Oklahoma (Mr. COBURN) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS), the Senator from Georgia (Mr. ISAKSON), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3585

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3585, a bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

S. 3620

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3620, a bill to require the Secretary of Commerce to conduct a study on the economic competitiveness and innovative capacity of the United States and to develop a national economic competitiveness strategy, and for other purposes.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4492

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4492 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNS, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I rise today to introduce legislation with my friend, Senator MIKE CRAPO of Idaho, that will exempt Veterinary Medicine Loan Repayment Program, VMLRP, awards from Federal income taxation. I drafted this bipartisan bill with the intention of increasing veterinary services in underserved shortage areas that lack adequate veterinary expertise.

The United States Department of Agriculture's, USDA, Veterinary Medicine Loan Repayment Program was authorized in 2003 by the National Veterinary Medical Services Act, NVMSA, to help qualified veterinarians offset a significant amount of the debt they accrue while pursuing their degrees if they in turn serve in high-priority veterinary shortage areas for a certain length of time. It also authorizes additional loan repayments for service in Federal emergency situations. However, the awards are currently taxed at a rate of 39 percent. This taxation is counterproductive and only delays delivery of veterinary services to areas that are in desperate need.

In determining whether an area is eligible for assistance under the VMLRP, USDA has the ability to declare ''shortage situations,'' in which the Department makes declarations of veterinary shortage areas. Currently, there are two circumstances that lead to such designations. The first is by geography, when a given geographic area suffers a shortage of veterinarians overall. The second occurs when areas suffer a shortage of veterinarians who practice in a particular field of veterinary specialty. My home State of South Dakota currently has four designated shortage situations. Two of these designations are statewide designations noting a shortage of practitioners in veterinary specialties. On a national scale, there are 1,300 counties in the United States that have less than one food animal veterinarian per 25,000 farm animals. Bear in mind, the demand for veterinarians across our country could increase 14 percent by 2016.

South Dakota is truly a wonderful place to call home, but it is not always an easy place to earn a living. This is especially true for young people who are just starting out and are saddled with crushing levels of school debt. I have long fought for legislation that makes it easier for students to pay off their loans and to encourage others who may be reluctant to pursue higher education degrees, due to a lack of financial resources, especially when it comes to costly professional degrees including veterinary medicine. My legislation will help students pursue their educational goals, while also providing important services to underserved rural areas by enhancing the assistance veterinary graduates receive in exchange for meaningful public service.

Agriculture is the top contributor to our South Dakota economy. For those farmers and ranchers who make their living in agriculture, this is more than a job; it is a way of life. Our ranchers, many of whom operate in very rural areas, rely on the access they have to qualified veterinarians to care for their livestock. Adequate access to veterinary care in rural areas is critical for both human and animal health, as well as animal welfare, disease surveillance, public safety and economic development across America. Everyone in America benefits from the veterinary services provided in even the most remote areas of our nation. As such, I am committed to doing all I can to help bring veterinarians to underserved parts of our state.

I am proud to have fought for the establishment of the VMLRP program, and through my seat on the Senate Appropriations Committee. I have worked year after year to secure its proper funding. Unfortunately, however, the taxes assessed on these benefits prevent us from using congressionally appropriated funding to the fullest extent. For every three veterinarians selected for the loan repayment awards, an additional veterinarian could also

be selected if the program was made exempt from taxes. Such a tax exemption is not without precedent; Congress exempted from taxation the assistance received by participants in the National Health Services Corps, NHSC, several years ago, and I hope that my colleagues will join me in extending this same type of assistance to veterinarians participating in the VMLRP program.

It should be noted that 122 organizations from across our Nation have announced their support for a tax exemption for VMLRP, including the American Veterinary Medical Association, American Association of Equine Practitioners, the American Farm Bureau Federation, the American Sheep Industry, the National Farmers Union, and the South Dakota Veterinary Medical Association, South Dakota Farm Bureau, South Dakota Cattlemen's Association, South Dakota Stockgrowers Association and many others.

Agriculture is the economic engine that drives our rural communities, and without viable family farms and ranchers, our small towns and Main Street businesses throughout South Dakota and our nation would face significant hardships. It is absolutely essential that our agricultural producers have access to the services they need to be successful and responsible, and the Veterinary Medicine Loan Repayment Program Enhancement Act will help make that possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

AMERICAN VETERINARY MEDICAL ASSOCIATION GOVERNMENTAL RELATIONS DIVISION,

Washington, DC.

STATEMENT OF SUPPORT FOR THE VETERINARY MEDICINE LOAN REPAYMENT PROGRAM ENHANCEMENT ACT

The undersigned organizations urge Congress to pass the Veterinary Medicine Loan Repayment Program Enhancement Act, which will provide a federal income tax exemption for payments received under the Veterinary Medicine Loan Repayment Program (VMLRP) and similar state programs.

Since Congress passed the ''National Veterinary Medical Services Act'' (H.R. 1397, P.L. 108–161) on December 6, 2003, it has appropriated $9.6 million for awards. About $3.75 million will be used to pay taxes on the awards. Every dollar spent on taxes is one less available for loan repayment awards.

The first VMLRP awards to veterinarians practicing food supply medicine and veterinary public health in federally designated shortage areas across the country will be granted by the end of fiscal year 2010. Veterinarians selected for participation will receive up to $25,000 annually to repay eligible student loans in exchange for three years of practice in an approved shortage area.

Legislation amending the Internal Revenue Code to make loan repayment awards tax exempt should take effect for taxable years beginning after December 31, 2009. Each VMLRP award including taxes for three years will cost approximately $104,250 per veterinarian ($75,000 for loan repayment and $29,250 for taxes). If VMLRP were tax exempt, one additional veterinarian could be selected for every three awarded under current law.

There is precedent for tax exemption. The VMLRP's counterpart program for human medicine, the National Health Service Corps (NHSC) which provides loan repayment for primary care medical, dental and mental health clinicians, was made tax exempt by the ''American Jobs Creation Act of 2004'' (H.R. 4520, P.L. 108–357), enacted on October 22, 2004. Prior to that NHSC awards were treated as taxable income.

Exempting veterinary medical loan repayment and forgiveness program awards from federal income taxation will lead to more communities having access to needed veterinary care sooner than they may otherwise. We strongly support Congress' efforts to ensure that our nation's food animals are healthy, that our food supply is safe and secure, and our public health is protected.

