000 employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and bravely fought in every war in United States history;

Whereas more than 29,000 Hispanics have served with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas as of September 11, 2009, approximately 11 percent of the more than 4,329 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat in the Senate, 28 seats in the House of Representatives, 2 seats in the Cabinet, and 1 seat on the Supreme Court; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2009, through October 15, 2009;

(2) esteems the integral role of Latinos and their manifold heritage in the American economy, culture, and identity; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

ORDERS FOR WEDNESDAY, SEPTEMBER 16, 2009

Mrs. SHAHEEN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, September 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes, the majority controlling the next 30 min-

utes, and the remaining time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of H.R. 3288, the Transportation-HUD appropriations bill, as provided for under the previous order.

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

PROGRAM

Mrs. SHAHEEN. Senators should be prepared for a series of up to five roll-call votes to be begin at approximately 11:40 a.m. tomorrow. Additional votes are expected to occur throughout the day in an effort to complete action on the Transportation appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. SHAHEEN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, September 16, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

CYNTHIA L. QUARTERMAN, OF GEORGIA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE CARL T. JOHNSON.

DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

CARMEN LOMELLIN, OF VIRGINIA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE HECTOR E. MORALES, RESIGNED.

CYNTHIA STROUM, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHAI RACHEL FELDBLUM, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2013, VICE LESLIE SILVERMAN, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IRVIN M. MAYFIELD, JR., OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE JERRY PINKNEY, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, September 15, 2009:

DEPARTMENT OF JUSTICE

STEVEN M. DETTELBACH, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

CARTER M. STEWART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

PETER F. NERONHA, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

DENNIS K. BURKE, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

NEIL H. MACBRIDE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.