Sincerely,

American Veterinary Medical Association, Academy of Rural Veterinarians, Alabama Veterinary Medical Association, Alaska Veterinary Medical Association, American Animal Hospital Association, American Academy of Veterinary Nutrition, American Association for Laboratory Animal Science, American Association of Avian Pathologists, American Association of Bovine Practitioners, American Association of Corporate and Public Practice Veterinarians, American Association of Equine Practitioners, American Association of Feline Practitioners, American Association of Food Hygiene Veterinarians, American Association of Public Health Veterinarians, American Association of Small Ruminant Practitioners, American Association of Swine Veterinarians, American Association of Veterinary Clinicians, American Association of Veterinary Laboratory Diagnosticians, American Association of Zoo Veterinarians, American Board of Veterinary Practitioners,

American Board of Veterinary Toxicology, American College of Laboratory Animal Medicine, American College of Poultry Veterinarians, American College of Theriogenologists, American College of Veterinary Dermatology, American College of Veterinary Pathologists, American College of Veterinary Radiology, American Farm Bureau Federation®, American Feed Industry Association, American Horse Council, American Meat Institute, American Rabbit Breeders Association, Inc., American Sheep Industry, American Society of Animal Science, American Society of Laboratory Animal Practitioners, American Veal Association, Animal Agriculture Alliance's, Animal Health Institute, Animal Welfare Institute, Arizona Veterinary Medical Association, Arkansas Veterinary Medical Association.

Association for Women Veterinarians Foundation, Association of American Veterinary Medical Colleges, Association of Avian Veterinarians, Association of Zoos & Aquariums, Bayer Animal Health, Boehringer Ingelheim Vetmedica, Inc., California Veterinary Medical Association, Center for Rural Affairs, Colorado Veterinary Medical Association, Connecticut Veterinary Medical Association, Delaware Veterinary Medical Association, District of Columbia Veterinary Medical Association, Elanco Animal Health (A Division of Eli Lilly & Company), Federation for Animal Science Societies, Florida Veterinary Medical Association, Georgia Veterinary Medical Association, Hawaii Veterinary Medical Association, Idaho Veterinary Medical Association, Illinois State Veterinary Medical Association, Indiana Veterinary Medical Association, International Lama Registry.

Iowa Veterinary Medical Association, Kansas City Animal Health Corridor, Kansas Veterinary Medical Association, Kentucky Veterinary Medical Association, Livestock Marketing Association, Louisiana Veterinary Medical Association, Maine Veterinary Medical Association, Maryland Veterinary Medical Association, Inc., Massachusetts Veterinary Medical Association, Michigan Veterinary Medical Association, Minnesota Veterinary Medical Association, Mississippi Veterinary Medical Association, Missouri Veterinary Medical Association, Montana Veterinary Medical Association, National Aquaculture Association, National Association of Federal Veterinarians, National Association of State Public Health Veterinarians, National Cattlemen's Beef Association, National Chicken Council, National Council of Farmer Cooperatives.

National Dairy Herd Information Association, National Farmers Union, National Livestock Producers Association, National Milk Producers Federation, National Pork Producers Council, National Renderers Association, National Turkey Federation, Nebraska Veterinary Medical Association, Nevada Veterinary Medical Association, New Hampshire Veterinary Medical Association, New Jersey Veterinary Medical Association, North American Deer Farmers Association, North Carolina Veterinary Medical Association, North Dakota Veterinary Medical Association, Northeast States Association for Agriculture Stewardship, Ohio Veterinary Medical Association, Oklahoma Veterinary Medical Association, Oregon Veterinary Medical Association, Pet Food Institute, Puerto Rico Veterinary Medical Association (Colegio de Medicos Veterinarios de Puerto Rico).

Pennsylvania Veterinary Medical Association, Rhode Island Veterinary Medical Association, Rocky Mountain Farmers Union, Society for Theriogenology, South Carolina Association of Veterinarians, South Dakota Stockgrowers Association, South Dakota Veterinary Medical Association, State Agriculture and Rural Leaders, Student American Veterinary Medical Association, Synbiotics Corporation, Tennessee Veterinary Medical Association, Texas Veterinary Medical Association, Utah Veterinary Medical Association, United Egg Producers, United States Animal Health Association, Vermont Veterinary Medical Association, Virginia Veterinary Medical Association, Washington State Veterinary Medical Association, Wisconsin Veterinary Medical Association, Wyoming Veterinary Medical Association.

By Mr. JOHANNS (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes;

to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. Pesident, I rise today to offer what I consider to be an enormously commonsense piece of legislation that is going to help our Nation's dairy farmers. No one can make up this stuff. If you can believe it, this legislation pertains to the EPA's regulation for oilspills. I said that right. What do oilspills have to do with dairy farmers, you might ask? Having grown up on a dairy farm myself, I didn't think they had much in common at all. But EPA apparently thinks differently on this issue than I do.

The EPA currently enforces what are known as spill prevention control and countermeasure regulations, often referred to as SPCC regulations. The purpose of these regulations is to prevent any oil from discharging into U.S. waterways. It seems to make sense so far. Under SPCC regulations, facilities that store or use oil or fuel must put in place a prevention plan so oil does not spill—that makes sense so far—or, if oil does spill, it is contained safely onsite.

I get all of that. These regulations have been in place since the passage of the Clean Water Act, dating back to the 1970s. We do not want oil spilling in our waterways. The regulations are meant to avoid such spills. I think everybody is probably with me so far.

But there is one problem. Currently, EPA's definition of oil, under SPCC regulation, includes, of all things—milk. If that doesn't make you want to scratch your head, if that does not occur to you as strange—I have to tell you that is in fact what is going on here.

Under the EPA regulations, milk containers could be subject to the same regulations as oil. Milk, which is made up of 80 percent water, which is an excellent source of calcium and protein—milk could be regulated in the same way as oil. That does not make any sense. I am no scientist but I don't think it takes a Ph.D. to see the difference between milk and oil. I have been drinking milk my entire life. As I said, I grew up on a dairy farm.

People drink milk because it is good for them. So these regulations are perplexing just standing on their own. But when we get a little deeper it is even more confusing that EPA is getting involved in the regulation of milk at all.

The Food and Drug Administration already regulates milk storage under what is called the pasteurized milk ordinance. Requiring milk storage facilities to also develop a SPCC plan would, of course, be costly, duplicative, and unnecessary.

Luckily, there is still some time remaining for us to address this issue. In January of 2009, EPA proposed to exempt milk storage from SPCC regulations. Way to go, EPA. If the dairy industry gets this exemption, they will not have to develop a plan to prevent milk from spilling.

Growing up on that dairy farm, I don't recall losing much sleep over a little spilled milk out of the bucket, so that is a step in the right direction. Unfortunately, and you will find this amazing, something that is so vested in common sense has taken over 1½ years after it was proposed. As I stand here today, the rule is not yet finalized. Every day we wait for an answer from EPA is a day closer to a deadline for compliance, which is November 10 of this year.

So the deadline to develop a spill plan is approaching. But the dairy farmers still do not know whether they are going to need to comply. EPA has been claiming they will extend the deadline until they finalize the rule, but so far we have not seen any action.

If they move at the same pace to extend the deadline as they have taken to finalize the proposed rule, then you can see producers and farmers are in big trouble. It has been over a year now. The dairy industry deserves a simple, straightforward answer from the EPA. This should not be tough, especially in the face of deadlines that are now only a few months away.

Today, to address this problem, I am introducing legislation to compel EPA to act. My bill requires the EPA to finalize the proposed rule exempting milk containers within 30 days. It also protects dairy producers and milk processers by preventing EPA from punishing them until EPA actually provides clarification about what they are doing.

Even though these farmers and rural businesses are facing a deadline in a few months, they still do not know what, if anything, they will need to do to comply, and that is not fair. This commonsense legislation would simply help us get an answer from the EPA. It is very concerning that anyone would ever equate milk handling with oil. That should not be what is happening. Milk and oil should not be in the same category.

You know what. That is just good, old-fashioned farm common sense. But it seems EPA officials are once again out of touch with mainstream America. I encourage those officials to leave the Beltway. There are highways that take you out of Washington. I invite them to visit a Nebraska dairy farm with me. It will not take long for them to see the foolishness of this regulatory effort.

Importantly, I urge them to act. Our Nation's dairy farmers have waited long enough with a cloud of regulatory uncertainty hanging over their heads. But until then, my hope is my colleagues will join me in this commonsense approach and deal with this problem.

I look forward to working with my colleagues.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Mr. HATCH. Mr. President, I rise today to join my colleague from South Carolina, Senator JIM DEMINT, in introducing the Freedom for Consumer Choice Act. I am pleased to be an original cosponsor of this legislation, which would require the Federal Communications Commission, FCC, to prove that consumers are being harmed by the lack of choice before it imposes new regulations.

Specifically, the proposed bill would require the FCC to weigh the potential cost of action against any benefits based on a showing of clear and convincing evidence that marketplace competition is not sufficient to adequately protect consumer welfare, and an act or practice is likely to cause substantial injury to consumers. I believe this framework, along with a 5-year sunset on any regulation, would foster a vibrant market for Internet services and content. This legislation is necessary to combat the FCC's latest assault on the Internet.

In April, the District of Columbia Circuit Court of Appeals ruled that the FCC had stepped beyond its authority by regulating the Internet with so-called ''net neutrality'' rules. Yet, it seems the FCC just will not take no for an answer. Just over a month after the appeals court ruled it had overstepped its bounds, the FCC sought to re-categorize broadband services in an effort to more actively regulate the Internet and to establish a set of net neutrality principles. This regulatory overreach could jeopardize hundreds of billions of dollars in investment and accompanying hundreds of thousands of jobs that have resulted from an Internet governed by competition.

The only reason the FCC Chairman and his colleagues are taking this path is because there is no way they can get far-reaching and costly net neutrality legislation through Congress. In fact it was recently reported that 282 Members of Congress, including 74 Democrats, asked the FCC to drop its plans to reclassify broadband. Enough is enough. The Government needs to keep its hands off the Internet so it can prosper and grow, benefiting consumers and our economy alike.

Net neutrality may sound like fairness but it is actually the opposite. Bandwidth is finite, like the finite number of lanes on a highway, and network providers must innovate in order to accommodate the burgeoning traffic. If the FCC takes control of the Internet, we will have the inevitable result of all poorly designed regulations: business decisions prejudiced by politicians and political decisions prejudiced by corporations. The Internet is about the most competitive, efficient and consumer-driven industry in the global economy. There is a time and

place for federal economic regulation, but during a recession is not the time, and the Internet is certainly not the place.

Let me conclude my remarks by pointing out that the Freedom for Consumer Choice Act is intended as a starting point for this debate. No doubt further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that my colleagues can join efforts to refine and enact this important bill.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleague Senator MCCAIN, to introduce legislation to ensure that we take advantage of a once-in-a-lifetime opportunity to build a coast-to-coast communications network for our nation's first responders that is secure, robust and resilient.

As it stands now, the mobile device the average teenager carries has more capability than those of the brave men and women who put their lives on the line for us each and every day and that's just wrong.

Today we introduce the First Responders Protection Act of 2010, which will set aside the so-called D Block of spectrum for public safety entities and provide them the bandwidth they need to communicate effectively in an emergency.

I am proud to stand with the representatives of more than 40 organizations representing public safety officials, and with the ''Big 7'' associations representing State and local governments, to call on Congress to put the D Block in the hands of public safety. Those groups include the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

Today public safety communicates on slices of scattered spectrum that prevent interoperable communications among agencies and jurisdictions, and that do not allow the large data transmissions that we take for granted in today's commercial communications.

Securing the D Block for public safety will allow us to build a nationwide interoperable network for emergency communications that could prevent the kinds of communication meltdowns we had during 9/11 and Hurricane Katrina.

But setting aside the D Block will also allow first responders to send video, maps, and other large data transmissions over their mobile devices. For example, firefighters' lives may be saved because they will be able to access building specifications on their handhelds and know all the exits of a burning building before they enter it.

I do not think it is wise, as the Federal Communications Commission has proposed, to auction the D Block to commercial interests and then to hope that public safety will be able to piggyback on it. In a crisis, first responders need secure, reliable and quick communications that are not disrupted by commercial traffic.

The First Responders Protection Act of 2010 will ensure that the D Block is licensed to the same public safety broadband licensee that currently holds the license for 10 MHz in the 700 MHz band. The bill would also provide up to $5.5 billion for a construction fund to assist with the costs of constructing networks and up to $5.5 billion for an operation and maintenance fund for long-term maintenance of networks. These funds would come from revenues generated by the auction of a different band of spectrum to commercial carriers.

Achieving nationwide interoperability through adequate spectrum is a major recommendation of the 9/11 Commission that is unfulfilled. I urge my colleagues to take bold action to remedy Congress's past inaction by promptly passing the First Responders Protection Act of 2010.

Mr. MCCAIN. Mr, President, today I share the honor with Chairman LIEBERMAN of introducing the First Responders Protection Act of 2010. This bill would provide 10 MHz of spectrum in the 700 MHz spectrum band to the public safety broadband licensee, make available funding for the construction, operation and maintenance of a nationwide interoperable communications network, and ensure proper governance.

In 2004, the 9/11 Commission's Final Report recommended the ''expedited and increased assignment of radio spectrum to public safety entities.'' Shortly thereafter, Senator LIEBERMAN and I introduced a bill to provide spectrum to public safety; however the Senate voted down that bill. We reintroduced the bill in 2005—a month before Hurricane Katrina hit the Gulf Coast. But our efforts were blocked. Fortunately, Congress finally wrestled some spectrum away from the television broadcasters in 2009 and provided it to public safety. However, public safety has additional spectrum needs.

Almost every other recommendation of the 9/11 Commission has been implemented, but this important recommendation remains unfulfilled. I can only imagine how many lives could have been saved on 9/11 if this spectrum had been available at that time. How many firefighters would be alive today if they could have communicated with their battalion chief at the base of the World Trade Center? Recently, in Arizona, we had a horrible murder committed in a rural area along the border. Cochise County Sheriff Larry Dever has stated that the lack of interoperable communications between the sheriffs' department and other law enforcement officers hindered the immediate investigation into tracking the suspect.

In 2007, I introduced legislation to auction the remaining public safety spectrum to a commercial carrier that would then build out a network for public safety. The FCC held such an auction, but no bidder met the reserve price. Ten megahertz of spectrum remains available for public safety's needs. The FCC has announced its intention auction this spectrum to a commercial provider.

Once this spectrum is auctioned, it will be impossible to ever get it back. That is why Congress must act now and provide the remaining spectrum directly to public safety. This legislation would do just that.

Specifically, this legislation would license the remaining spectrum to the public safety broadband licensee that has been previously approved by the FCC as a qualified licensee and represents 38 national public safety organizations. The legislation provides authority to local jurisdictions to make decisions on the spectrum use, network build-out and equipment. The men and women fighting crime and saving lives know what communications systems and technology are best for them. Not Washington.

Lastly, this bill provides funds for grants to localities for the construction, operation and maintenance of an interoperable communications network. These funds will come from the proceeds of a commercial spectrum auction, thereby not adding to our nation's burgeoning debt or raising taxes on all Americans.

As we approach the 9 year commemoration of the horrific events on September 11 and the 5-year remembrance of the devastating tragedy of Hurricane Katrina, it is disgraceful that police officers, sheriffs and fire fighters still don't have a nation-wide interoperable communications system. Our legislation provides the spectrum and funding to first responders, while being fiscally responsible and ensuring local control and conscientious governance.

This legislation is supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs

Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

I hope my colleagues will join me in providing public safety with the interoperable communications network they deserve.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

Mr. FRANKEN. Mr. President, today I am introducing the Thermal Renewable Energy and Efficiency, or TREEA, Act, on behalf of myself and Senator BOND. I want to thank him for working with me on this bill, which is inspired by models in both of our states. It is good policy for the environment, for creating jobs, and for increasing the efficiency of heating and cooling—a major yet often ignored part of our Nation's energy consumption.

As we think about carbon emissions and energy use, most of the conversation focuses on moving away from fossil fuels in the electric power sector. But over 30 percent of our country's energy use goes toward thermal energy—heating or cooling our homes, public buildings, or industrial facilities. Thermal energy is enormously important for my state of Minnesota, whether we're talking about heating in the midst of a cold snowy winter or air conditioning on a blazing summer day, when additional plants have to kick in to meet the demand.

Unfortunately, as we talk about changing the way we produce and use energy, thermal energy is usually ignored. We talk about producing significantly more of our electricity from renewables like solar, geothermal, or biomass. But what we forget is that we can much more efficiently produce thermal from these sources than we can from electricity. After all, when we are talking about energy efficiency, we are talking about how much of the energy produced from a given fuel is not lost as heat. Well, that heat has a value. That is heat that can heat the homes and buildings in Minnesota when it's 30 below zero.

That is what District energy systems have done in Minnesota and around the country. They supply hot water or steam and chilled water to buildings through underground pipes for space heating, domestic hot water, air conditioning, and industrial processes. There are tremendous efficiencies in heating and cooling buildings this way. Each building doesn't have to have its own boiler, and instead of burning fuel to produce electricity to heat a building, you take the heat directly from the fuel and put it to productive use.

When you use renewable fuel to produce thermal energy—whether it's biomass, geothermal, or solar-thermal—you cut down on greenhouse gas emissions at the same time. So capturing and efficiently using thermal energy is a win-win-win. It is a win for the environment through lower greenhouse gas emissions and much higher fuel efficiency. It is a win for consumers and businesses, who get low, stable heating prices. It is a win for the economy, because building and maintaining these systems creates jobs.

Minnesota is a national leader in thermal energy—in St. Paul, we have the largest District Energy system in North America. Most of the buildings in downtown St. Paul are heated and cooled using energy that literally comes from residents' backyards—tree trimmings and other waste wood.

What does this mean? It means less electricity usage for heating and cooling, which frees up strain on the grid during hot summer days and freezing winter nights. It means stable heating prices for consumers and businesses—thermal systems are flexible in their fuel and can switch to the lowest cost fuel at any time. And if these systems run on renewable fuels, it means less pollution contributing to global warming.

But there are some barriers to overcome. Right now, the renewable energy production tax credit is only available for electricity generated from renewables. We need to recognize the usefulness of thermal energy as well, and hence extend the production credit to the generation of thermal energy from renewables. That is exactly what our bill does: it allows thermal-only or combined heat and power facilities to access the production tax credit for their thermal energy, if it's produced from renewables.

We also need to make some tweaks to existing financing structures like tax exempt bonds. Currently, these can be used for financing district energy piping distribution systems, but not the plant facilities for producing the heating and cooling. Our bill would change this. Finally, we need to make sure that the grant programs authorized in the 2007 Energy Independence and Security Act are structured in a way that actually is helpful to thermal and combined heat and power facilities. Our bill raises the grant caps for those programs to more realistic levels that will allow large, more efficient projects to qualify.

This legislation is ultimately about being smarter on how we use energy. It increases our energy efficiency, helps reduce greenhouse gas emissions, and creates clean energy jobs. That is why it has the support of environmental groups, labor groups, the district energy and combined heat and power industry, and organizations promoting energy efficiency.

I am very proud to be introducing this bill with my friend from Missouri, and I look forward to working with all of my colleagues to make these modest changes to improve our use of thermal energy.

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

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

S. 3626

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Thermal Renewable Energy and Efficiency Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Statement of policy.

TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES

Sec. 101. Extension of renewable electricity credit to thermal energy.

TITLE II—EXEMPT FACILITY BONDS

Sec. 201. Exempt facility bonds.

TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS

Sec. 301. Definition of institutional entity.
Sec. 302. Availability of grants.
Sec. 303. Authorization of appropriations for grants.

SEC. 2. FINDINGS.

Congress finds that—

(1) approximately 30 percent of the total quantity of energy consumed in the United States is used to provide thermal energy for heating and cooling building space, domestic hot water, and industrial processes;

(2) thermal energy is an essential, but often overlooked, segment of the national energy mix;

(3) district energy systems use 1 or more central plants to provide thermal energy to multiple buildings that range in size from campus applications to systems heating entire towns or cities;

(4) district energy systems provide sustainable thermal energy infrastructure by producing and distributing thermal energy from combined heat power, sources of industrial or municipal surplus heat, and from renewable sources such as biomass, geothermal, and solar energy;

(5) as of 2009, the United States had approximately 2,500 operating district energy systems;

(6) district energy systems provide advantages that support secure, affordable, renewable, and sustainable energy for the United States, including—

(A) use of local fuels or waste heat sources that keep jobs and energy dollars in local economies;

(B) stable, predictable energy costs for businesses and industry;

(C) reduction in reliance on fossil fuels;

(D) reduction in emissions of greenhouse gases; and

(E) flexibility to modify fuel sources in response to future changes in fuel availability and prices and development of new technologies;

(7) district energy helps cut peak power demand and reduce power transmission and distribution system constraints by—

(A) meeting air conditioning demand through delivery of chilled water produced with heat from combined heat and power or other energy sources; and

(B) shifting power demand through thermal storage and, with combined heat and power, generating power near load centers;

(8) combined heat and power systems increase energy efficiency of power plants by capturing thermal energy and using the thermal energy to provide heating and cooling, more than doubling the efficiency of conventional power plants;

(9) according to the Oak Ridge National Laboratory, if the United States was able to increase combined heat and power from approximately 9 percent of total electric generation capacity to 20 percent by 2030, the increase would—

(A) save as much energy as half of all household energy consumption;

(B) create approximately 1,000,000 new jobs;

(C) avoid more than 800,000,000 metric tons of carbon dioxide emissions annually, which is equivalent to taking half of all United States passenger vehicles off the road; and

(D) save hundreds of millions of barrels of oil equivalent; and

(10) constraints to significant expansion of district energy and combined heat and power include—

(A) the lack of economic value in the energy marketplace for the environmental, grid support, energy security, and local economic development benefits of district energy systems;

(B) relatively high project development costs due to the variety of institutional, legal, and technical issues that must be addressed; and

(C) the high costs of debt service, particularly in the early years of systems development before a broad base of customers has connected.

SEC. 3. PURPOSE.

The purpose of this Act is to encourage the implementation of thermal energy infrastructure order to—

(1) increase energy efficiency;

(2) increase use of renewable energy resources;

(3) revitalize the infrastructure of the cities and institutions of the United States;

(4) reduce local and regional air pollution;

(5) reduce emissions of greenhouse gases;

(6) reduce emissions of ozone-depleting refrigerants; and

(7) enhance power grid reliability and overall energy supply reliability and energy security.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that, in energy policy development and program implementation, the following factors should be considered:

(1) Thermal energy represents a significant part of the energy requirements of the United States, providing building heating and cooling, domestic hot water, and industrial process energy.

(2) There are many opportunities for meeting thermal energy requirements directly through renewable energy sources or recycled energy (such as recovered waste heat), without generation of electricity.

(3) Policies and incentives for encouraging renewable energy and energy efficiency should address thermal energy as well as electricity.

(4) District energy systems provide an important means of delivering sustainable thermal energy to consumers, and provide energy security benefits, by—

(A) cutting peak power demand;

(B) reducing power transmission and distribution system constraints; and

(C) providing flexibility to modify fuel sources in response to future changes in fuel availabilities and prices and development of new technologies.

TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES

SEC. 101. EXTENSION OF RENEWABLE ELECTRICITY CREDIT TO THERMAL ENERGY.

(a) CREDIT TO INCLUDE PRODUCTION OF THERMAL ENERGY.—Section 45 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) CREDIT FOR PRODUCTION OF THERMAL ENERGY.—

''(1) IN GENERAL.—In the case of a taxpayer who—

''(A) produces thermal energy from a qualified energy resource described in subparagraph (B), (C), (D), (G), (I), or (J) of subsection (c)(1) at a qualified facility described in paragraph (2), (3), (4), (6), (7), (11), or (12) of subsection (d), and

''(B) makes an election under this subsection with respect to such facility,

subsection (a) shall be applied by substituting 'each 3,412 Btus of thermal energy (or fraction thereof)' for 'the kilowatt hours of electricity' in paragraph (2) thereof.

''(2) THERMAL ENERGY.—For purposes of this section, the term 'thermal energy' means heat (in the form of hot water or steam) or cooling (in the form of chilled water or ice).

''(3) ADDITIONAL QUALIFICATIONS.—

''(A) COMBINED HEAT AND POWER FACILITY.—In the case of a facility producing both electricity and thermal energy, such facility shall not be treated as a qualified facility unless such facility—

''(i) meets the requirements of section 48(c)(3)(A) (without regard to clause (iv) thereof), and

''(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

''(B) THERMAL FACILITY.—In the case of a facility producing only thermal energy, such facility shall not be treated as a qualified facility unless such facility—

''(i) has an energy efficiency percentage (as determined under section 48(c)(3)(C)) in excess of 60 percent, and

''(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

''(4) DENIAL OF DOUBLE BENEFIT.—If an election under this subsection is in effect with respect to any facility, no credit shall be allowed under subsection (a) with respect to the production of electricity at such facility.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall specify the facility to which the election applies and shall be in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) NATURALLY OCCURRING COLD WATER SOURCES TREATED AS QUALIFIED ENERGY RESOURCE.—Paragraph (1) of section 45(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(J) naturally occurring cold water sources which are used to provide thermal energy for air conditioning.''.

(c) QUALIFIED FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) NATURAL AIR CONDITIONING SYSTEM FACILITY.—In the case of a facility providing thermal energy for air conditioning from naturally occurring cold water sources, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 45(b)(4)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or thermal energy'' after ''electricity''.

(2) Section 45(c)(2) of such Code is amended by inserting ''or thermal energy'' after ''electricity''.

(3) Section 45(d) of such Code is amended by inserting ''or thermal energy'' after ''electricity'' each place it appears in paragraphs (2), (3), (4), (6), (7), and (11).

(4) Section 45(e) of such Code is amended by inserting ''or thermal energy'' after ''electricity'' each place it appears in paragraphs (1), (4), and (9).

(5) The heading of section 45 of such Code is amended by inserting ''and thermal energy'' after ''electricity''.

(6) The item relating to section 45 in the table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting ''and thermal energy'' after ''Electricity''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to energy produced and sold after the date of the enactment of this Act.

TITLE II—EXEMPT FACILITY BONDS

SEC. 201. EXEMPT FACILITY BONDS.

(a) DEFINITION OF LOCAL DISTRICT HEATING AND COOLING FACILITIES.—Subparagraph (A) of section 142(g)(2) of the Internal Revenue Code of 1986 is amended by striking ''a pipeline or network (which may be connected to a heating or cooling source) providing hot water, chilled water, or steam'' and inserting ''equipment for producing thermal energy in the form of hot water, chilled water or steam, distributing that thermal energy in pipelines and transferring the thermal energy''.

(b) PUBLIC USE REQUIREMENT.—The Secretary shall promulgate regulations establishing that a local district heating or cooling facility will be treated in all events as serving a general public use for purposes of the Internal Revenue Code of 1986.

TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS

SEC. 301. DEFINITION OF INSTITUTIONAL ENTITY.

Section 399A(a)(5) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(a)(5)) is amended by inserting a ''not-for-profit district energy system,'' after ''utility,''.

SEC. 302. AVAILABILITY OF GRANTS.

Section 399A(f) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(i), by striking ''$50,000'' and inserting ''$90,000'';

(B) in subparagraph (B)(i), by striking ''$90,000'' and inserting ''$150,000''; and

(C) in subparagraph (C)(i), by striking ''$250,000'' and inserting ''$600,000''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''$1,000,000'' and inserting ''$20,000,000''; and

(B) in subparagraph (B), by striking ''60 percent'' and inserting ''30 percent''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Section 399A(i)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(i)(1)) is amended by striking ''$250,000,000 for each of fiscal years 2009 through 2013'' and inserting ''$500,000,000 for each of fiscal years 2011 through 2015''.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

Mr. COBURN. Mr. President, I rise today to discuss the introduction of S. 3627, The HIV/AIDS Save Lives First Act of 2010. This important piece of legislation will make crucial improvements to our approach to bilateral global AIDS efforts. As a practicing physician and former co-chair of President Bush's Advisory Council on HIV/AIDS, I have introduced this bill to ensure that our global AIDS continue to prioritize life-saving medical treatment and reduce the transmission of the disease from mother to child.

The President's Emergency Plan for AIDS Relief—known as PEPFAR—has been wildly successful and has begun to reverse the course of the AIDS epidemic worldwide. Two and half million HIV/AIDS patients from 30 different countries currently have access to life-saving treatment because of PEPFAR. A 2009 report found that from 2004–2007 as many as 1.2 million lives had been saved because of the program.

In 2008, Congress and the President in an overwhelmingly bipartisan fashion passed the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 to continue the important life-saving work of the PEPFAR program.

It is of grave concern, then, that our fight against AIDS is now at risk of failure. A recent New York Times article, ''At Front Lines, AIDS War Is Falling Apart,'' details how hundreds of thousands of patients are being denied promised care in countries such as Uganda—a country once held up as PEPFAR's success story. Government officials have confirmed the rationing of treatment slots and have advised their partners to support ''an equitable system of triage for total ART [antiretroviral drug treatment] slots. . . .''

Former UNAIDS chief Dr. Piot remarked about past success and doubts about the future: ''Then, we were at a tipping point in the right direction,'' he explained. ''Now I'm afraid we're at a tipping point in the wrong direction.''

We must not lose sight of the fact that HIV/AIDS is a disease that we can diagnose, treat, and prevent. Not only does treatment save lives—it is the best prevention tool we have. Treatment lowers viral loads, which reduces the likelihood of individuals spreading the disease by as much as 92 percent. Treatment reduces transmission among partners, eliminates baby AIDS, and keeps those with HIV in the medical system where they can receive proper counseling and care. And the availability of treatment is integral to promoting HIV/AIDS testing and early diagnosis.

With the U.S. spending more than $6.7 billion on global AIDS efforts, we are not losing the war on AIDS due to lack of commitment or resources. Instead, we are losing because of misplaced priorities.

We can eliminate the tragedies of baby AIDS and AIDS orphans and prevent the spread of HIV by focusing on saving lives by expanding access to treatment.

It costs less than $300 a year to keep someone with HIV healthy and alive, about the same price to cover the airfare to send each of the 25,000 participants to the ongoing AIDS conference in Vienna. If saving lives is truly our priority, we must ask every time we spend a dollar intended for AIDS relief if that dollar would be better spent paying for lifesaving treatment that would keep a mother alive, a family together, or a baby born free of the virus.

If you ask Africans what PEPFAR is, they will tell you it is about AIDS treatment. It is the treatment component of PEPFAR that has made it the most successful U.S. humanitarian effort in history because it has literally saved the lives of millions, preserved families and communities, and rescued countless babies from being born with an AIDS death sentence.

The PEPFAR program's long-term success relies on the promise of life-saving medical treatment to those in need. Unfortunately, according to a recent report the recent moratorium on new enrollees in the program has already caused an estimated 3,000 deaths.

The HIV/AIDS Save Lives First Act strengthens the current policy that requires a majority of all funding under PEPFAR be spent on life-saving HIV/AIDS treatment. Specifically, this legislation would increase the treatment allocation to 75 percent of all PEPFAR funding. It also sets the modest goal that by 2013 we treat 5 million people with HIV/AIDS.

Many claim that we cannot treat our way out of this epidemic, but they ignore the simple truth that treatment is prevention. Analysts from the World Health Organization published research arguing we can drastically reduce the transmission of AIDS and virtually halt the widening epidemic in Africa within a decade through aggressive routine testing and early treatment.

Other prevention efforts remain an important component of the program. Without the reliable promise of access to treatment, however, the PEPFAR program will not enjoy long-term success. This legislation ensures that the PEPFAR program fulfills its promises, saves the most lives possible, and reduces transmission of the disease.

The HIV/AIDS Save Lives First Act also allocates a small percentage of funding for the critical diagnostic screening that must be ramped up dramatically if we are to locate and treat every infected person in the countries where PEPFAR operates. Finally, the bill acknowledges that every baby infected with HIV by her mother during birth or breastfeeding is a largely preventable tragedy. The bill would target baby AIDS for complete elimination with 100 percent coverage with the medical protocols that prevent almost all instances of mother-to-child HIV transmission.

The Save Lives First Act requires recipients of funding to spend no more than $500 in annual PEPFAR funding per patient they treat. As recently as 2008, documents provided by the administration show that the PEPFAR program spent $1,100 in annual treatment costs per patient. This is unacceptable—inefficiencies come at the cost of human lives by limiting the number of patients PEPFAR can treat.

The most commonly prescribed drug regimen costs just $64 per year and many organizations are providing care to patients for no more than $250 per year. For example, Doctors Without Borders has had remarkable success in achieving treatment efficiencies and now reports that its per-patient treatment costs in Malawi were only $237 per year.

While costs may vary from country to country—and patient to patient—it is both reasonable and important that every funding recipient under PEPFAR limit their aggregate per patient expenditures to $500 per patient. The costs of drug regimens continue to fall dramatically, and PEPFAR must take advantage by providing treatment to more individuals.

The HIV/AIDS Save Lives First Act would require that any funding recipient under PEPFAR be limited to a treatment allocation of $500 per patient treated. This act would also set the modest goal that PEPFAR would treat 5 million patients by 2013. If the program's per patient expenditures were down to $500 per patient, the program should actually treat 6 million patients by 2013, and if everyone were as cost-effective as Doctors Without Borders, we could be treating 10 million patients.

In the rare instance of a country in which per patient expenditures remain above $500 per patient, it is more than reasonable to assume that these more developed countries have the resources—along with other global partners—to ensure that the per patient treatment expenditures ensure access to the highest-quality treatment for each patient.

Everyone can agree that dollars provided to HIV/AIDS treatment should go directly to patient care—not bloated administrative budgets. A common way of protecting this important principle is to limit the administrative budget for PEPFAR funding recipients.

The HIV/AIDS Save Lives First Act limits administrative overhead to 10 percent of total expenditures for every

funding recipient under the program. The bill also limits the State Department's administrative budget for PEPFAR to 10 percent of total funding.

Again, treatment is prevention. But this strategy relies on identifying HIV positive individuals who are unaware of their status and linking them to treatment and counseling. The first step to any prevention strategy is an aggressive testing strategy. Unfortunately, only about 40 percent of people with HIV in developing countries are aware of their status.

The HIV/AIDS Save Lives First Act sets aside 5 percent of PEPFAR funding to dramatically ramp up rapid HIV diagnosis to identify people who do not yet know their HIV status in order to get people into treatment and early reduce their transmission rates through treatment and education.

This bill also sets a target of conducting 1 billion rapid tests by 2013 and sets aside 25 percent of testing money to help countries implement a policy of universal, opt-out rapid HIV testing.

Rapid testing and access to treatment are particularly important to end baby AIDS, babies being born infected with HIV or becoming infected during their first year through breastfeeding, once and for all.

An estimated 430,000 children were born in 2008 newly infected with HIV, mainly through mother to child transmission. About 90 percent of these infections occurred in Africa. Only 28 percent of pregnant women in Sub-Saharan Africa received an HIV test in 2008. Moreover, the World Health Organization reports that access to AIDS drugs is severely limited in developing countries, with fewer than 10 percent of pregnant women with HIV in those countries having access to medication for their own health.

Of course, dramatic gains are seen when universal testing of pregnant women and newborns is provided along with appropriate prophylaxis of infections that are that are identified through testing. In the United States, new cases of baby AIDS have been virtually eliminated. Studies have found that 99 percent of babies were born uninfected if an infected mother was diagnosed and proper treatment was administered.

Botswana, a country that used to have HIV infection rates as high as 50 percent of child-bearing-aged women, instituted these interventions. Ninety-two percent of pregnant women in the country are now being tested and the drop in HIV-positive mothers delivering infected babies dropped from 35 percent to 4 percent from 2004–2007, with 13,000 HIV-infected moms being identified annually.

Prevention of mother-to-child-transmission, PMTCT, is cheap per life saved: as of 2008, estimated costs of PMTCT drugs to prevent the spread of HIV for (1) mother/child pair was US$167—generics—and US$318—branded—and the price of drugs and treatment have only declined since.

The HIV/AIDS Save Lives First Act sets a target of eliminating baby AIDS in all PEPFAR countries by 2013, and sets out expectations for how to work towards that target by screening 100 percent of pregnant women and newborns in PEPFAR countries and providing prophylactic or ARV treatment for all HIV-positive moms or babies.

By emphasizing providing lifesaving treatment under the PEPFAR program, we can continue the enormous success we have had in saving lives and preventing the spread of this terrible disease. It is my sincere hope that my colleagues adopt these common sense policy changes that will significantly reduce human suffering, keep families together, and save millions of lives.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my growing alarm about the excessive amount of government spending that is adding to our national debt at an exponential rate. We simply cannot continue to add these annual trillion dollar-plus deficits to the amount to be repaid by those in generations to come. Today, I am introducing a measure that would ensure that the futures of our children and grandchildren will not be crippled by the reckless spending of those who control Congress and the White House today. After long study of this disturbing trend, I have concluded that the best way to get a handle on this deficit spending is by amending the Constitution by requiring each Congress to put forth a balanced budget.

Amending the Constitution is no small task, nor is it a trifling matter. Though hundreds, if not thousands, of amendments to the Constitution have been proposed, this founding document has been amended only 27 times in our nation's history. Amending it now to deal with overspending may appear to be a monumental undertaking. However, Utahns and other Americans across the nation have spoken loud and clear—no more excessive government spending that will add to the debt to be borne by the next generation.

The liberals in Congress have had their turn over the past couple of years to try to revitalize our economy, and we still remain with trillion dollar-plus deficits coupled with a stagnant unemployment rate of nearly 10 percent.

The economy did not turn sour yesterday. It went south nearly two years ago, and the major accomplishments of the current Administration and its congressional allies is to enact an ineffective $1.1 trillion stimulus bill, an exacerbation of our entitlement crisis through the trillion dollar-plus health care bill, and an invasive and job-killing financial regulatory bill. All of these further harmed our nation's fiscal health.

The measure I am proposing is straightforward. It would simply require Congress to submit a budget where the total outlays could not exceed total revenues. It would require Treasury to use any surplus to pay down the Nation's debt. Any tax increase would have to be approved by two-thirds of the Members of Congress.

I realize that requiring a balanced budget will not necessarily end the outrageous government spending that has occurred over recent years, but it will at least provide Congress with a stronger incentive for fiscal responsibility. Balanced budgets are about more than sound fiscal policy; they are a moral responsibility that government often fails to meet. Individuals and families who live wildly beyond their means face dire consequences. Government should have to live by the same standards, especially since this money belongs to the people. The Constitution is the most important tool by which the people place limits on government and it appears that the Constitution is what it will take for the government to live within its means.

The outstanding public debt is now over $13 trillion. That equates roughly to $42,000 for each American. This year we are estimated to add another $1.3 trillion, which is about what we added last year. This is more than $41,000 added to the debt every second. Most of this spending is going towards increasing the size of the Federal Government, creating and expanding government programs, and providing more entitlements.

Economists agree that our Nation must get our outrageous deficit under control. The nonpartisan Congressional Budget Office recently released its Long-Term Budget Outlook. In this report, the CBO projects that the national debt will reach 62 percent of GDP by the end of this year, the highest since the end of World War II. To put this in perspective, at the end of 2008, our debt was 40 percent of GDP and the historic average has been around 36 percent.

The CBO also projects that deficits will average about $600 billion annually from 2011 through 2020 and the national debt to grow by 67 percent by 2020. Congress needs to act now.

If anyone is still questioning whether this enormous debt poses a threat to our economy, the warning signs are clear. The World Bank cautioned that we could have a double dip recession if the financial markets lose confidence in our ability to repay our debt. Federal Reserve Chairman Ben Bernanke testified before the House Budget Committee and said ''unless we as a nation make a strong commitment to fiscal responsibility, in the long run, we will have neither financial stability nor healthy economic growth.''

On Monday, President Obama gave a speech in the Rose Garden scolding Republicans for what he believed was an effort to prevent the unemployed from receiving benefits. What he has failed

to acknowledge is that both sides—Democrats and Republicans alike—agree on extending the additional unemployment insurance. What fiscal conservatives object to adding another $30 billion plus to the deficit. The President said ''It's time to stop holding workers laid off in this recession hostage to Washington politics.'' This same logic and rhetoric can be applied to our children and grandchildren who will be held hostage by, and have to pay for, the irresponsible government spending this Congress passes today.

It is time for solutions and not just rhetoric. I believe that we can achieve a balanced budget while promoting economic growth. We have the strongest economy in the world, for now. Let us not have our indebtedness create misery for us and generations to come.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 589—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106-16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 590—DESIGNATING SEPTEMBER 2010 AS ''GOSPEL MUSIC HERITAGE MONTH'' AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as ''Gospel Music Heritage Month''; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

SENATE RESOLUTION 591—RECOGNIZING AND HONORING THE 20TH ANNIVERSARY OF THE ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Mr. HARKIN submitted the following resolution; which was placed on the calendar:

S. RES. 591

Whereas July 26, 2010, marks the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

Whereas the Americans with Disabilities Act has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the passage of the Americans with Disabilities Act, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes;

Whereas the dedicated efforts of disability rights advocates, including Justin Dart, Jr., and many others, served to awaken Congress and the American people to the discrimination and prejudice faced by individuals with disabilities;

Whereas Congress worked in a bipartisan manner to craft legislation making such discrimination illegal;

Whereas Congress passed the Americans with Disabilities Act and President George Herbert Walker Bush signed the Act into law on July 26, 1990;

Whereas the purpose of the Americans with Disabilities Act is to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities;

Whereas the Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities, requires that State and local governmental entities accommodate qualified individuals with disabilities, requires places of public accommodation to take reasonable steps to make their goods and services accessible to individuals with disabilities, and requires that new trains and buses be accessible to individuals with disabilities;

Whereas the Americans with Disabilities Act has played an historic role in allowing over 50,000,000 Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the Americans with Disabilities Act has served as a model for disability rights in other countries;

Whereas all Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Americans with Disabilities Act, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas Congress acted with overwhelming bipartisan support in 2008 to restore protections for people with disabilities by passing the ADA Amendments Act of 2008, which overturned judicial decisions that had inappropriately narrowed the scope of the Americans with Disabilities Act;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, people with disabilities are twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment;

Whereas, 20 years after the enactment of the Americans with Disabilities Act and 11 years after the Supreme Court's decision in Olmstead v. L.C., many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, new telecommunication, electronic, and information technologies continue to be developed while not being accessible to all Americans;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, many public and private covered entities are still not accessible to people with disabilities; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans of the Armed Forces who have been wounded in action or have received service-connected injuries while serving in Operation Iraqi Freedom and Operation Enduring Freedom: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

(2) salutes all people whose efforts contributed to the enactment of the Americans with Disabilities Act;

(3) encourages all Americans to celebrate the advance of freedom and the opening of opportunity made possible by the enactment of the Americans with Disabilities Act; and

(4) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID